Dealing with the Past in Northern Ireland: Putting Gender on the Agenda

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Content of the Session:

1. Context-setting: Gender audit of Initiatives to date to deal with the past

2. Comparative Practice: Possible Lessons for Stormont House Agreement Implementation

3. International Obligations and Standards
Section 1. Gender Audit of Initiatives to Date

1. ‘Ad hoc and Piecemeal’ Approach


Repeating and Reinforcing Gender Dynamics to Date

Although distinct initiatives, certain features were adopted and retained throughout various proposals:

1. Physical absence or unequal presence of women from negotiations and institutions
2. Highly legalised and individualised processes, though less so as later efforts unfolded
3. Focus on those who lost lives
4. Gendered division of labour between ‘political’ and ‘material’ work of dealing with conflict legacy
5. Little recognition of gender as structural factor of conflict or gender-specific consequences of conflict
New Opportunities? Stormont House Agreement

1. Historical Investigations Unit

2. Implementation and Reconciliation Group

3. Scope for Thematic Investigation

4. Express recognition of importance of women’s participation
Section 2. Comparative Practice: Possible Lessons for Stormont House Agreement

Considering gender in terms of:

1. Specific harms – prominence of sexual violence in comparative practice to date
2. Thematic inquiry (e.g. South African ‘Gender Hearings’)
3. Emblematic cases (e.g. Colombian ‘Historical Memory Group’)
4. Collective approaches – local civil society examples of innovative practice
Further Features of Comparative Practice

1. Where there are multiple processes, scope to knit together retributive, restorative and reparative gender justice

2. Participation as cross-cutting, necessary, but not sufficient
Section 3. International Obligations and Standards

International Legal Framework:

ECHR, more than article 2,
   e.g. positive obligations on states to provide accountability and redress for gender-based violence,

CEDAW: UK (and Ireland) as state parties bound by legal obligation to eliminate all forms of discrimination against women in their public activities, including dealing with the past

United Nations Security Council Resolutions on Women, Peace and Security

International Normative Standards:

CEDAW General Recommendation No. 30 on the Rights of Women in Situations of Conflict and Post-Conflict means that CEDAW Committee now increasingly scrutinizing transitional justice processes to ensure, in particular, that they are inclusive of women, but also that they recognize women’s gender-specific experiences of harm.
For further information on gender research at the Transitional Justice Institute:

See our website: [http://www-transitionaljustice.ulster.ac.uk/tji_research_gender.html](http://www-transitionaljustice.ulster.ac.uk/tji_research_gender.html)

Contact me: [cf.orourke@ulster.ac.uk](mailto:cf.orourke@ulster.ac.uk)

Consult our work, for example:


McWilliams, Monica and Ni Aolain, Fionnuala (2013) "There is a War Going on You Know". Transitional Justice Review, 1 (2). pp. 4-44. [http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1015&context=tjreview](http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1015&context=tjreview)

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