



Knowledge Exchange Seminar Series (KESS)

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-based policy and law-making within Northern Ireland



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
2. Healing Through Remembering Report, 2002
3. Consultative Group on the Past ('Eames-Bradley'), 2009
4. Haass-O'Sullivan Proposals, 2013



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

Contact me: cf.orourke@ulster.ac.uk

Consult our work, for example:

Catherine O'Rourke, *Gender Politics in Transitional Justice* (Routledge, 2013),
<http://www.routledge.com/books/details/9781138850132/>

Fionnuala Ni Aolain, Dina Haynes and Naomi Cahn, *On the Frontlines: Women and the Post-Conflict Process* (Oxford University Press, 2012), <https://global.oup.com/academic/product/on-the-frontlines-9780195396652?cc=gb&lang=en&>

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>

Rooney, Eilish and Swaine, Aisling (2012) The 'Long Grass' of Agreements: Promise, Theory and Practice. *International Criminal Law Review*, 12. pp. 519-548,
<http://booksandjournals.brillonline.com/content/journals/15718123/12/3>





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