

A Response to

***Dealing with the Past in Northern
Ireland: The Recommendations of the
Consultative Group on the Past
June 2009***

By



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Table of contents

1. Introduction	Page 2-3
2. General Comments	Page 3-5
3. Specific Comments	Page 5-29
4. Conclusion	29-30
5. WSN Member Groups	Appendix 1

1. Introduction

- 1.1. The Women's Support Network (WSN) welcomes the opportunity to respond to *Dealing with the Past in Northern Ireland: The Recommendations of the Consultative Group on the Past* (The Recommendations).
- 1.2. The Women's Support Network (WSN), established in 1989, is an infrastructural umbrella organisation, which provides support services to, and represents 53 community based Women's Centres, women's groups and projects, and women's infrastructure groups and 14 associated members across Northern Ireland (see Appendix 1).
- 1.3. Our members provide a wide range of women-centred front line services across Northern Ireland, including:
 - Specialist Advice
 - Childcare and Family Support
 - Counselling, Support and Advocacy
 - Complimentary Therapies
 - Training & Education
 - Health & Wellbeing Programmes
 - Personal Development & Employment Support
 - Volunteering, Leadership & Empowerment
- 1.4. WSN aims to achieve social, political and economic justice through the promotion of the autonomous organisation of women. The Network aims to strengthen the collective voice of women's groups and to promote and develop networking opportunities, to enable collective action and to impact upon policy and decision making processes. WSN provides an

- accessible, feminist, relevant and high quality support service and resource for its member groups. The Network is also an important information resource on issues relevant to community based women's organisations and for other infrastructure groups, nationally and internationally.
- 1.5. Over the past 30+ years, the community based women's sector has developed a range of childcare, support, advice, and education & training services in response to the needs they identified at a grass roots level. Women's groups continue to meet the particular needs of women and their children living areas considered to be some of most affected by the conflict, and recognised as some of the most disadvantaged areas across Northern Ireland today.
 - 1.6. Network members are actively engaged with their local communities, cross-community initiatives and regional structures throughout Northern Ireland.
 - 1.7. The Women's Support Network is one of four organisations who lead the Women's Centres Regional Partnership, who published one of the largest, most in-depth research projects ever carried out here into women's lives and conflict in 2008. We are saddened that the *Women in Conflict: Talking about the Troubles and Planning for the Future*¹ report seems to have been wholly ignored in the drafting of these recommendations.

2. General Comments

- 2.1. WSN notes with concern that not a single women's group or organisation appears on the Group's list of consultees. The Network is disappointed that the Group did not make a greater attempt to engage with the community based women's sector prior to making its recommendations.

¹ *Women in Conflict: Talking about the Troubles and Planning for the Future* (2008) Women's Resource and Development Agency on behalf of WRCP

- 2.2. This is particularly concerning given the great number of international resolutions reports that have been produced in the past 10 years, calling for the needs of women and girls as a particular equality grouping to be explicitly addressed by societies coming out of conflict.
- 2.3. UN Security Council Resolution 1325 (2000)² on ‘Women, Peace and Security’ in particular, makes the requirement for the full inclusion of women in conflict-resolution and peace-building explicit.
- 2.4. This resolution stresses the importance of women’s equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. It places a duty on member states to recognise the particular experiences and needs of women as a distinct group, and specifically calls for special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.
- 2.5. UNSCR 1325 calls on all actors involved to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women’s peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements.
- 2.6. By failing to carry out the required gender-sensitive analysis of the conflict, The Consultative Group has rendered a range of issues that affect women and girls in Northern Ireland invisible – such as mental, physical and reproductive health, domestic violence, sexual violence, coercion, prostitution and trafficking.
- 2.7. The Group’s recommendations also completely fail to acknowledge the valuable role that many individual women and women’s groups in local

² United Nations Security Council *Resolution 1325 (2000)*

- communities have played in bringing about peace and reconciliation in Northern Ireland.
- 2.8. The United Nations report on *Women, Peace and Security*³ also makes reference to the Beijing Platform for Action, paragraph 141, which states that ‘in addressing armed and other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively’. The report goes on to say that a “focus on gender mainstreaming in conflict and post-conflict situations involves recognizing that women, girls, men and boys participate in and experience conflict, peace processes and post-conflict recovery differently. These differences and inequalities should be understood and taken into account in all responses to conflict prevention, conflict situations and post-conflict rehabilitation and reconstruction.”
- 2.9. In signing up to the UNSCR 1325, the United Kingdom has acknowledged the important role women have to play in the prevention and resolution of conflicts and in peace-building.
- 2.10. In 2002, the United Nations Population Fund⁴ came to the conclusion that “[i]n today’s world, women remain grossly underrepresented in decision making forums related to conflict prevention and peace-building. This must change.”
- 2.11. Sadly, little change seems to have happened here, where women continue to be marginalised, or excluded from positions of influence at all levels of public and political life in Northern Ireland.

³ United Nations (2002) *Women, Peace and Security Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)*.

⁴ United Nations Population Fund (2002) *The Impact of Conflict on Women and Girls. A UNFPA Strategy for Gender Mainstreaming in Areas of Conflict and Reconstruction*.

2.12. A glaring example of such under-representation can be readily found in the constitution of the Consultative Group itself – only two of the eight were women, and both international advisors were male.

3. Specific Comments

3.1. The Women’s Support Network broadly accepts many of the recommendations made by the Group. However, the complete absence of any gender analysis within the substantive document has raised a number of concerns, which we attempt to address in the following section.

THE LEGACY OF THE PAST AND RECONCILIATION

An independent Legacy Commission should be established to deal with the legacy of the past by combining processes of reconciliation, justice and information recovery. It would have the overarching objective of promoting peace and stability in Northern Ireland.

Do you agree with recommendation 1?

To what extent is it effective to combine processes of reconciliation, justice and information recovery within a single body?

What alternative ways would you propose to deal with the legacy of the past?

3.2. We agree in principle with the concept of an Independent Legacy Commission.

3.3. However, we consider it imperative that the causes of conflict be considered and strategically mapped to allow for a broader and deeper understanding of the resultant impact. Any mapping should reflect the **political, physical, psychological, social, and economic impact of the past on women and girls as a distinct equality grouping**, in order that proper attention, funding, resources and services are most appropriately focused to meet their needs.

3.4. According to then United Nations Population Fund⁵, “[e]quitable access to truth commissions or other legal proceedings may be particularly

⁵ United Nations Population Fund (2002) *The Impact of Conflict on Women and Girls. A UNFPA Strategy for Gender Mainstreaming in Areas of Conflict and Reconstruction.*

problematic for women and adolescent girls who wish to testify but fear reprisals from their unpunished torturers and rapists who often continue living alongside them. There are also difficulties, such as heightened feelings of fear or shame, faced by women and adolescent girls who come forward and testify about the violations that occurred. Employing gender-sensitive procedures can mitigate these difficulties.” This report argues that “[w]omen and girls should be questioned individually, and by persons trained to work with abused women and girls. Ways of enabling women to speak about their experiences without revisiting the full horror of their torture, terror, humiliation or abuse should be sought. Group hearings can, for example, take it easier for women and girls to come forward. Whatever the means used, women and girls should be clearly advised of the measures put in place to ensure confidentiality of the processes of their testimony.”

- 3.5. We recommend that a Legacy Commission for Northern Ireland follow the example of Sierra Leone. After setting up a Truth and Reconciliation Commission in 2000, they ensured that the particular needs of women and girls who experienced gender-based violence were addressed in a gender-sensitive way by establishing a Women’s Unit. They allowed a coalition of women’s organisations to testify in 2003 before the Truth and Reconciliation Commission’s at special hearings on sexual violence. The Coalition urged the Truth and Reconciliation Commission to ensure it provided an environment with privacy and support necessary to encourage victims to come forward to testify.”⁶
- 3.6. In addition to any responsibilities such a Commission would have, we consider it imperative that the causes of conflict be considered and strategically mapped to allow for a broader and deeper understanding of

⁶ The United Nations Children’s Fund (2005) *Impact of Conflict on Women and Girls in West and Central Africa and the Unicef Response*.

- the resultant impact. Any mapping should reflect the political, social, and economic impact of the past in order that proper attention, funding, resources and services are most appropriately focused.
- 3.7. While all processes are relevant and necessary, we have concerns that the combination of all three within a single body suggests that they are interdependent when in fact they are mutually exclusive processes. We would hope that the approach of establishing a single body containing all three processes would not lead to a pre-dominance of one over the other.
 - 3.8. We would therefore seek further clarification on how resources and legalities would be managed across the three themes, to ensure that one process would not get more emphasis than another.
 - 3.9. We consider that any model created should strongly reflect the particular gender impact of the conflict on women. There should be a strong and robust investigation of the causes of the discrepancy of both treatments and outcomes for women in an attempt to prevent and/or limit trans-generational gender disadvantage. It is essential that the particular role and circumstances of women historically and currently are considered to allow for effective models of remedial work and status enhancement to be undertaken.
 - 3.10. The past should be dealt with by an independently created Commission with strong legislative autonomy, whose composition is gender balanced and comprises internationally recognised academics, activists and human rights advocates. We would expect any Commission to be created and empowered by processes currently accepted as best practice in the field of international human rights.

2. A Reconciliation Forum should be established through which the Legacy Commission and the Commission for Victims and Survivors for Northern Ireland (CVSNI) would liaise to tackle certain society issues relating to the conflict.

Do you agree with recommendation 2?

How might a Forum operate in practice, in relation to the organisations that might make up the Forum and other organisations outside of it?

- 3.11. It is difficult to comment on this matter in the absence of further detail as to the powers such a Forum would have. We would, however, welcome any such Forum which was independent, gender balanced and able to actively and effectively (backed by legislation and funding) consider past societal issues and suggest best practice on an evidence based approach.
- 3.12. We note with approval that children and young people are specifically mentioned in the Report. Issues around the particular circumstances for women should be a mandatory area for such a Forum. This would enable a sharing of information and expertise with the Thematic Examination Unit, who will consider “themes emerging from the conflict as a whole”, which, if approached properly, will inevitably highlight the historical disadvantages of women and reasons for the same.
- 3.13. Any Forum should be reflective of society and therefore be constituted in a manner that achieves a **minimum standard of gender representation recommended by international bodies**.
- 3.14. The Forum should have discretion to engage with and hear from anyone they consider can further their aims and objectives, and the Forum should be facilitated and funded to engage widely and its processes and outcomes should be transparent and public.
- 3.15. Membership to the Forum should be open to individuals as well as professional representatives to ensure that the voice of all victims is represented.

3. The Legacy Commission should be given a bursary of £100m to tackle these society issues.

Do you agree with recommendation 3?

How might the use of a bursary relate to existing expenditure on societal issues?

How is duplication avoided?

- 3.16. We consider it impossible to allocate an amount of money before having started down the process proper. We do believe that the Commission should be well funded as would be required in order to deal with all the matters proposed in the Report.
- 3.17. How the use of a bursary relate to existing expenditure on societal issues might work is a matter best explored when the full mandate of any Commission is discussed and extrapolated upon more fully. However, we do not consider that the creation of a Commission should result in already stretched societal resources being impacted negatively. Any bursary should be in addition to and with the aim of furthering and enhancing existing societal funding.
- 3.18. Duplication of funding can be avoided by establishing cause, effect and symptoms and developing evidence based strategies to promote a sustainable and equitable society. Many lessons could be learned from existing services and programmes which already represent best practice in many areas covered by the proposed mandate of the Commission.

VICTIMS AND SURVIVORS

4. The suffering of families from Northern Ireland and Great Britain should be recognised. The nearest relative of someone who died as a result of the conflict in and about Northern Ireland, from January 1966, should receive a one-off ex-gratia recognition payment of £12,000.

Do you agree with recommendation 4?

How do you believe the suffering of families could be better recognised?

- 3.19. It is arguable that women have suffered disproportionately as a result of the conflict. Many were left without partners and were required to maintain families in very difficult circumstances. We have strong anecdotal evidence to suggest that women would like the option of applying for any payment, which they may want to use for education purposes, etc. for their children.
- 3.20. However, we believe that proper consideration for the historical cause of the conflict, and the roles played throughout the conflict by individuals,

communities, security forces, and the Irish and British Governments has yet to be made.

- 3.21. Before the issue of compensation can be addressed, there must be a full enquiry into the causes and nature of the Northern Ireland conflict must go beyond the current "tribal" definition of one community against another. It must lead to enforceable recommendations that have been subject to a robust gender analysis.

5. The CVSNI should take account of, and address in their work programme, the present and future needs and concerns of victims and survivors, devoting attention to the provision of services, funding, healthcare needs and compensation.

Do you agree with recommendation 5?

Are the provision of services, funding, healthcare needs and compensation the areas which the CVSNI should prioritise?

Are there other issues to which the CVSNI should devote attention?

- 3.22. Recommendations emerging from the CVSNI should be compulsorily implemented.

- 3.23. The need for specialist legal advice and services should be added to the need for services, funding, healthcare and compensation.

6. The Reconciliation Forum would also have a mandate to promote the improvement of services for healthcare issues attributable to the conflict, such as trauma, suicide and addiction.

Do you agree with recommendation 6?

How would a Forum promote improvements to healthcare services in practice and how would it work with those organisations that already deal with healthcare issues?

- 3.24. Whatever the name of the body sanctioned with the improvement of all relevant services, we would endorse an approach that goes beyond promotion but requires the body to actively seek ways of improving current services and identifying gaps in services. Such a body should also be empowered with making recommendations that must be

considered and responded to by the appropriate authorities. Such an approach would lead to the identification of gaps in advice and service provision as well as the current failure to prioritise gender specific services for women affected by the conflict.

THE LEGACY COMMISSION

7. The Chair of the Legacy Commission should be an International Commissioner, who would also have specific responsibility within the Commission for addressing society issues through the Reconciliation Forum, tackling sectarianism, promoting reconciliation and administering the bursary.

There would be two other Commissioners.

Do you agree with recommendation 7?

Are there other ways that international figures can help to deal with the legacy of the past?

- 3.25. We consider that it should be possible for all Commissioners to come from the international arena. We would anticipate that the Commission would be established and operate under accepted international standards. We would therefore expect women to make up at least 50% of the members of the Commission.
- 3.26. The Commission should make the best use possible of the advice that female victims/survivors, community activists and peace-makers from other countries coming out of conflict can offer to the people of Northern Ireland - representatives from the Liberian Women's Movement, for example.
- 3.27. International figures and experts in their fields as well as local experts could also be utilised to provide advice, assistance and research which would better inform the decisions and actions of the Commission.
- 3.28. The Commission should also be required to address the **continuing societal issue of paramilitarism** that still blights many communities, and has particular impact on women and young people.

8. The mandate of the Legacy Commission would consist of four strands of work:

-helping society towards a shared and reconciled future, through a process of engagement with community issues arising from the conflict;
-reviewing and investigating historical cases;
-conducting a process of information recovery;
-examining the linked or thematic cases emerging from the conflict.

The Consultative Group proposed that their suggested Legacy Commission should have four strands of work. Each of the strands is described in more detail in following recommendations.

Do you agree with recommendation 8?

Are there other strands of work which should be taken forward?

3.29. We would have concerns that the structures suggested may lead to the exclusion of the broad and specific experience of women during the conflict. If the process of examination is confined to linked or thematic cases only, then it is unlikely that issues specific to women will emerge for examination. This would lead to women specific issues being left to fall within the societal issues without proper examination. We would find such an approach unacceptable as it would reinforce the current approach of failing to identify gender issues relative to women as requiring particularly focused attention.

9. The Legacy Commission's mandate would be for a fixed period of five years.

The Consultative Group judged that their proposed Legacy Commission should be given a mandate for a fixed period of five years. The Group acknowledged that this would present a demanding schedule. Nevertheless, they believed it important that the past does not become a preoccupation without limit.

Do you agree with recommendation 9?

Would it be helpful for a Legacy Commission to have an option for a second period of a further five years?

Could you envisage a different remit in the second five year term?

3.30. We would be anxious that enforcing a mandatory time limit will result in issues relating to women being given cursory attention at the expense of more political issues.

3.31. It is our experience historically and currently that gender issues are not broadly recognised as requiring specific attention. With the anticipated

- volume of work detailed to be undertaken by the Commission, we would fear that the absence to even consider specific issues relative to women within the final report of the CGOP represents a systemic failure that has the potential to be mirrored in any process built on this flawed approach.
- 3.32. The option to extend the remit for a second five year term may prove useful if proper areas are identified and require further time to address.
- 3.33. It may be the case that the first five years could enable proper identification of the pertinent issues and allow relevant and focused research to be carried out. Stage two of this process could occur in additional years when reports could be prepared and the implementation of recommendations could be commenced and evaluated.

10. The Office of the First Minister and Deputy First Minister (OFMDFM) should join the British and Irish Governments in implementing this initiative.

Do you agree with recommendation 10?

What should the roles of the British Government, the Irish Government and the devolved administration be in taking forward proposals to deal with the legacy of the past?

- 3.34. We consider this essential to ensure the broadest support and engagement with any process created.
- 3.35. The involvement of the British and Irish governments, and the NI Executive should ensure that best practice at international standard is adapted in the creation, implementation and working of any Commission established. This must include internationally recognised provisions relating to women, for example, **CEDAW and UNSCR Resolution 1325**. Both Governments and NI Administration should also undertake to endorse and enforce any recommendations made by the Commission.

SOCIETY ISSUES

11. Society issues arising from the conflict which should be tackled include: addressing sectarianism; promoting remembering activities; working with young people; providing improved services for healthcare needs; ensuring an even

spread of economic benefits; and helping those exiled from Northern Ireland during the conflict to return.

Do you agree with recommendation 11?

Should societal issues be dealt with by a Legacy Commission?

If not, are current arrangements to address these issues adequate?

What changes would you propose?

Are the issues highlighted by the Group the right issues to be tackled?

3.36. We consider it imperative that the role and position of women during post-conflict be analysed. Such an important area of impact should not be left to chance and any Commission should be mandated to include this area within its "essential" items. While acknowledging that the role, perspective and disadvantage experienced by women cuts across many of the issues advanced for consideration, we feel it is essential that women are considered as a separate group. The reason for this is twofold: firstly, the specific experiences of women within their communities and families needs to be explored thoroughly in order that a proper understanding of the unique role of and impact on women is appreciated. Secondly, despite the apparent legislative advances aimed at promoting gender equality, there has been little tangible improvement in the lives of women across all sectors in Northern Ireland. A separate theme dealing specifically with women would send out a strong message that the specific role and disadvantage faced by women is acknowledged and is to be faced in a robust and positive manner.

3.37. Subject to the preceding comments, we take no issue with the Legacy Commission dealing with societal issues so long as the Commission did not just reflect back what is already known but actively sought to identify and address the issues pertinent to women.

3.38. There has never been a root and branch consideration of the causes and specific impact of the conflict in Northern Ireland. In the absence of this approach, current arrangements can only ever be piecemeal.

- 3.39. We would endorse any approach that thoroughly and honestly considered cause and effect and sought to respond to such findings to tangibly improve the lives of all women in Northern Ireland who have been affected by the conflict.
- 3.40. In addition, we consider that any recommendation emerging from the Reconciliation Forum should have considerable weight for proposed implementation and if recommendations are not taken forward then the decision making process leading to its refusal should be open and transparent.

12. The Reconciliation Forum should help to address these issues by analysing activity undertaken; considering the need for further activity; giving advice to Government and others; advising on strategies and on development and delivery of services; and deciding on priority areas of activity.

The Consultative Group proposed a Reconciliation Forum in recommendation 2. This recommendation sets out the functions that the Forum should fulfil.

Do you agree with recommendation 12?

Are these the right functions for a Reconciliation Forum?

- 3.41. We would expect the Reconciliation Forum to seek to identify gaps in current activity by undertaking or commissioning independent research so that an evidence based approach to reconciliation may be implemented. If current reconciliation activity is taken as the baseline then already the process would exclude and silence women as a homogenous group who make up half the population. While some existing activities embrace specific issues relevant to women, they tend to be subject specific (e.g. prisoners families) rather than gender specific. Unless such a gender specific approach is taken, it will not be possible to properly address the issues relating to women as reconciliation processes and international human rights standards require.
- 3.42. Subject to above, we feel further information relating to the actual reconciliation process to be undertaken is required before issue specific functions are considered.

13. The Legacy Commission should act as a champion for these society issues.

Do you agree with recommendation 13?

Should it be for the Chair of a Legacy Commission to champion societal issues?

How would the Chair's champion function relate to other bodies working on societal issues, including any Reconciliation Forum?

3.43. We agree to Recommendation 13, subject to the proceeding caveats detailed above.

3.44. All strands of the Commission should seek to identify gaps and promote and enhance societal issues.

3.45. There should be a clearly identifiable commonality of approach to avoid repetition and promote cohesion, confidence and sustainability.

14. The Legacy Commission should take the lead in ensuring that sectarianism continues to be addressed, including through setting the direction for the debate and by highlighting the contribution that all sectors of society can make.

Do you agree with recommendation 14?

Is the concept of a challenge function as envisaged by the Group the right way to address this problem?

Should it be for the Chair of a Legacy Commission to challenge sectors of society to tackle sectarianism?

How would the Chair's lead role on sectarianism relate to other bodies working on societal issues, including any Reconciliation Forum?

3.46. Setting the direction for debate should be established on an evidence based approach.

3.47. We consider that the Chair should challenge and facilitate change by advocating for funds and services that would enable sectarianism to be challenged.

3.48. We would welcome a role that enabled open and transparent communication across all levels to seek to promote and protect the best interests of all those effected by the conflict, specifically identifying and including women.

15. The Legacy Commission should engage specifically with the Christian Churches in Northern Ireland to encourage them to review and rethink their contribution to a non-sectarian future in light of their past, particularly in the area of education.

Do you agree with recommendation 15?

3.49. All education and faith providers should be encouraged in such a way.

16. The guidance produced by the Quigley-Hamilton working group, to eliminate discrimination against those with conflict-related convictions, should be incorporated into statute and made applicable to the provision of goods, facilities and services as well as recruitment.

Do you agree with recommendation 16?

Are there alternative or additional measures which could or should be taken in relation to conflict-related convictions?

3.50. This is an area which impacts significantly on women and limits both social and economic potential. The suggestion to take such action would greatly enhance the livelihood and potential for very vulnerable women and their families.

3.51. We are aware of anecdotal evidence that newly introduced police checks are resulting in employers becoming aware of historical conflict related convictions which had not previously necessitated disclosure. We feel this is an area which requires greater consideration as it impacts on women who have held jobs for many years and who now face the choice of either risking/accepting discovery or of leaving their job. The societal and financial impact on women and their families can be catastrophic in such circumstances.

PROCESSES OF JUSTICE AND INFORMATION RECOVERY

17. A new independent Unit dealing with historical cases would be created within the Legacy Commission, which would continue to review and investigate historical cases, backed by police powers. This would constitute the second strand of the Commission's work.

Do you agree with recommendation 17?

Would it be an improvement on the present arrangements?

If a new Unit were established, how should it determine which cases it should examine?

- 3.52. We would have concerns that current police powers may not be enough to enable the Legacy Commission to properly deal with historical cases.
- 3.53. The current powers do not facilitate fully attempts to obtain the truth about issues and therefore additional and appropriately focused powers would need to be considered.
- 3.54. Whichever way the criteria is set, we believe that there should always be the option for families to seek to have their specific circumstances or incidents investigated. The criteria should be sufficiently broad that all those needing or wanting to access are free to do so.

18. The new Review and Investigation Unit would take over the work of the Historical Enquiries Team and the Police Ombudsman's Unit dealing with historical cases. The need for these would fall away when the new Unit is established. The new Unit would build on the work they have done to date.

Do you agree with recommendation 18?

What are your views on the advantages and disadvantages of transferring to a new Unit the work of the HET and the work of the Police Ombudsman's Unit dealing with historical cases?

What view should a new Unit take of work already undertaken by the HET and Police Ombudsman?

- 3.55. We would prefer to see any replacement being developed after the areas of deficiency and gaps in powers of existing mechanisms has been established. Only then can any new unit properly and comprehensively build on the success and address the defects currently faced by agencies involved in historical cases.
- 3.56. It is also essential that any unit created is completely independent, gender balanced and adheres to international standards as regards transparency, accountability and remit.

3.57. A new unit should have full powers of reconsideration and review of work already undertaken by the HET and PONI as such a unit should be completely independent of the police.

19. The process of recovering information of importance to relatives (information recovery) would be separated from the investigation procedure and be subject to a distinct process within the Legacy Commission under a separate Commissioner. This would constitute the third strand of the Commission's work.

Do you agree with recommendation 19?

Should information recovery be separate from investigations?

Do you agree with the use of protected statements?

How could a Unit of the kind proposed protect the rights of people involved in the information recovery process, including those named in protected statements?

Is it more likely that people would come forward to provide information under this system?

3.58. Our priority would be that families have full involvement in how the information obtained is treated and that they understand all decisions taken as a result of information obtained.

3.59. It is difficult to envisage how these can be separated out. It will by necessity be a case by case approach as to whether information obtained requires further investigation.

3.60. In addition to the ways envisaged in the CGOP, we would strongly favour the option of protection and possible anonymity for women who take part in any process deigned to garner the voice and experience of women. As detailed in the "Additional Comments" section at the end, women who would like to detail their reasons for non-disclosure of domestic violence cases during the conflict require protection in doing so and should be facilitated in whatever way enables the best evidence to be heard.

3.61. Any system designed in a realistic and empathetic way working in the best interests of those who seek to engage with it will undoubtedly achieve greater success.

20. In the fourth strand of its work, the Legacy Commission would examine themes arising from the conflict which remain of public concern, such as specific areas of paramilitary activity, or alleged collusion. This thematic examination would take place without public hearings. This would facilitate more open and frank disclosure and avoid the constant publicity of present inquiry proceedings.

Do you agree with recommendation 20?

What are your views on the proposal that thematic examinations be held without public hearings?

Should a Unit of the kind proposed have the power to compel witnesses?

Do the proposed procedures protect the rights of people compelled to give evidence and those named in evidence?

3.62. We do not necessarily agree that the absence of public hearings will result in more open and frank disclosure. We have serious concerns that such a blanket approach to potential information being disclosed offends human rights legislation at both domestic and international level. While we accept that the nature and content of certain disclosure may fall within the remit of national security and therefore warrant privacy, we feel that it is imperative that each possibly sensitive disclosure is dealt with on a case by case basis and that the process for making such decisions is clear, transparent and challengeable.

3.63. Without the power to compel witnesses and appropriate sanction for refusal to engage, it would be difficult to envisage a proper and robust process.

3.64. The proposed procedures have the potential to protect the rights of people compelled to give evidence and those named in evidence.

21. There would be no new public inquiries. The question whether to proceed with the promised Finucane Inquiry is a matter for the British Government but the issues raised by this case could be dealt with by the Legacy Commission.

Do you agree with recommendation 21?

What are your views on the use of public inquiries in relation to historical cases?

3.65. We feel this recommendation cannot be endorsed without a fully comprehensive understanding of what exactly is proposed to take the place of public inquiries. It remains unclear at this stage what legislative

powers and authority the Commission would have and therefore it is not possible to compare their framework with the Inquiries Act and identify areas of improvement or concern.

3.66. It is not possible to give our views on the use of public inquiries in relation to historical cases in the absence of outcomes from any public inquiry undertaken in Northern Ireland. However, while the Inquiries Act is not without its problems, we note there has been a level of involvement from public authorities not previously seen in Northern Ireland. We have concerns, however, that most of the legal teams at such inquiries represent and serve to protect the interests of government departments. Having 7 or 8 different legal teams all effectively representing arms of the same government is neither cost-effective nor does it indicate a willingness to facilitate truth recovery.

22. The outstanding Inquests would remain with the Coroners Service. Criminal case reviews would continue to be pursued through the Criminal Cases Review Commission.

Do you agree with recommendation 22?

Should a Legacy Commission be given the task of monitoring the burden of inquests and criminal case reviews?

3.67. We do not consider that such an approach should automatically prevent relevant cases falling within the remit of the Commission.

3.68. We do not consider either inquests or criminal case reviews to be a burden but rather essential processes within a democracy. In addition, please see comments immediately above.

23. The Group is not proposing an amnesty but recommends that the Legacy Commission itself make recommendations on how a line might be drawn at the end of its five-year mandate so that Northern Ireland might best move to a shared future.

Do you agree with recommendation 23?

Do you believe it will be possible to find a mechanism to "draw a line" after 5 years?

What are your views on the question of amnesty?

- 3.69. We would express concerns that such a politically sensitive issue would have the potential to destabilise any advancements made after 5 years. However, we are aware that this is a difficult issue and has not attracted any political agreement.
- 3.70. We like to believe that it is possible to find a mechanism to “draw a line” after 5 years if a genuine will exists to realise it.

REMEMBERING

24. The Legacy Commission should, through the Reconciliation Forum, support CVSNI in facilitating and encouraging the telling of stories, including by young people, about the impact of the conflict on individuals and communities; and the stories of intra-communal differences.

Do you agree with recommendation 24?

How do you think an enhanced mechanism for storytelling would help address the legacy of the past?

Should the existing bodies which enable storytelling remain independent or encouraged to work more closely?

Should it be for the CVSNI to facilitate storytelling? How could a Legacy Commission and Reconciliation Forum support this work?

What more could be done on this issue?

- 3.71. We consider that the telling and documentation of stories is essential to aid recovery and resolution of past hurts. We feel that the stories of women should be identified as a separate theme as this would aid an evidence-based approach to identifying deficiencies and potential remedies as well as providing a historical time-line for experiences and disadvantage.
- 3.72. We would welcome anything that enabled the identification of themes, such as the experiences of women.
- 3.73. The CVSNI, a Legacy Commission and Reconciliation Forum should learn from and build upon international best practice examples of storytelling.
- 3.74. The particular needs of women, and gender-sensitive approaches much be included at every stage of planning and implimentation.

25. CVSNI should also be supported in developing the existing ways in which the conflict and its impact are remembered. This should include the development of educational projects; providing support and guidance for those facilitating remembering projects in line with certain criteria; and promoting the value of remembering across society as a means of achieving reconciliation.

Do you agree with recommendation 25?

Do you agree that the CVSNI should lead work around remembering?

What kinds of educational programmes might be developed to support work around remembering?

3.75. We agree subject to our view that the experiences and impact on women should be an individual theme from which lessons can be learned and taught.

3.76. The CVSNI should lead work around remembering in collaboration with other bodies having undertaken research in this area and in conjunction with the broader community.

3.77. Educational Programmes should be evidence-based and should be implemented into the wider community and school curriculum.

26. Future Storytelling initiatives should be developed taking account of certain criteria.

Do you agree with recommendation 26?

What steps might future initiatives take to meet the goals set out by the Group, particularly in terms of ensuring that 'story hearing' as well as storytelling takes place?

3.78. It is difficult to give an opinion before the criteria has been set.

3.79. Engagement and involvement with existing voluntary and statutory groups and with the curriculum would go a long way to reaching the goals.

27. Full support should be given by government, the private and voluntary sector, including the churches, to the continuation of the annual Day of Reflection, initiated by Healing Through Remembering, on 21st June each year. Consideration should be given to renaming the event a Day of Reflection and Reconciliation.

Do you agree with recommendation 27?

Do you think such a day should be one of private reflection or should there be public statements by key organisations and statutory bodies?
How would this work?

3.80. We believe this should include all faith and non-faith groups. We consider that the most appropriate way forward is to research and engage the wider population to identify the name to be given to any such day.

3.81. Research in this area would help identify what method or combination of methods would be the most appropriate and supported.

28. Each year, on or around the Day of Reflection and Reconciliation, the First Minister and Deputy First Minister should together make a keynote address to the Northern Ireland Assembly and invited guests, reflecting on the past in a positive way and confirming their commitment to lead Northern Ireland society towards a shared and reconciled future.

Do you agree with recommendation 28?

Which other mechanisms would you propose to reflect effectively upon the past?

3.82. See answers to question 27.

29. The Reconciliation Forum should take the lead in implementing an initiative, at the end of the five year mandate of the Legacy Commission, whereby Northern Ireland, with the support of the two Governments and the Northern Ireland Assembly, should conduct a ceremony remembering the past and all those who suffered during the conflict.

Do you agree with recommendation 29?

What do you think such a ceremony should involve? How would this work in practice?

How should the two governments and the Northern Ireland Assembly support this work?

3.83. Research should be carried out to ascertain whether such an approach would be supported by all in Northern Ireland.

3.84. Whatever way forward is identified following research, it should attract full support and endorsement from political agencies.

30. The Group therefore recommends that the Commission should, at the end of its work, challenge the people of Northern Ireland, including political parties and

whatever remnant or manifestation of paramilitary groups remain, to sign a declaration to the effect that they will never again kill or injure others on political grounds.

Do you agree with recommendation 30?

Would you be willing to sign such a declaration?

Who else do you think should sign such a declaration?

How would such a declaration be used in practice?

3.85. We feel that such a declaration would be symbolic rather than practicable, though we welcome any potential commitment to never repeat the violence and discrimination of the past.

31. A shared memorial to remember conflict in and about Northern Ireland should be kept under consideration by the Reconciliation Forum and criteria should be observed, in working towards a shared memorial conducive to reconciliation. The Legacy Commission should, at the end of its five year lifespan, make recommendations to Government in this regard.

Do you agree with recommendation 31?

What are your views on a shared memorial?

How do you believe this would help?

Do you agree with the criteria suggested by the Group?

Who do you think should be responsible for any future work on memorials?

3.86. We consider that research is required with the Northern Ireland public to identify a suggestion best placed to garner the broadest support.

Additional comments

3.87. As already detailed, we believe that there has been a failure to date to properly consider or address the role of women and the impact of the conflict on women. Women represent the wives, daughters and mothers of those killed, injured and imprisoned as well as being ex-prisoners and ex-combatants themselves. Women have suffered in conflict in specific ways that have been totally unexplored and unacknowledged - one example is as victims of domestic violence: unable to deal with the matter if the perpetrator is a paramilitary and unable to report the matter if their

- community forbids communication and interaction with the police. This particular example continues to be a real and present reality for many women, yet there is a dearth of acknowledgment or funding into research to explore this matter further.
- 3.88. Women in rural areas have also suffered disproportionately in that funding has been necessarily addressed to security issues in major towns and cities whilst their plight and particular circumstances has been ignored. In a new dispensation it is imperative that women in rural areas are listened to and responded to appropriately so that their historic invisibility is not mirrored in a post-conflict society.
- 3.89. Of particular significance is the failure of public authorities and the devolved assembly to promote and realise the active and recognised participation of women within their structures. The under representation of women on public bodies and at political level deeply worrying and problematic. We feel that the plethora of legislation and policy introduced with the aim of "equalising" the status quo has resulted in an equalisation down as regards women.
- 3.90. The belief would appear to be that once mechanisms are in place to promote equality and participation then that particular area has been dealt with. Yet studies show that in this new era for Northern Ireland, women are not facilitated in any real terms to play a role commensurate with their 50% representation in society. We feel that this outcome was self-fulfilling: women were not recognised for their roles and experiences throughout the conflict and therefore their invisibility cannot but be mirrored in the post-conflict structures. We expect the structures proposed to deal with the legacy of the past take this as their starting point and seek to address this gross inequality.
- 3.91. We expect that the persistent voicelessness and inequalities faced by women are specifically addressed in line with the governments international and national human rights obligations. Both the UK and Irish

- governments have signed and ratified CEDAW and are bound to implement the provisions therein. We would also specifically expect the endorsement and implementation of UN Resolution 1325 which directly addresses the role of women in post-conflict societies.
- 3.92. We have sought to be constructive in our responses and to this end have only addressed in detailed ways those areas we have been able to ascertain as being of particular and immediate concern to women in Northern Ireland. It should be clarified that the absence of a detailed answer in any particular section does not indicate a neutral position on that topic - it simply suggests that we do not consider the proposal or question, as drafted, to have a direct impact on women subject to further clarification and expansion as to what is proposed.
- 3.93. It is our understanding that further consultation is to be undertaken following this round of consultation. We would hope at that stage that greater clarification would be available as to the potential reach and impact of any recommendations which would enable us to make a more detailed, relevant and focused response.

Equality

Section 75 of the Northern Ireland Act 1998 requires the Northern Ireland Office, in carrying out its functions to *'have due regard to the need to promote equality of opportunity –*

(a) between persons of different religious beliefs, political opinion, racial group, age, marital status or orientation;

(b) between men and women more generally;

(c) between persons with a disability and persons without; and

(d) between persons with dependants and persons without.'

In addition, the NIO must *'have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.'*

Do you believe that any of the Consultative Group's proposals will have a positive impact on people within any of the section 75 categories?

Do you believe that any of the Consultative Group's proposals will have an adverse impact on people within any of the section 75 categories?

If so, are there any measures that should be implemented to mitigate against adverse impact on people in the section 75 categories?
Will any of the proposals affect the promotion of good relations between persons of different religious belief, political opinion or racial group?
Do you have any other comments on the equality impact of these proposals?

3.94. Develop a Gender-Specific Approach to Dealing with the Past

- 3.94.1. The WSN calls on the NI Assembly, and the Irish and UK governments to ensure full compliance with UNSRC 1325 and other regional, national and international instruments designed to ensure gender equality in all policy.
- 3.94.2. WSN further calls for the UK government to make a commitment to ensure that positive action measures are evoked to ensure that any future Legacy Commission and Forum has a total constitution of at least 50% women.
- 3.94.3. The gender specific issues relative to women as detailed throughout our response must be recognised and addressed fully.

4. Conclusion

- 4.1. WSN broadly welcome many of the suggestions put forward by the Consultative Group on the Past.
- 4.2. However, the UK Government, the Irish Government and the Northern Ireland Assembly must remedy their failure to demonstrate a genuine commitment to involving women in peace-building.
- 4.3. We consider it imperative that the causes of conflict be considered and strategically mapped to allow for a broader and deeper understanding of the resultant impact. Any mapping should reflect the political, social, and economic impact of the past on women and girls as a distinct equality grouping, in order that proper attention, funding, resources and services are most appropriately focused to meet their needs.
- 4.4. Strong measures must be put in place to ensure that the needs of women and girls as a distinct equality grouping, are addressed in any future

strategy to address the legacy of the past in Northern Ireland, including evoking positive action measures at their disposal to ensure at least 50% representation of women within any future Legacy Commission and Reconciliation Forum.

- 4.5. Community based Women's Centres, groups and projects work tirelessly to meet the needs of women in disadvantaged areas, who have suffered greatly from the conflict, and continue to suffer its legacy today. We would therefore emphasise again that their voices are heard and heeded.
- 4.6. WSN believes that meaningful consultation with the community based women's sector is urgently required to assess the extent to which the conflict in Northern Ireland has affected women and girls in particular ways, which must lead to specific recommendations that address the particular needs for women and girls in a future peace and reconciliation strategy. Without the full consideration of women's experiences, knowledge and aspirations, it is unlikely that we will achieve a fairer, peaceful future for all.

Appendix 1

1. All Ireland Mother's Union
 2. An Munia Tober (Travellers)
 3. Antrim & Ballymena Women's Aid
 4. Ardmongh Women's Group
 5. Ardoyne Women's Group
 6. ATLAS Women's Centre
 7. Al Nisa Women's Group
 8. Ballybeen Women's Centre
 9. Ballymurphy Women's Group
 10. Belfast & Lisburn Women's Aid
 11. Belvoir Women's Improvement Group
 12. Carrickfergus Women's Forum
 13. Carew II
 14. Causeway Women's Aid
 15. Chrysalis Women's Centre
 16. Clan Mor Women's Group (Sure Start)
 17. Derry Well Woman
 18. Derry Women's Centre
 19. Falls Women's Centre
 20. First Steps Women's Group
 21. Footprints Women's Centre
 22. Foyle Women's Aid
 23. Foyle Women's Information Network
 24. Granaghant District Women's Group
 25. Greenway Women's Centre
 26. Kilcooley Women's Centre
 27. Lesbian Advocacy Services Initiative
 28. Lesbian Line
 29. Lenadoon Women's Group
 30. Ligoneil Family Centre
 31. Markets Women's Group
 32. NI Women's Aid Federation
 33. NI Women's European Platform
 34. Newry & Mourne Women
 35. Newtownabbey Women's Group
 36. Older Women's Network
 37. Omagh Women's Aid
 38. Rape Crisis Centre
 39. Rasharkin Women's Group
 40. Shankill Women's Centre
 41. Strabane & Lifford Women's Centre
 42. Strathfoyle Women's Centre
 43. The Learning Lodge
 44. Voices Women's Group
 45. Waterside Women's Centre
 46. Windsor Women's Centre
 47. Women Connect Project
 48. Women into Politics
 49. Women's Information Group
 50. Women's News
 51. Women's TEC
 52. Women 2 Gather
 53. Women's Resource & Development Agency
- Associate Members**
1. Ballymena Community Forum
 2. CiNI
 3. Community Relations Forum
 4. East Belfast Community EC
 5. HIV Centre (Women's Support Group)
 6. Mencap
 7. National Women's Council of Ireland
 8. Playboard
 9. RNIB (Women's Group)
 10. Good Morning Newtownabbey
 11. Monkstown Community Association
 12. WEA
 13. Parents Advice Centre
 14. Templemore Community Action Group