

Many thanks to Queen's University School of Law and in particular to Luke Moffett for the opportunity to speak to you today on issues of reparation and importantly, in the context of healing.

It is difficult at any time but particularly this week to do justice in just ten minutes to the issues of remedy and reparation that face families affected by conflict. So rare is the opportunity to publicly address these issues in the presence of such an informed audience, that there is of course much to be said.

So I have chosen to highlight two areas to prompt debate in the workshops where hopefully more can be discussed.

My theme for this short presentation is one of discrimination. Discrimination against the civilian bereaved and injured of the conflict and discrimination against women bereaved and injured by our conflict.

Discrimination against civilian victims and survivors

As you all know the bigger issue of dealing with the past was “kicked down the road” from negotiations at the time of the Peace Agreement – for very good reason. And we are obviously still grappling with that failure, or impossibility, of the time. The issues of comprehensive truth, justice and reparation have on the face of it eluded our transitional society.

However the matter of financial recognition of those who served in some branches of the state agencies was incorporated into some of the processes of transformation.

Half a billion pounds is associated with payouts to ex-RUC who retired as part of Patten Severance. Without identifying exactly why the RUC needed to transform or why some serving members of the RUC would not be able to be part of the new PSNI service, 500 millions of pounds was spent to “build confidence” in this transformation.

However those harmed by the RUC or affected by the collusive actions of RUC Special Branch did not receive as much as verbal acknowledgement that it was actually the hurts they had suffered that were the catalyst and created the necessity for such root and branch change.

To add insult to grave injury we witnessed the surreptitious rehiring of RUC Special Branch through the back door into the PSNI, astonishingly into the historic investigative units. So those who got the pay offs were then rehired as civilian staff – paid wages in addition to receiving their pensions. Only this time they were hired and paid as civilian staff, which means they now operate with no scrutiny from the Police Ombudsman. This is an appalling vista made possible by the Patten process an outcome never envisaged. But because we never said why change was required guarantees of non-recurrence were never incorporated into the process.

For those harmed who also live in abject poverty as a result of the deaths and injuries this was incredible and hurtful.

But there is more

The George Cross was established to acknowledge the many harms endured by serving RUC officers and their surviving relatives.

The Police Fund was also established as a practical acknowledgement to support these families.

£20million was paid to the RUC Reserve members in recognition of their service as it was dismantled.

And there is nothing wrong with any of that except that they were not the only community to suffer from our conflict. While all of these payments were being made to those who served in these agencies – and continue to be made – everyone else – the vast majority – are left with very inadequate schemes which do not meet their needs and are subject to cuts and suspension without notice.

The decision by the Commissioners Bertha McDougall, Brendan McAllister and Patricia McBride to facilitate the exclusion of siblings and grandchildren from schemes in the Memorial Fund served to tell those who survived that they were not worthy of support. With one stroke of the pen their pain was dismissed, by the commission that was created to speak for them.

This is just one of many acts that created a disparity that have undermined attempts to heal and reconcile. And for the overwhelming majority who were excluded, it has undermined their confidence in the potential for transformation, that they have an equal role to play in the transition or the dignity of equal participation. Because quite clearly they do not.

Presented as confidence building measures, these payments might have built the confidence of some, but severely undermined the confidence of others.

The majority of victims and survivors are demeaned in the pursuit of monies for the most basic of items and services, while others have pensions and payments as of right.

And there is the issue – who has rights and who get favours. Ignoring international frameworks for recovery, reparation and non-recurrence have facilitated this place we now find ourselves in. Human rights could support transformative programmes which support all those harmed – and are long term sustainable confidence building measures.

Reparations must be carried out on a needs basis as a right - without favour, double dipping, or political interference.

Gender Discrimination

In Relatives for Justice we have mainstreamed a gender analysis to all of our work. We have made concerted effort to apply the idea and promise of UNSCR1325 and CEDAW General Recommendation 30. The promise that societies will encourage participation of women most hurt by conflict and put in place support that is appropriate to their experience of conflict.

Where the governments have failed to act on these international obligations Relatives for Justice has created a shadow framework to demonstrate that even in the absence of political will, with dedication and awareness, much can be achieved on very little resources.

We all know, and it is recognised in international doctrine, that women experienced conflict differently, and indeed that women experience trauma differently.

In our context in the North of Ireland women from every community founded support groups and saw the necessity for peer support, group work, talking and gentle solidarity. With 91% of those killed being men there was a particular experience of violation that belonged to women. Women recognised this themselves and gave expression to it through grassroots support organisations.

That is not for one second to say that hard issues were not grappled with. My own organisation, most certainly could not be accused of avoiding difficult conversations! Eleanor McKerr, wife of the late Gervaise, stood as a stalwart against the cover up of Shoot to Kill before her untimely death, Emma Groves herself blinded by a rubber bullet travelled the world to end their use, Eilish McCabe whose brother Aidan McAnespie was killed by the British Army spoke out on policies of state impunity.

WAVE – Widows Against Violence Empowered – gave voice to the relatives of those who had been disappeared by the IRA.

There is certainly no essentialising of women's role or voices in these organisations in favour of soft options.

The Good Friday Agreement gave tacit recognition to that work when it talked about the value of and need to resource community and voluntary self-help groups.

But now that work is undervalued. Instead we have seen concerted moves to individualised support programmes, cutting the funding for group activities.

Many in this room have fought the promotion of individualised “interventions” over long term processes of recovery and reconciliation.

Individualised approaches discriminate against women, and their place in family and community, and disregards the role that family and community, with women at their centre, play

The introduction of assessments meant that women chose not to participate. While the VSS rightly pointed to the higher rates of men participating in assessments the corollary was that women were becoming absent.

This is an overtly discriminatory approach resulting in the disgraceful place we now find ourselves in as a sector and where many women view most statutory processes with distrust and choose to not bother and struggle on, on their own.

The lack of a gender lens to any of the processes on dealing with the past has contributed to an environment where this became possible.

But again it is also the lack of a rights based approach to the issues of victims.

The 2005 UN Principles on Right to Remedy have had no impact. There is no one arguing for them.

Despite two processes on dealing with the past – the Consultative Group and the Panel of Parties – victims rights are not mentioned outside of the Article 2 obligations of the British state to which the state is being held to account in Europe. Political cohesion and the strength of post conflict institutions are the context of most of the reasoning behind dealing with outstanding matters – not delivering on the rights of victims to truth.

And Gender? Well it is not mentioned we have to guess where women are and make it up.

So it is hardly any wonder that there have never been a gender specific lens brought to the issues of reparation and recovery.

But if we drew on the international frameworks, then ensuring recognition for all – civilians and women and injured who until very recently were excluded – would be possible. Confidence from the communities who feel that the peace process has left them behind could begin to be built. And wider society could have the confidence that we can indeed meet the challenges of dealing with the past.

We recognised that with the peace agreement when so much was built on human rights frameworks – we need to go back to that principle for victims of conflict and build a fairer deal for all.