

CAJ's submission no. S356

**Written Evidence to the Northern Ireland Inquiry on UN
Security Council resolution 1325 by the Associate
Parliamentary Group on Women, Peace and Security**

September 2011

What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

Written Evidence to Associate Parliamentary Group on Women, Peace and Security Northern Ireland Inquiry on Security Council Resolution 1325

Summary Points and Recommendations

CAJ welcomes this opportunity to respond to the inquiry by the Westminster Associate Parliamentary Group (APG) on United Nations Security Council Resolution 1325 on Women, Peace and Security. In summary:

- CAJ is concerned that the UK has failed to live up to its obligations to implement Security Council resolution 1325 (UNSCR 1325) by adopting a position of not applying its provisions to the conflict in Northern Ireland. The UK did indicate to the UN that some elements of UNSCR 1325 (relating to participation in peace building and political process, as well as increasing representation of women in public life) may be relevant to Northern Ireland. However, the UK gave no further information as to which particular initiatives the UK regards as taking forward these particular elements. The APG may wish to seek clarification on this.
- CAJ sees clear relevance in the application of UNSCR 1325 to Northern Ireland. This is a view also put forward by the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW). The 1998 Belfast/Good Friday peace Agreement also contains provisions which can be mapped to the framework of the subsequent UNSCR 1325. Key action points in the Irish UNSCR 1325 implementation plans also relate to Northern Ireland. The APG may wish to ask the UK how it reconciles these commitments with its position on UNSCR 1325.
- CAJ does not believe it is possible for the UK to sustain a view that UNSCR 1325, adopted unanimously by the Security Council (including the UK) with reference to all UN Member States, either only applies to the global south, or that Northern Ireland is not a post-conflict society to which the resolution should apply. CAJ recommends the APG asks the UK to clearly set out the basis for its position.
- CAJ views the UK position as a missed opportunity to advance gender perspectives and gender mainstreaming along with real and meaningful participation for women in public and political life and broader conflict resolution processes. CAJ would like to see the UK applying UNSCR 1325 to Northern Ireland, by incorporation into the UK National Action Plan which is subject to periodic review. It is likely that at a practical level a significant proportion of implementation would be led by the Office of the First Minister and deputy First Minister (OFMdFM) in Northern Ireland.

- Among the areas application of UNSCR 1325 could address are: underrepresentation of women in key institutions relevant to the peace settlement; the advancement of effective gender equality; and the mainstreaming of gender analysis and perspectives in high level official strategies designed to deal with the legacy of the conflict;

Implementation of resolution 1325 in Northern Ireland

1. Should UN Security Council resolution 1325 be directly implemented in Northern Ireland?

UNSCR 1325 urges UN Member States to ensure the “increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict” and called upon all actors involved in implementing peace agreements to adopt a gender perspective including measures to support local women’s peace initiatives and conflict resolution processes, measures to involve women in all of the implementation mechanisms of the peace agreement and measures to ensure the “protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.”¹

Northern Ireland is a post-conflict society with a number of matters in relation to the implementation of the peace agreement and process remaining outstanding. CAJ sees clear relevance in the application of UNSCR 1325 to Northern Ireland. This is a view also advocated by the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) which in 2008, in the context of its “particular relevance to Northern Ireland”, expressed regret at the lack of information provided by the UK as to the implementation of UNSCR 1325 and called for the full implementation of UNSCR 1325 in Northern Ireland.²

The peace settlement was marked by the 1998 Belfast/Good Friday Agreement, composed of an international treaty between the UK and Ireland and a multi-party agreement endorsed by referendum. The Agreement pre-dates UNSCR 1325 but its provisions did include “the rights of women to full and equal political participation” and commitments to “pursue the advancement of women in public life.”

The Republic of Ireland as the other state party to the Belfast/Good Friday Agreement has already released its National Action Plan (NAP) on UNSCR 1325 and included key action points and engagement with Northern Ireland.

¹ Paragraphs 1 and 7 respectively.

² CEDAW (Concluding Observations on the UK) UN DOC CEDAW/C/UK/CO/6 paragraphs 284-5.
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Northern Ireland as a post-conflict society was one of the case studies for the research on the Irish NAP. Many other jurisdictions have used Northern Ireland as a case study when looking at how to develop a NAP. Specific actions are included in the Republic of Ireland's program for work including committing to "engage with appropriate Northern Ireland authorities to encourage development of policies and measures consistent with the aims of resolution 1325 in consultation with civil society organizations." The outcome of which the Irish NAP sees as "[e]ffective mainstreaming of principles of UNSCR 1325 and other UN obligations on Women, Peace and Security in a growing number of standard setting and policy making arenas at international, regional and national levels."³ It is not clear how this engagement will work with authorities in Northern Ireland given UK's position that it has 'no plans' to implement UNSCR 1325 in the jurisdiction.⁴

CAJ does not believe it is possible for the UK to sustain a view that UNSCR 1325, adopted unanimously by the Security Council (including the UK) with reference to all UN Member States, either only applies to the global south, or that Northern Ireland is not a post-conflict society to which the resolution should apply. The lack of recognition of the applicability and implementation of UNSCR 1325 is a missed opportunity to advance real and meaningful participation for women in public and political life and broader conflict resolution processes.

- **How is the resolution currently being implemented and by whom?**

The UK has adopted a position of not applying UNSCR 1325 to Northern Ireland. The UK has reported to the UN that "[N]evertheless, some aspects of UNSCR 1325, such as women's participation in peace building and political processes, are relevant to all states. Also, the UK Government will continue to work towards increasing the representation of women in Northern Ireland in public and political life."⁵ However the UK gave no indication of which particular initiatives the UK regards as taking forward these particular elements and the APG may wish to seek further information to this end.

- **What actions need to be taken to implement resolution 1325?**

The UK should review its position and apply UNSCR 1325 to Northern Ireland. It is likely that at a practical level a significant proportion of implementation would be led by the Office of the First Minister and Deputy First Minister (OFMdFM) which has responsibility within the devolved institutions for areas including human rights, equality, reconciliation and victims. The devolution settlement

³ Ireland's National Action Plan for Implementation of UNSCR 1325 2011 – 2014 at <http://www.irishembassy.si/uploads/documents/Political%20Division/Conflict%20Resolution/consultative%20process%20-%20questionnaire%202010.pdf>

⁴ CEDAW (UK 7th Periodic Report) July 2011, Paragraph 301

⁵ As above.

provides for the UK government to direct devolved Ministers to take action to fulfill international obligations.⁶

- 2. Are women disadvantaged in participating in peace building and governance in Northern Ireland? If so, how?**
- 3. Are women's needs, experiences, realities and gender perspectives being taken into account in peace building and governance in Northern Ireland? If so, how?**

Women are continually disadvantaged in peace building and governance, because their needs, experiences, realities and perspectives are not taken into account. The mechanisms through which the most timely provisions could be met, UNSCR 1325, CEDAW concluding observations, obligations under the Good/Friday Agreement (such as the introduction of a Bill of Rights for Northern Ireland enshrining constitutional protections in addition to the ECHR), are not being given due consideration.

As CAJ is aware that the Northern Ireland women's sector plans to input detailed data in response to this question, we will limit our response to highlighting in brief some of CAJ's ongoing concerns in relation the impact of neither application nor implementation of UNSCR 1325 with respect to Northern Ireland:

- **Under representation in institutions linked to peace settlement:** women continue to be significantly underrepresented in key institutions, including many of those directly set up as a result of the peace agreement as well as other key public bodies such as the judiciary and the police service. In the elections to the Northern Ireland Assembly in 2011 20 of the 108 elected Assembly members were female, up only 2%, which lags behind the UK Parliament and the devolved legislatures in Scotland and Wales. None of the parties currently make use of all-women shortlists.
- **Effective Equality:** There is still no Single Equality Bill for Northern Ireland despite commitments to progress the same under the 2006 St Andrews Agreement between the UK and Ireland. Most provisions of the Equality Act 2010 in GB do not apply in Northern Ireland.⁷
- **Mainstreaming Gender perspectives:** major high level initiatives and strategies designed to 'deal with the past' and broader conflict resolution

⁶ Further to the Belfast/Good Friday Agreement providing for the same under article 26.2 of the Northern Ireland Act 1998 if the Secretary of State 'considers that any action capable of being taken by a Minister or Northern Ireland department is required for the purpose of given affect to any international obligation...he may direct that action to be taken.'

⁷ One of the few provisions of the Equality Act 2010 which does apply to Northern Ireland is an extension to the temporary special measure to permit political parties to have women only shortlists.

and peace building have not sufficiently incorporated gender analysis or gender perspectives. Prime examples include the Northern Ireland Executive's draft Cohesion, Sharing and Integration (CSI) strategy⁸ and the Report of the Consultative Group (also known as the Eames-Bradley report). Resourcing of the gender unit at OFMdFM is also an issue. .

4. What measures have the UK Government and the Northern Ireland Executive been taking in order to address criticisms on the implementation of UNSCR 1325 in the 2008 CEDAW Report? Has additional information on the implementation of resolution 1325 in Northern Ireland been provided to CEDAW?

CAJ is not aware of any steps either the UK Government or the Northern Ireland Executive have taken in order to address the criticisms on the implementation of UNSCR 1325 in the CEDAW Report of 2008 and recommends the APG seek further clarification from government. The UK has set out its position that it has no plans to implement the resolution in Northern Ireland within its periodic report to CEDAW. In the same report the UK Government also states that it:

...continues to take a leading role in promoting UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325) at the Security Council and has been active in security agreement for global indicators to track progress and related resolutions 1820, 1888, 1889, and 1960. In November 2010, to mark the ten-year anniversary of UNSCR 1325, the Government launched a newly revised National Action Plan for its implementation in our overseas conflict work. The NAP is intended to strengthen our ability to reduce the impact of conflict on women and girls and to promote their inclusion in conflict resolution. As a cross-Government plan, it provides a framework to ensure the provisions of UNSR 1325 are incorporated in the Governments work on conflict in our defense, diplomatic and development activity.⁹

Notwithstanding the potential merits of the commitments made by the UK on overseas conflict work, the issue remains the UK is overlooking international obligations relevant to a internal conflict to which they were a party to negotiating an international peace agreement in respect of (which itself recognises women's participation in public and political life as elements in securing the negotiated and ongoing peace).

⁸ See CAJ's submission no. S. 269, CAJ's response to the Office of First Minister and Deputy First Minister's consultation on Cohesion, Sharing and Integration, November 2010

⁹ CEDAW (UK 7 Periodic Report) July 2011, Paragraph 300.

- 5. Should the UK Government include provisions relating directly to Northern Ireland in the National Action Plan on Women, Peace and Security? What has the involvement of the Northern Ireland Office, the Northern Ireland Executive and Northern Ireland civil society organizations in the development of the National Action Plan been to date and how should departments be engaged in the future?**

- 6. Does the Northern Ireland Office and the Northern Ireland Executive demonstrate adequate understanding of UN Security Council resolution 1325 and its requirements? What actions have they taken to implement resolution 1325 throughout government policy and provide training for staff?**

CAJ would like to see provisions relating directly to Northern Ireland in the UK NAP developed in close consultation with civil society in Northern Ireland. Civil society organizations have been working towards ensuring the recognition and implementation of UNSCR 1325 and have a body of knowledge that could effectively support input into the UK NAP.

CAJ has had no contact from the UK government in relation to actions emanating from the implementation of UNSCR 1325. Members of the Northern Ireland Assembly set up an All Party Group on UNSCR 1325 which sat three times before the May 2011 elections, which has now been reformed, and is a potential vehicle for progress.