

Institution: Ulster University		
Unit of Assessment: Law (18)		
Title of case study: Supporting Gender-Inclusive Transitional Justice in Northern Ireland: Documenting Gender Harm, Enabling Civil Society and Shaping Public Spending and Policy		
Period when the underpinning research was undertaken: 2013-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Fidelma Ashe	Reader in Politics	2003 - present
Professor Brandon Hamber	Professor of Peace	2007 - present
Dr Catherine O'Rourke	Senior Lecturer in Law	2009 - present
Professor Monica McWilliams	Professor of Women's Studies	1984 - 2016
Dr Jessica Doyle	Postdoctoral Research Associate	2015 - 2019
Period when the claimed impact occurred: August 2013 – 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact</p> <p>The gender scholars of the Transitional Justice Institute (TJI) have provided unique, robust documentation of gender harm and exclusions in dominant transitional justice (TJ) approaches in Northern Ireland (NI), worked with civil society partners to embed gender priorities in their TJ engagement, and informed public spending and policy improvements, focusing on four categories of gendered actor in TJ in NI: (1) women bereaved by the conflict, (2) female victims of domestic violence, (3) young men vulnerable to paramilitary recruitment, and (4) LGBTQ+ persons. The impact of the research on civil society research partners, and through them wider civil society, policymakers and the public, has been profound:</p> <p>I1. Human rights and victims' organisations have mainstreamed gender through their advocacy for TJ and secured unprecedented attention to gender in TJ by NI policymakers;</p> <p>I2. Civil society partners and the criminal justice system have improved their understanding of the dynamics of domestic violence in NI due to conflict legacy, which has also shaped criminal justice training priorities in responses to domestic violence;</p> <p>I3. Significant public spending to end paramilitarism has adopted a masculinities analysis in order to understand and respond to risk factors and motivations of young men in engaging in paramilitarism;</p> <p>I4. Public and policy awareness of exclusions and insecurity experienced by members of the LGBTQ+ community in the NI conflict and transition has been enhanced; there is proactive attention to LGBTQ+ people in forward-looking policy-making on rights and security.</p>		
<p>2. Underpinning research</p> <p><i>Research Context</i></p> <p>Conflict and repression produce distinct suffering for women, but their needs were rarely addressed in political transitions, and the field of TJ emerged with little concern for women's experiences. Since its establishment in 2003, gender has been a central focus of TJI research. Since 2009, it has been formally coordinated through a Gender Research Coordinator (O'Rourke), and supported through collective research grants (e.g. outputs from McWilliams/Doyle, O'Rourke and Ashe have all been supported through the Political Settlements Research Programme, 2015-2019). In REF2014, we documented the centrality of TJI gender research to establishing and developing foundational gender critique of TJ, most notably: how the established focus of TJ on the 'primary' victim of fatalities systematically marginalised so-called 'secondary' (largely female) surviving family members; how the focus on public sphere 'political' violence excluded gendered violence experienced in 'private' by women; the marginalisation of group identities not directly aligned with cleavages of political violence; and finally, TJI research began to apply gender analysis to men and masculinities, for example to interrogate the relationship between TJ guarantees of non-recurrence and the actual cessation of violence.</p>		

Impactful Research Insights and How the Research was Conducted

For REF2021, TJI gender scholars worked to deepen and sharpen these foundational gender critiques of TJ, both through their application beyond an exclusive focus on women, to examine also men and LGBTQ+ persons, and in particular through the interrogation, development and application of these critiques to TJ in NI. In this cycle, TJI gender research has documented the impact of gendered exclusions of TJ in NI on four categories of gendered actors: women bereaved by conflict (O'Rourke); female victims of domestic violence (McWilliams and Doyle); young men vulnerable to paramilitary recruitment (Hamber); and LGBTQ+ persons (Ashe). Collectively the research provides an unparalleled account of multi-dimensional and mutually-reinforcing gendered exclusions of TJ, and the need for multi-level interventions addressed to policymakers, civil society and the public to redress them.

I1 O'Rourke's comparative country case study research found that TJ policy and practice in NI was particularly exclusionary to women bereaved by the conflict and their broader gender concerns, due to an exclusive focus on deaths in conflict (R1). The research further identified the need for changes in civil society – to redress both the limited engagement by NI women's organisations in TJ, and the insufficient focus on gender of victims' and human rights organisations – in order to mainstream attention to gender throughout TJ (**R1**). **R1** involved legal / policy analysis of TJ measures in Chile, NI and Colombia, with archival research and interviews with victims and human rights and women's organisations. **R2** was co-produced by O'Rourke as part of the Legacy Gender Integration Group to document overlooked harms to women bereaved by the conflict through small, closed workshops.

I2 McWilliams and Doyle's research provided unique data on the specific dynamics of domestic violence (DV) in NI, connected to the conflict and its legacy, and the consequent need for bespoke responses to DV in NI (R3). This longitudinal study reproduced the 1992 study conducted by McWilliams (with McKiernan), involving in total interviews with 100+ female victims of DV, and compared findings from 1992 and 2017. The research identified considerably improved police response to DV post-conflict, but also the enduring influence of paramilitarism on women's experiences of DV and their ability to access assistance in NI. Both studies were co-designed and co-conducted with Women's Aid Federation NI. The research is unique; no similar longitudinal data on the relationship of DV to conflict exists.

I3 Hamber's scholarship on TJ identified the importance of adopting a masculinities analysis in order to understand hierarchies amongst men engaged in political violence (**R4**). Hamber's research in NI (with Byrne, Morrow, Dougherty and Gallagher) determined the need for interventions aimed at ending paramilitarism to be tailored to different groups of young men (R5). Hamber's contribution to the research identified three routes to paramilitary involvement by young men, namely 'pedigree' (young people linked to families known for past paramilitary involvement); individuals targeted for recruitment due to 'kudos' among other young people; and 'followers' drawn into low-level violence, but less central to ideology. The research was commissioned by and co-developed with Cooperation Ireland, a peacebuilding NGO, and consisted of semi-structured interviews and 7 focus groups with community activists, youth workers and police officers working in areas of multiple deprivation across NI.

I4 Ashe's research revealed undocumented gender harms against LGBTQ+ persons during the NI conflict and transition, as well as enduring feelings of insecurity and alienation in the LGBTQ+ community in post-peace agreement NI (R6). The project involved a play and photography exhibition co-produced with research participants and Ashe, worked collaboratively with local NGOs the Rainbow Project, the Focus Identity Trust, and Gender Identity Ireland to gather data from 14 focus groups with LGBTQ+ and exclusively transgender groups in 5 regions. The research determined shared priorities amongst the respondents for security and rights in post-peace agreement NI.

3. References to the research Outputs can be supplied by Ulster University on request.

R1 O'Rourke, C. (2013). *Gender Politics in Transitional Justice*. London: Routledge.

R2 Ahmed, Y, Duddy, S., Hackett, C., Lundy, P., McCallan, M., McKeown, G., Murphy, A., **O'Rourke, C.**, Patterson-Bennet, E., Wing, L. (2016). Developing Gender Principles for Dealing with the Legacy of the Past, *Int'l Journal of Transitional Justice*, 10(3) 527-537.

R3 Doyle, J. & McWilliams, M. (2018). *Intimate Partner Violence in Conflict and Post-Conflict Societies: Insights and Lessons from Northern Ireland*. Political Settlements Research Programme Report.

R4 Hamber, H. (2016). There Is a Crack in Everything: Problematizing Masculinities, Peacebuilding and Transitional Justice. 17 *Human Rights Review* 9-34.

R5 Byrne, J.; **Hamber, B.**; Morrow, D.; Dougherty, B.; & Gallagher, E. (2016). *Political violence and young people: Exploring levels of risk, motivations and targeted preventative work*. Report submitted to Co-operation Ireland, Belfast.

R6 Ashe, F. (2019) 'Sexuality and Gender Identity in Transitional Societies: Peacebuilding and Counterhegemonic Politics', *Int'l Journal of Transitional Justice*, 13 (3) 435-457.

Evidence of quality

The above articles have been subject to blind peer-review by international editorial boards. Research underpinning R1 was awarded the Basil Chubb Prize by the Political Studies Association of Ireland (2010). R2 was funded by the Irish government's Reconciliation Fund (GBP3,476). R3 was funded by the UK Dept for International Development (GBP658,587). R5 was funded by Co-operation Ireland (GBP14,333). R6 was funded by the AHRC (GBP78,017).

4. Details of the impact

NI's comprehensive peace agreement of 1998 (Belfast/Good Friday Agreement) made extensive provision for reforms to policing and criminal justice, but was silent on TJ. In the absence of dedicated mechanisms, piecemeal and ad hoc approaches to TJ emerged, principally led by civil society through victims and human rights organisations providing direct support to victims. The watershed 2014 Stormont House Agreement (SHA) provided for four linked TJ mechanisms, to deal with historical investigations of killings, information recovery, thematic investigation and an oral history archive. Despite a government consultation on draft implementing legislation in 2018, SHA implementation remains elusive. Consequently, legal processes around killings, publicly-funded psychosocial support to victims, sustained civil society activity for acknowledgement and accountability, and public programming to end paramilitarism, constitute the contemporary TJ landscape in NI. Within this, TJI gender research has provided unique documentation and evidence of gender harm and gender exclusions in dominant TJ approaches, worked collaboratively with civil society partners to embed gender analysis and priorities in their TJ engagement and advocacy, shaped public spending and informed emergent public policy efforts to recognise and redress gender harm through TJ in NI, in the following ways:

I1 Human rights and victims' organisations have mainstreamed gender through their advocacy for TJ and, through partnership-working, secured unprecedented attention to gender in TJ by NI political parties and policymakers. R1 has had a profound direct impact on civil society partners. R1 identified gendered silos in civil society advocacy for TJ and O'Rourke continued to engage research subjects in victims and human rights organisations after initial data collection. In response to the SHA, which provided for a set of TJ institutions for NI without any reference to gender or women's inclusion, discussions involving O'Rourke and individuals from eight partner organisations identified the need for a specific intervention advocating the adoption of a gender perspective. O'Rourke secured funding from the Irish Government's Reconciliation Fund (August 2015) to formalise a new network of victims, human rights and gender equality groups as the *Legacy Gender Integration Group* (LGIG), for the LGIG to conduct a consultation on TJ proposals amongst women bereaved by the conflict, and to co-develop the *Gender Principles for Dealing with the Legacy of the Past*. The outputs and activities of the LGIG were entirely co-produced amongst group members (R2). Nevertheless, as LGIG member and Deputy Director of Relative for Justice makes clear, the work relied on O'Rourke's research in three key ways: (1) O'Rourke's research '*set the agenda*' in establishing the need for documentation of gender harm experienced by bereaved women: '*Nobody else was doing that*'. (2) O'Rourke's research and inputs were invaluable for the '*effective use of international legal frameworks and obligations to inform and frame Group's demands. This added an essential element to the effectiveness of the Group's work. There is no way the group would have had such capacity without O'Rourke's contribution.*' Third, O'Rourke's research was critical to shaping '*the campaigning avenues*' pursued, '*in particular through outreach to women's organisations in order to influence policymakers*' (C1). **R1 and R2 have impacted campaigning priorities of women's, victims' and human rights NGOs.** While previously largely silent on gender, TJ advocacy by victims and human rights NGOs has expressly endorsed and integrated the Gender Principles, most notably the civil society initiative to develop model legislation for TJ (C2). Likewise, while women's organisations had tended not to engage with TJ proposals, responses to the government's 2018 draft legacy legislation prompted responses from the NI Women's Sector

Lobbyist (C2) and the NIWAF (C5) which both endorsed and substantially reproduced the Gender Principles. **Critically, R1 and R2 have underpinned unprecedented political party attention to gender in TJ.** The Gender Principles launch at Stormont (September 2015) was co-hosted by MLAs from NI's two largest political parties, the Democratic Unionist Party and Sinn Féin. In official responses to the government's consultation on draft legacy legislation (May 2018), the Green Party NI cited and extensively reproduced the Gender Principles in its proposals (C3), while Sinn Féin endorsed *'the Gender Principles developed by the Legacy Gender Integration Group. It is our view that their application should be core to the design, delivery and implementation of the proposed legacy mechanisms'* (C3). The research has also shaped policy discussions on TJ, with the NI Human Rights Commission and the Victims and Survivors Service (the primary public body to support victims and survivors in NI) advocating the Gender Principles as the basis for future TJ legislation: *'the VSS recommends that any next steps following this Consultation should include ... the initial work undertaken in this area by the LGIG'* (C3).

I2 Civil society partners and the criminal justice system have improved their understanding of the dynamics of domestic violence in NI due to the conflict legacy, which has also shaped criminal justice training priorities in responses to domestic violence. R3 has shaped the advocacy, programming and operational activities of the research partner, Northern Ireland Women's Aid Federation (NIWAF). NIWAF is the lead voluntary organisation in NI addressing domestic and sexual violence and providing services for women and children. Due to a dearth of NI-specific documentation of DV, there was a tendency to extrapolate UK-wide research to NI, overlooking NI-specific dynamics of DV. Thus, NIWAF observes: *'before [R3], we were relying on the McWilliams' 1992 study for an evidence base on the particular manifestation of DV in Northern Ireland.'* NIWAF describes its reliance on R3 along four axes: training design and delivery; priorities in engaging with the criminal justice and health systems; securing funding; and in policy submissions (C4). NIWAF continues: *'The importance of the research lies in the documentation of the diverse manifestation of DV, for example coercive control, financial abuse, partner sexual violence. Further, it identifies strengths and weaknesses in institutional response in ways that have set advocacy agendas for us. For example, while the research identified relatively positive findings [on] police reform, findings regarding GPs were overwhelmingly negative, which led us to commence a partnership with Health Trust for training GPs in responding to patients [...] presenting illness and injuries linked to DV'*. Further, without R3, *"there would be no specific documentation around enduring paramilitary links of some perpetrators and the additional barriers to help that poses"* (C4). Importantly, **R2 and R3** have underpinned engagement by NIWAF with TJ in NI. In its response to the 2018 draft legacy legislation, relying on **R2 and R3**, NIWAF made the case for recognising impacts of the conflict on DV in NI (C5). **R3** was central to both the priority and substance given to recommendations for **improved criminal justice sector training** by Sir John Gillen in his Independent Review of Law and Procedures for Serious Sexual Offences (NI Department of Justice, C6). The Gillen Review expressly attributes the three training priorities in its recommendations to **R3**, namely training that addresses risk assessment, engages multiple stakeholders simultaneously, and is coordinated across all elements of the criminal justice system (C6, p518, 529, 530). The Gillen Implementation Plan reports this strategic priority area of training commenced across the criminal justice system as of 2020 Q4 (C6, p7).

I3 Significant public spending to end paramilitarism has adopted a masculinities analysis in order to understand, and tailor programmes to, the risk factors and motivations of young men engaging in paramilitarism. In 2015, The Executive Office (TEO) of the NI Government commenced its 'Tackling Paramilitarism' programme, which included provision for a Communities in Transition (CIT) project to programme interventions in eight high deprivation areas across NI. Whilst the initial specification for the CIT did include: *Develop, fund and implement an ... initiative for young men who have offended and are at risk of being drawn into crime and paramilitarism*, there was no detail on how this would be conceived or implemented. Thus, to inform the tender for the CIT project, the peacebuilding NGO Co-operation Ireland commissioned Hamber (with Byrne and Morrow) based on **R4** and other research, to conduct a pilot study on the radicalisation of young men into paramilitarism, which resulted in **R5**. Co-operation Ireland CEO states: **R5** *'central to our thinking, in terms of designing the Consortium bid and in our engagements with TEO'*. In particular, the identification of three categories of potentially vulnerable young men and pathways of recruitment to paramilitaries ('pedigree', 'kudos' and 'followers') *'helped create a*

sense of subtlety in how young men were being targeted for recruitment' (C7). The CIT project delivered by the Cooperation Ireland-led consortium is **publicly-funded to GBP4,000,000** and intervenes to build leadership capacity amongst young people in a range of areas (health and wellbeing, regeneration, culture and arts, community safety). The CEO explains: “*Due to sensitivities around language, and our concern to avoid labelling project participants, we avoided this direct language (pedigree, kudos, followers) in the programming. Nevertheless, the research was influential in several hinge-points in the design and delivering of CIT: first, in mapping community assets in target areas; second, in selecting project partners to deliver CIT; and third, in ensuring a diversity of interventions to reach differently situated young men.*” Further to a positive mid-term evaluation of CIT, the CEO notes that **R5** was formative in countering the dominant ‘*indiscriminate*’ approach to tackling paramilitarism and has proven ‘*essential to devising effective interventions*’ (C7).

I4 The public and policy awareness of exclusions and insecurity experienced by members of the LGBTQ+ community in the NI conflict and transition has been significantly enhanced; there is proactive attention to LGBTQ+ people in forward-looking policy-making on rights and security. **R6** involved increased cultural participation of LGBTQ+ research participants and co-production of new cultural artefacts, namely the creation of the first theatre play and photographic exhibition on the theme of LGB&T visions of peace in NI, (entitled ‘*Let Us Eat Cake*’) in partnership with Belfast Exposed Gallery and Theatre of Pluck (C8). **R6** also increased public awareness of LGBTQ+ experiences of the transition from conflict by providing LGBTQ+ people with cultural/public space to make their perspectives and experiences visible to multiple audiences. The play and photographic exhibition toured NI and the Republic of Ireland. Workshops and seminars were held at touring venues, Belfast Exposed Gallery (2016-2018), Imagine: Politics and Ideas Conference in Belfast (2018), Being Human Conference (2018), Outburst Festival (2016 and 2017), an International Women’s Day Event, a Corrymeela event, and at Outing the Past: Festival of LGB&T History (2019). Collectively, the events, exhibitions and performances attracted approximately 1,000 attendees and visitors between 2017 and 2019. Based on this activity, and Ashe’s expertise in the area, in Summer 2020 she was appointed by the NI Department of Communities to the four-member Sexual Orientation Strategy Expert Advisory Panel to co-author the expert report to underpin the planned sexual orientation strategy and action plan. **The Department of Communities social inclusion strategy is addressing the LGBTQI+ experience in two thematic areas namely, rights and the law, and safety and security, in the development of an Action Plan.** According to the Expert Advisory Panel, **R6** research included unique empirical data documenting ‘*causes of the persistence of LGBTQI+ inequalities and insecurities... The strategy document reflected the findings of Dr Ashe’s research in both thematic areas and informed the recommendations of the panel across both themes.*

(C9)

5. Sources to corroborate the impact

- C1: Testimonial, Deputy Director Relatives for Justice and LGIG Member
- C2: Composite Document: Public documents of Model Bill Team, Women’s Sector Lobbyist
- C3: Composite Document: Public documents of Green Party Northern Ireland, Sinn Féin, Victims and Survivors Service, Northern Ireland Human Rights Commission
- C4: Testimonial, Northern Ireland Women’s Aid Federation
- C5: Northern Ireland Women’s Aid Federation Response to Draft Legacy Legislation (2018)
- C6: Composite Document: Gillen Review (2019); Gillen Review Implementation Plan (2020)
- C7: Testimonial, CEO, Co-operation Ireland
- C8: Let Us Eat Cake project blog with experiences by participants.
- C9: Testimonial from LGBTQI+ Expert Panel Commissioned by the Department for Communities Social Inclusion Strategy (Director Rainbow Project NI; Director HEReNI; Executive Director Transgender NI)