



Submission to the Tom Lantos Commission

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I wish to begin our remarks by thanking Mr Smith and Mr McGovern for convening this timely and important hearing. I also wish to recognise the unique and valuable embracing of the entire family experience. The engagement of the entire Finucane family in the pursuit of a public inquiry into the killing of their husband and father is nothing short of awe inspiring. Despite denial and obfuscation, for decades, this family has shone a light by which other families, violently bereaved, might be guided.

It is of considerable note that the Finucane family continuously and assiduously support other families who face the experience of violent trauma and the denial of truth and justice. They have never placed their legitimate demand for a public inquiry above or apart from the journey of other families. It has always been in the wider so-called “legacy” context.

Their engagement with successive British Governments and not least in relation to the Legacy Act and the threat it poses to the Good Friday Agreement, to the human rights environment, but most of all to the rights of victims and survivors of the conflict, has been a vital part of the landscape for the entire victims and survivors community.

Mr Smith and Mr McGovern, this Commission’s rigorous approach to the examination of the case of Patrick Finucane, the most grave matter of state collusion in the murder of citizens, and the associated threats therein to the implementation of the GFA, is the correct place to scrutinize the public inquiry, the necessary powers of that inquiry and its scope. It is only by bringing international, and in particular US, scrutiny that this inquiry might at last bring daylight to the circumstances behind this murder.

The Good Friday Agreement¹ was a standout international peace agreement that we are all justly proud of, however that praise does not forgive the reality that the peace agreement itself did not deal with the past. It did not deal with the rights of victims and survivors. However, by ensuring that in its DNA it is a document framed by the European Convention on Human Rights² it provided the pathway and hope for victims and survivors. While some in 1998 wanted to leave the past behind and not mention the war, by 2014 with the Stormont House Agreement³, the body politic of both governments and all parties on the island of Ireland recognized that human rights obligations and the rights of victims and survivors will not only not go away but have much to contribute to peace building. That was framed by the Good Friday Agreement.

Notwithstanding that, with the British government’s unilateral Legacy Act⁴, 26 years later dealing with the past is the standout failure of our peace process. But that is not to place a full stop on that narrative. That the Irish government is currently defending the rights of victims and

¹ Good Friday Agreement/Belfast Agreement 1998

² European Convention on Human Rights 1950

³ Stormont House Agreement 2014

⁴ Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

survivors in the Interstate case speaks to the dynamic and invested approach that is remedying those previous failures. Piecemeal approaches fail everyone, and victim centred voices are essential.

Our shared future carries the past with us. It carries the hurts, pains, traumas, violations and human rights obligations that are implied in the wider discussions on dealing with the past.

However, there are some who prefer not to deal with the past. They prefer to avoid it, feeling it is uncomfortable and difficult. However, that is where violations become the additional harm of impunity. The Legacy Act is an exercise in the denial of the past and of the intolerable injustice of impunity. It is only by leaning into the lessons of our past through human rights compliant processes that we can hope to learn from it.

But there is another lesson - the sky does not fall in when addressing it. Our island has had a painful reckoning with its past – institutional abuses on both sides of the border including systemic state failings for the most egregious of crimes⁵, a public inquiry into Bloody Sunday when all victims’ reputations as innocent civilians were restored and the British state’s narrative rewritten from justified killings of terrorists to unjustified and unjustifiable murders⁶. While there is still much to be done what we have learned is that as a population we are better for facing our truths and our pasts. And must continue on this path in order to build better for the future.

The public inquiry into the killing of Patrick Finucane will be an opportunity for us to be a more human rights-based society that learns the lessons of our shared past and commits to never repeating either the actions, or the conditions that led to those actions.

A Gender Lens on the Past and the Future

One of the other lessons of our efforts to deal with the past is that we have also failed to apply a gender lens. We have abjectly failed to ensure that women are equal participants in the processes of dealing with the past and by that we have created a blind spot and that applies from the Good Friday Agreement, to the Eames Bradley Consultation on Dealing With the Past, to the Stormont House Agreement, and of course the heinous Legacy Act.

Despite the reality that women were disproportionately affected by our conflict this blind spot has persisted.

91% of those who were killed were men and boys, something Relatives for Justice highlighted for the first time in the wider discourse on dealing with the past in 2015.⁷ That has obvious implications for our debates on dealing with the past. Yet we continue to ignore those profound implications. We think about women in the most passive or objectified ways. We don't think about them as agents for change or agents who contribute to dealing with the past in a better way. They're often only seen as next of kin, or the related party when the forms are filled out for legal aid in inquests or in judicial proceedings.⁸ The example of our First Lady of Human Rights, Geraldine Finucane, is not the norm. Too many women who have suffered violations have been silenced.

We have not quantified the gender specific violations and harms that were experienced. There is no definition for the harms experienced in the private sphere such as the domestic and sexual violence perpetrated by actors to the conflict. These are still seen as “domestic incidents” in

⁵ [Are effective apologies for historical institutional abuse possible? \(qub.ac.uk\)](http://qub.ac.uk);

⁶ Prime Minister David Cameron 15 September 2010 <[Bloody Sunday Report published - GOV.UK \(www.gov.uk\)](http://www.gov.uk)>

⁷ *ibid*

⁸ “Gender Principles for Dealing with the Legacy of the Conflict” Legacy Gender Integration Group September 2015 < <https://relativesforjustice.com/wp-content/uploads/2015/09/genderprinciples.pdf>

processes such as the scheme for the permanently injured.⁹ This is an unconscionable position being perpetrated right now.

Women experience trauma differently in their bodies, will engage with health providers differently, and will be the care givers in families affected by trauma. Mothers whose children were killed experience their trauma as a primary harm. We are not paying attention to those fundamental realities that should inform our health system, our judicial system or our support systems. All of that learning could inform the building of a shared health system, a shared judicial system and a shared support system. And only applying a gender lens to that building process affords us the unquantifiable opportunity this presents.

Imagine if this island, after our centuries of shared history, built a trauma informed, gender sensitive mental health system? What a restorative and groundbreaking form of reparation that could be. That is just one example of what learning from the past, applying a gender lens and building for the future in joined up fashion can do for us. But it is a decision. It will not happen by accident.

We must and can do better than our past tells us we are capable of. We can only do that by applying human rights to all processes that deal with the past. Ensuring that all victims of all actors are treated equally. A gender lens could assist in those process and lead to an understanding of the past, and an understanding of the contribution of women to the promotion of human rights.

The move to repealing and replacing the Legacy Act will require all of us to be active participants. If there are systemic barriers for that type of participation and in particular trauma and the transgenerational effects of trauma, then we must invest in ensuring that those barriers are removed and that requires exceptional thought and only a gender lens will do that. Ensuring effective participation by women who have been affected by the conflict in the most detrimental of ways is critical to ensuring that the debate on dealing with the past is framed by the Good Friday Agreement's letter and spirit.

Conclusion

The public inquiry into the murder of Patrick Finucane, will be a challenge. However, it is an opportunity for creating a hopeful and better conversation on our past. One where we benefit from the truth, the promotion of human rights and the active participation of those most harmed. If correctly and compliantly held, a public inquiry of this nature could become a process in reconciliation and in acknowledgement. An informed recognition of our past will inform a better future that is human rights compliant, values peace and our peace agreement. The participation of those most violated will give confidence to the wider debate on our past. If, though, those who are most harmed by the past and most silenced by violation and structural barriers can invest most in the future, then that builds confidence for everyone as participants in our shared future.

⁹ < [Guidance to Applicants | Victims' Payments Board \(victimspaymentsboard.org.uk\)](https://www.victimspaymentsboard.org.uk) >