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978-0-521-51792-8 - The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations

Edited by Ruth Rubio-Marín

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THE GENDER OF REPARATIONS

Unsettling Sexual Hierarchies While Redressing Human Rights Violations

Reparations programs seeking to provide for victims of gross and systematic human rights violations are becoming an increasingly frequent feature of transitional and post-conflict processes. Given that women represent a very large proportion of the victims of these conflicts and the authoritarianism generating them, and that women arguably experience conflicts in a distinct manner, it makes sense to examine whether reparations programs can be designed to redress women more fairly and efficiently and seek to subvert gender hierarchies that often antecede the conflict.

Focusing on themes such as reparations for victims of sexual and reproductive violence, reparations for children and other family members, as well as gendered understandings of monetary, symbolic, and collective reparations, *The Gender of Reparations* gathers information about how past or existing reparations projects dealt with gender issues, identifies best practices to the extent possible, and articulates innovative approaches and guidelines to the integration of a gender perspective in the design and implementation of reparations for victims of human rights violations.

Ruth Rubio-Marín is a Chair in Comparative Public Law at the European University Institute in Florence, Italy, and holds a tenured position in constitutional law at the Law School of Seville. She is author and editor of several books, including *Immigration as a Democratic Challenge* (Cambridge University Press, 2000), *The Gender of Constitutional Jurisprudence* (Cambridge University Press, 2004), and *What Happened to the Women? Gender and Reparations for Human Rights Violations* (2006).

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RUTH RUBIO-MARÍN

International Center for Transitional Justice



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Edited by Ruth Rubio-Marín

Frontmatter

[More information](#)

Contents

<i>Acknowledgments</i>	page vii
<i>Contributors</i>	ix
<i>Photo Credits: “Gender, Memorialization, and Symbolic Reparations,” in The Gender of Reparations</i>	xiv
<i>International Center for Transitional Justice (ICTJ)</i>	xv
Introduction: A Gender and Reparations Taxonomy <i>Ruth Rubio-Marín</i>	1
1 Gender and Violence in Focus: A Background for Gender Justice in Reparations <i>Margaret Urban Walker</i>	18
2 The Gender of Reparations in Transitional Societies <i>Ruth Rubio-Marín</i>	63
3 Reparation of Sexual and Reproductive Violence: Moving from Codification to Implementation <i>Colleen Duggan and Ruth Jacobson</i>	121
4 Reparations as a Means for Recognizing and Addressing Crimes and Grave Rights Violations against Girls and Boys during Situations of Armed Conflict and under Authoritarian and Dictatorial Regimes <i>Dyan Mazurana and Khristopher Carlson</i>	162
5 Repairing Family Members: Gross Human Rights Violations and Communities of Harm <i>Ruth Rubio-Marín, Clara Sandoval, and Catalina Díaz</i>	215

Cambridge University Press

978-0-521-51792-8 - The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations

Edited by Ruth Rubio-Marín

Frontmatter

[More information](#)

vi

Contents

6	Tort Theory, Microfinance, and Gender Equality Convergent in Pecuniary Reparations	291
	<i>Anita Bernstein</i>	
7	Gender, Memorialization, and Symbolic Reparations	324
	<i>Brandon Hamber and Ingrid Palmary</i>	
8	Gender and Collective Reparations in the Aftermath of Conflict and Political Repression	381
	<i>Ruth Rubio-Marín</i>	
	<i>Index</i>	403

Cambridge University Press

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Edited by Ruth Rubio-Marin

Frontmatter

[More information](#)

Acknowledgments

This project has been a longer venture than expected, and I have incurred many debts in the time it has consumed. First and foremost, I want to express my immense gratitude to the International Center for Transitional Justice (ICTJ) for hosting the project and lending it unconditional support. The institution is in general an incredibly stimulating place, with extremely able and hard-working professionals. The research unit, committed as it is to research that combines both normative and empirical inquiries, is a wonderfully stimulating setting for those of us coming from the academic world but aspiring to make a concrete contribution to some of the most urgent themes on the contemporary international agenda. Special thanks go to Juan Méndez and Paul van Zyl, president and vice-president of ICTJ, for their support and trust. My greatest thanks go to Pablo de Greiff, director of the research unit, for the time he has devoted to supervise the project and carefully read and discuss each of the chapters, always providing useful insight yet always allowing for autonomous decision making and judgment. Also within the research unit, I would like to express my gratitude to Roger Duthie, who has provided invaluable assistance, meticulously editing all of the chapters. The help of Lizzie Goodfriend and Debbie Sharnak with the organization of the meetings to discuss the work in progress as well as with the administration of the project deserves special recognition. Finally, I would like to thank ICTJ's Colombia team, and in particular Catalina Díaz and Andrea Bolaños for their help in organizing a conference in Bogotá to explore the findings of the research.

The Gender of Reparations is a book that explores a subject that had never before received specific and in-depth scholarly attention. Two elements have made it possible. First, the courage of the authors who decided to venture into this new domain, many of whom confessed to being challenged and motivated by the opportunity to explore new ground and by the wide set of expertise that writing each of these chapters required. Thanks to all of them for their

Cambridge University Press

978-0-521-51792-8 - The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations

Edited by Ruth Rubio-Marín

Frontmatter

[More information](#)

viii

Acknowledgments

courage and their patience throughout the endless rounds of revisions that this process of reciprocal learning and ongoing discussions has entailed. The book was also facilitated by the empirical research provided in a previous volume (*What Happened to the Women? Gender and Reparations for Human Rights Violations*, Ruth Rubio-Marín, ed. [New York: Social Science Research Council, 2006]). My gratitude to the authors who participated in it and to the many victims and civil society organizations for the interviews and the data provided for the elaboration of the country studies.

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I would like to dedicate my share of the contribution to this book to my husband, Pablo, for all the personal and professional support he has lent me during the years this project has lasted, including during some especially rough times. I owe my opening to the transitional justice field to him and will never be able to thank him enough for the personal enrichment that this expansion has brought about.

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Frontmatter

[More information](#)

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Frontmatter

[More information](#)

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Frontmatter

[More information](#)

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Ruth Jacobson has worked on issues of conflict since the 1980s. From 1983 to 1986, she lived in the town of Lichinga, Mozambique, while working for the Ministry of Education. During this period, she worked principally with the state women's organization, the Organizacao das Mulheres Mocambicanos (OMM). Jacobson campaigned in the UK and Europe about the impact of apartheid on the Southern African region. She completed a Masters degree in Gender and Development at the Institute of Development Studies and pursued a PhD at the Department of Peace Studies at Bradford University, where her topic was the conceptualization and operationalization of women's citizenship in Southern Africa. In 1994, Jacobson carried out a gender audit of the postwar elections in Mozambique. After completing her PhD in 1996, she stayed on at the Department of Peace Studies as a Lecturer. She continued to teach, research, and write on war in Southern Africa but also started looking at conflicts closer to home, in Northern Ireland. She contributed a chapter on this topic to the volume she coedited with Susie Jacobs and Jen Marchbank in 2000, *States of Conflict: Gender, Violence and Resistance*. She left full-time academic work in 2002 but remains an Honorary Visiting Research Fellow at the Department of Peace Studies. She has continued to make field trips to "post-conflict" Mozambique, including interviewing former female combatants and evaluating the gender aspects of civilian weapons collections programs. In 2007, she carried out an evaluation of women's peacebuilding organizations in the South Caucasus.

Cambridge University Press

978-0-521-51792-8 - The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations

Edited by Ruth Rubio-Marín

Frontmatter

[More information](#)

xii

Contributors

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978-0-521-51792-8 - The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations

Edited by Ruth Rubio-Marin

Frontmatter

[More information](#)

Contributors

xiii

years, managing a research project on Gender and Reparations in societies undergoing transition to democracy and advising Morocco's Instance d'Équité et Réconciliation.

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Frontmatter

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Vietnam War Women’s Memorial, Washington, DC

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Edited by Ruth Rubio-Marin

Frontmatter

[More information](#)

International Center for Transitional Justice (ICTJ)

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remains unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The field of transitional justice is varied and covers a range of disciplines, including law, public policy, forensics, economics, history, psychology, and the arts. The ICTJ works to develop a rich understanding of the field as a whole and to identify issues that merit more in-depth research and analysis. Collaborating with colleagues in transitional societies and often commissioning outside studies, the Center targets its research to address the complex issues confronting policymakers and activists. Identifying and addressing the most important gaps in scholarship, it provides the benefit of comparative analysis to its staff and to practitioners worldwide.