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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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CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi

Cambridge University Press
32 Avenue of the Americas, New York, NY 10013-2473, USA
www.cambridge.org
Information on this title: www.cambridge.org/9780521517928

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Chapter 8, “Gender and Collective Reparations, in the Aftermath of Conflict and
Political Repression,” was first published in *The Politics of Reconciliation in
Multicultural Societies*, Will Kymlicka and Bashir Bashir eds. (Oxford: Oxford
University Press, 2008). It is reprinted with the kind permission of Oxford University
Press.

First published 2009

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication data

The gender of reparations : unsettling sexual hierarchies while redressing human rights
violations / edited by Ruth Rubio-Marín.

p. cm.
Includes bibliographical references and index.
ISBN 978-0-521-51792-8 (hardback)
1. Crimes against humanity. 2. Reparation (Criminal justice) 3. Women – Crimes
against. 4. Feminist jurisprudence. I. Rubio-Marín, Ruth. II. Title.
K5301.G46 2009
341.6'6–dc22 2009012408

ISBN 978-0-521-51792-8 hardback

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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

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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.

This project was supported by a grant from the International Development Research Centre (IDRC). Within it, I would like to thank Colleen Duggan for her great support and her enthusiastic engagement with the project.

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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and participatory field research and ICTJ's contribution to legislative and policy initiatives at the national and local levels, aiming at guaranteeing victims' rights. She has been involved also as a researcher with the comparative research project "Transitional Justice from Below" at Queens University Belfast. Her work "Challenging Impunity from Below: The Contested Ownership of Transitional Justice in Colombia" was published in the edited book *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Kieran McEvoy and Lorna McGregor, eds. [Oxford, UK: Hart Publishing, 2008]). At the Colombian Commission of Jurists (CCJ) in Bogotá, she led legislative advocacy efforts in connection with victims' rights and civil liberties issues in antiterrorism legislation. For the CCJ, she also conducted a consultative process for Colombian human rights NGOs on human rights conditions tied to US military aid and advised rural Afro-Colombian communities on humanitarian law matters. She has also worked as a law clerk at the Constitutional Court of Colombia. Since August 2007 she has taught legal theory at the Rosario University in Bogotá.

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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.

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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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Margaret Urban Walker is Lincoln Professor of Ethics in the Philosophy Department at Arizona State University. Professor Walker's research and teaching fields include Anglo-American moral and political theory, feminist ethics, and restorative justice and reparations. Her latest book is *Moral Repair: Reconstructing Moral Relations after Wrongdoing* (New York: Cambridge University Press, 2006), which examines the ethics and moral psychology of responding to wrongdoing in ways that restore trust and hope, the basis of moral relations. Her current research explores the logic of reparations and the moral and political dimensions of truth-telling. Walker received her PhD in philosophy from Northwestern University in 1975 and was on the faculty of Fordham University from 1974 to 2002. She was named to the Cardinal Mercier Chair in Philosophy at the Catholic University of Leuven in 2001, was a Laurance S. Rockefeller Visiting Fellow at Princeton University's Center for Human Values in 2003, and received Arizona State University's Award for Defining Edge Research in the Humanities in 2007.

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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.