

GENDER IMPACT OF POST-CONFLICT REPARATIONS: HISTORICAL, PHILOSOFICAL AND LEGAL PERSPECTIVES

Turin, 6 May 2025



Call for papers

Over the last decades the gender impact of armed conflicts has gained more and more attention in the international fora. It is well known that both international and non-international armed conflicts disproportionately affect women and girls, who often suffer the consequences of armed conflicts due to the role traditionally associated to them. Still, stereotyped traditional gender-roles concerns men as well. This is especially true in armed conflicts, where men are typically associated to 'combatants' or 'fighters', underestimating their possible vulnerability during the conduct of hostilities and the peace-building processes. An explanatory example is represented by gender-based crimes, a common feature in contemporary armed conflicts. These crimes, commonly used as a tactic or strategy of war, affect in different ways both men and women, producing long-term consequences for individuals and societies.

The concept of 'gender', in a broader understanding, must be considered in the active phases of armed conflicts, as well as in the post-conflict and in the reconstruction phases. The cornerstone of the international awareness on the importance of a gender-perspective in conflict and post-conflict contexts is represented by the 1325 UN Security Council Resolution on Women, Peace and Security. In this ground-breaking resolution, the focus moved from the role of women as 'victims' to 'active actors', recognising their role as combatants, activists, humanitarian workers, as well as actors of change in the reconstruction phases. This shift urges to adopt a gender perspective in the decision-making, in the reconstruction, as well as in the conflict resolution processes.

One of the most important aspects of the reconstruction process at the end of an armed conflicts is represented by reparations.

From a philosophical perspective, several theoretical bases justify reparations, where the most common are justice, recognition, and reconciliation. Justice traditionally considered in both its corrective and distributive declination, whilst recently it has been increasingly expressed in terms of transformative justice. Instead, recognition refers mainly to the moral sphere and its expressive meaning of moral (and ethical) acknowledgement. While reconciliation highlights

relational aspects between the main war-actors: Victims, States, society, and responsible actors. Nevertheless, these traditional theoretical approaches may be criticised on the bases of its normative feature, which can be considered excessively utopian or conceptual for their beneficial application.

Historically, reparations have been practiced for thousands of years across various cultures and societies to negotiate peace and settle grievances. Over time, the understanding and use of reparations have evolved significantly. In the 20th century, the intellectual concept of the duty to repair appears continuous, but the practical implementation of reparations has varied. Each period's approach to reparations was influenced more by contemporary financial governance tools than by previous practices. Consequently, reparations settlements after each major conflict were shaped by the financial mechanisms available at the time, rather than by a direct evolution of reparations principles.

In particular, after World War II, shifting dynamics became apparent. Initially characterized by victor's justice, reparations evolved towards mediated peace settlements between states, and finally, became part of efforts by the wrongdoer state to address past wrongs against victim groups and injured states. Nowadays, the right to reparation is well established under the normative framework of international law. From a State-centric approach to a more individual-centric one, the role of reparations has followed the increasing importance of the individual as a rights-holder under international law.

While the gender impact of conflicts and the meaning of reparations have been already considered under many scientific perspectives, the analysis of the gender impact of reparations appears to be still embryonal and deserve to be improved. Indeed, the Conference aims at collecting scholars with different backgrounds and research interests to discuss on this issue in order to assure a critical and interdisciplinary approach.

Abstracts (max 600 words) should be sent to: genderimpact.pcr@gmail.com by 10 January 2025

The selection will be completed by 31 January 2025.

Designated authors will be required to submit a draft of the paper by 15 April 2025.

The Conference will be held on 6 May 2025 in Turin.

Applicants are welcome to submit proposals related (but not limited) to:

History and legal history

Proposals could delve into the concept of gender; within the context of armed conflicts, spanning both active conflict phases and subsequent post-conflict and reconstruction periods, approached through a legal-historical lens. This involves examining the evolution of the normative framework over time and analysing pivotal examples that illustrate how gender influences the roles of individuals during wartime. Additionally, exploring the evolution of responses aimed at addressing the need to recover from the sufferings and consequences of armed conflicts during post-war periods would be beneficial. In particular, the issue of the restitution of cultural objects could offer an intriguing perspective on post-war periods in the 20th century.

Philosophy

Proposals could explore the concept of "gender" also through a philosophical lens, examining how gender identity and gender expression shape human experience during armed conflicts and reconstruction periods. In this context, an intersectional approach offers a compelling avenue for analysis focused on post-war reparations. Indeed, the post-war experiences of the

20th century provide numerous examples that can inform a philosophical and legal investigation into reparations in relation to gender. Nonetheless, reparations find their justification both in corrective justice (returning all that is lost), and in moral notions of recovery, as well as engendering civic trust and social cohesion. A philosophical evaluation and discussion of these concepts would be effective in elucidating the reasons and methods behind the intersection of post-conflict reparations and gender (identity and expression). Additionally, an interesting line of inquiry could delve into the condition of non-binary gender expression during armed conflicts and reconstruction periods. Finally, the experiences of gender non-conforming individuals in post-war scenarios could also be considered.

International law

Among the various possible topics, proposals could consider how the awareness of the meaning of gender sensitive reparations has emerged under international law, addressing the contribution (and possible shortcomings) of the International Criminal Tribunal case-law and the concepts of 'transformation' and 'transitional justice', as means to provide a response to the violations of international human rights and international humanitarian law. While gender-sensitive reparation to sexual crimes remain a keen element under international law, special attention could also be devoted to analysing response e reparation to gendered harms of a non-sexual nature (such as forced labour, loss of housing, forced displacement and violations of economic, social and cultural rights), which have been largely ignored under international law.

Comparative Law

The need for reparation for damage suffered in the context of conflicts, whether internal or international, also affects the law of individual States, with different modalities and results in different legal traditions. From this point of view, a comparative analysis could be of particular interest, considering, among other things, the nature of the rights whose violation is recognised by domestic law as deserving reparation; the instruments of reparation provided for by legislation and their effectiveness in case law; the possible involvement of citizens and the intertwining of public and private interests in claims for the restitution of cultural property.

Scientific Committee

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