

victim reparations in transitional justice: repairing the impossible?

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Stephan Parmentier

Professor of Criminology and Human Rights, KU Leuven



Abstract

The last two decades have witnessed the rapid expansion of the international legal framework on the reparations to victims of serious human rights violations and international crimes. Several legal instruments have been developed at the global and regional levels, and courts and tribunals are issuing judgments and decisions on reparations to victims. According to the most revered legal instrument, the Basic Principles and Guidelines on Remedy and Reparation (2005), the latter consists of five types: restitution, compensation, rehabilitation, satisfaction, as well as guarantees of non-repetition. Each of these is intended to repair the total or partial harm suffered during and after violent conflicts and policies. Victim reparations constitute a major pillar of transitional justice, which focuses on the various strategies and mechanisms to address large-scale human rights violations committed in the past.

However, the emergence of regulations and practices about victim reparations also raises fundamental issues that go to the heart of transitional justice and societal transformation. One set relates to the implementation of reparations for victims in the context of political unrest, scarce resources and cultural differences. Another set of issues calls into question the possibilities to repair past crimes and violations, and thus undo the harm. Both types of aspects will be discussed and current debates highlighted.

About the speaker

Stephan Parmentier studied law, political science and sociology at the Universities of Ghent and Leuven (Belgium) and sociology and conflict resolution at the Humphrey Institute for Public Affairs, University of Minnesota-Twin Cities (USA). He currently teaches sociology of crime, law, and human rights at the Faculty of Law and Criminology of the University of Leuven, and coordinates the Research Line on Human Rights and Transitional Justice at the Leuven Institute of Criminology. He also serves as a Member of the university-wide Ethical Commission on Dual Use, Military Use & Misuse of Research. He previously served as Vice Dean for International Relations at the Faculty of Law and Criminology, Chairperson of the Interfaculty Council for Global Development at KU Leuven, Coordinator of international relations in criminology, Chairperson of the Department of Criminal Law and Criminology, and Academic Secretary of the Faculty of Law and Criminology.