

Beyond sexual violence in transitional justice: Political insecurity as a gendered harm

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Abstract

The growing literature on gender in armed conflict, as well as the debates over post- conflict reparations for women focuses on the prevalence and harms of sexual violence. While this focus has recently been critiqued, there are few articulations of other types of gendered injuries. This article decentres the emphasis on sexual violence by examining the intersection between forced displacement and political insecurity. Based on extensive field research in Colombia, and using as an example a case study of an internally displaced women's grassroots organization in Cartagena, Colombia, this article examines political insecurity as a specifically gendered harm. It reflects on the concrete circumstances of insecurity, on the relevance of traditional gender roles in the constitution of insecurity, and on the challenges for court-ordered remedies. This widening of the scope of attention also invites complex reflection on the possibility of transformative reparations in post-conflict situations.

Keywords

Colombia, Colombian Constitutional Court, gender and transitional justice, insecurity, internal displacement, reparations.

Introduction

Transitional justice has emerged as a body of customary international law and normative standards, and is now based on a “fairly settled consensus” that there can be no lasting peace without some kind of accounting (Nagy 2008). While transitional justice historically was retributive and focused on giving force to civil and political rights, in addition to the trial court model and the reconciliation model (Teitel 2003), transitional justice today also comprises of a broad range of restitution and reparation measures. At the same time, transitional justice is on its way “to becoming a core component of liberal international peace-building” (Sharp 2013:151) and transitional justice is an important part of the United Nations rule of law framework for post-conflict societies (i.e. United Nations (2011: par. 18). According to the United Nations’ Special Rapporteur Pablo de Greiff, the purpose of reparations is to enhance civic trust among citizens and between citizens and political actors forming the basis for a new social contract in transitional societies, building trust in the institutions of a new state (de Greiff 2006). This trust entails dismantling at least the basic institutions that led to conflict, that is, it requires not only restoration

of lost rights but also a measure of transformation that allows for the construction of a lasting peace.

Building on feminist engagements with gender and international law (Charlesworth, Chinkin and Wright 1991; Charlesworth 1999; Charlesworth and Chinkin 2000; Otto 2009), human rights law (Cook 1993; Knop 2004; Engle 2005) and international criminal law (Copelon 2000; Oosterveld 2005) over the past decade “gender” has emerged as a subfield of transitional justice in its own right (Franke 2006; Theidon 2007; Bell and O’Rourke 2007; Buckley-Zistel and Stanley 2011; Aoláin 2012; Fineman and Zinsstag 2013; O’Rourke 2013 a and 2013b), including a sub-subfield on gender and reparations (particularly Rubio-Marin 2006 2012).¹

As the legal feminist perspective gained prominence with respect to the development of norms and institutions within the transitional justice field, and within international criminal law more broadly, it became particularly successful at ensuring that sexual violence be given adequate consideration as a crime (Vijayarasa 2013). This development engendered controversial debates concerning the alleged prioritization of sexual violence at the expense of other harms to women, whether this debate sexualizes and infantilizes women, as well as with respect to forms of victimization not captured by feminist frames of reference, such as male rape.² In her work on reparations, Rubio-Marin takes issue with what she sees as an excessive emphasis of sexual violence in transitional justice, embodying both a suggestion that sexual harm is the worst abuse that can happen to women and the entrenchment of a patriarchal ideal of female chastity. Rubio-Marin (2012) argues that the “hyper-attention” to sex now risks doing further harm to women by deviating attention from other non-sexual forms of sex-specific harms, and isolating sexual and gender based violence from broader agendas that confront the multiple gendered forms of harm and injustice.

What are these other gender specific harms? What should transitional justice focus on beyond sexual violence? How can we think of gendered harms in relation to poverty alleviation or of resource redistribution? In a seminal contribution, Bell and O’Rourke (2007) argue that securing material gains should be the primary goal of the feminist transitional justice project. The importance of material gains seems relatively uncontroversial, but the question remains to what extent the focus should be on material gains through transformation or through restoration of a pre-conflict situation. While the aspiration to re-establish the situation prior to the conflict is central to the restorative element of transitional justice, this is deeply problematic for women whose situation before displacement and dispossession was already one of exclusion, discrimination and violence.³

Hence, women’s subordinate status has important implications for transitional justice. First, rectification is part of reparation, both in the sense of building a new social contract and dismantling the conditions that led to conflict in the first place, and as a form of reparation. It also requires a more complex understanding of the harms to be repaired. Even when women are

¹ This scholarship frequently takes an ethnographic approach to the study of women’s experiences with transitional justice. A parallel line of inquiry takes a political science focus on the gendered dimensions of the transition from repressive dictatorship to liberal democracy see particularly the work of Georgina Waylen, including Waylen 1994.

² This is often framed as a debate between the Halley and MacKinnon schools of thought. For the key contributions, see MacKinnon (1994; 2013) and Halley, Janet, et al. (2006) and Halley (2008.) For an attempt at balanced refereeing, see Charlesworth 2011. Surprisingly the legal debate often seems to bracket the social science directly related to the occurrence of sexual violence in war: see Wood (2006;2012).

³ In the 2009 “Cotton Field case”, the Inter-American Court for Human Rights’ observed that reparation in a context of structural discrimination must be designed to change this situation, “so that their effect is not only of restitution, but also of rectification.” Rubio-Marin and Sandoval 2011. See generally Daly and Stubbs 2006.

suffering similar violations as men, they have a different impact on women, due to their pre-existing socio-economic and legal status, as well as the gender constructions in patriarchal societies (Rubio-Marin 2006).

In relation to this literature, we suggest that forced internal displacement raises specific questions for gender analysis of transitional justice, and opens the possibility of transcending the debate over sexual crimes. If we decentre the concern with sexual violence, how does displacement affect women differently, and how should it therefore be repaired differently? This includes considerations not only of specific harms, but considerations of a different experience of the same harms, given women's socioeconomic and legal status in the displaced communities, as well gender constructions in patriarchal societies more generally. The question of how to repair the gender specific harms of displacement is compounded by the very recent and so far limited overlap between transitional justice and displacement (Duthie 2012). In recent years, restitution has arisen to prominence as an integral response to displacement-related human rights violations (Duthie 2011), and gender analysis has increasingly been incorporated into scholarship on restitution.

How then to think about reparations for internally displaced women? The review of the literature suggests some preliminary conclusions. First, that sexual violence should not be the exclusive or principal harm that constructs gender difference, but that scholarship must also be sensitive to other gender based harms suffered by both women and men, as well as to the differential impact of the harms suffered in conflict, such as displacement. Second, that there is a need to understand the material dimension of both harms and reparations with respect to women. Third, that transformation of previous conditions of oppression is part of the aspirations of transitional justice, and not simply restoration to the previous condition (for modalities of reparations see United Nations 2006). In this article we take the position that field-based work with grassroots women in situations of armed conflict can help articulate more complex understandings of gendered harms in armed conflict, decentring the current focus on sexual violence. As an example of this approach, we argue that political insecurity is a gendered harm that needs to be better understood in the transition from a conflict to a post-conflict situation.

Starting from these theoretical observations we continue by describing the specific situation of internally displaced women in Colombia. Through this case study, we aim to offer a more complex understanding of gender based harms and reparations in relation to an issue that is little covered in the literature: the context of persistent political insecurity. We propose that the intersection of internal displacement with the problem of persistent political insecurity has an important gendered dimension as a harm, and therefore, important consequences for reparations. Our field data shows that for internally displaced women in Colombia, political insecurity brings into play the relevance of traditional gender roles that demand that women stay confined in domestic spaces and not make political claims. In order to further study these issues in the Colombian context, we will now describe internal displacement and its harms to women, as well as the efforts of Colombian laws and institutions to respond, focusing on the actions of the Constitutional Court.

Internal displacement and harms to women

The displacement of a large segment of the Colombian rural population and the accompanying loss of land has resulted in incalculable harm. Currently numbering between 4.9-5.5 million, men, women and children have been forced to flee their homes due to persistent internal armed

conflict.⁴ Displacement dramatically increases impoverishment (Ibáñez and Moya 2010). Indigenous peoples and rural Afro-Colombians are disproportionately represented among internally displaced persons (IDP). In cities, indigenous and Afro-Colombian IDPs often encounter discrimination in the labour and housing markets because of their ethnic origins. IDPs in general also suffer discrimination in access to government services such as education and health care. One reason is their suspected political affiliations: they are imagined to be guerrilla collaborators, informants for the paramilitaries, or participants in the drug trade (Sandvik and Lemaitre 2013). Moreover, few IDPs belong to any type of organisation, and levels of legal literacy about the constitutionally granted rights they possess as citizens are low (Comisión de Seguimiento 2008; Petesch & Gray 2009).

For women IDPs, these crosscutting forms of marginalisation are compounded by gender-specific vulnerabilities, such as the risk of sexual violence and of poor maternal health as well as increased risk of loss of property without compensation (Comisión de Memoria Histórica, 2010, 2011.) Displacement is also linked to women's traditional roles: women are preferred targets of sexual violence and other gender-based crimes; once widowed or alone, women are especially vulnerable to losing their land (OAS 2006). Upon their arrival to their new homes, women must rebuild their sense of self and of community, frequently in slums and poor sections of cities and towns, while tending to a dramatically impoverished household (Meertens 2010; Meertens and Zambrano 2010).

From the late 1990's, internal displacement was framed by the Colombian government, as well as by the national and international human rights community as a humanitarian crisis akin to the refugee phenomenon (Money 2005). Developed in tandem with the 1998 international *Guiding Principles on Internal Displacement*, the pioneering Law 387 of 1997 granted IDPs special rights and guarantees. Under Law 387 IDPs have the right to emergency humanitarian aid including the provision of food, emergency transport, housing, and physical and mental health care, as well as inclusion in general poverty relief programmes such as subsidised health insurance. However, in spite of the progressive legal framework; IDP were for the most part directed to already existing general poverty alleviation programs; there were no specific programs for women; and humanitarian assistance was scarce and vastly insufficient. The direness of the situation was reflected in the constantly increasing number of petitions submitted by IDPs under the constitutionally mandated direct petition procedure (*tutela*).⁵

The Colombian Constitutional court has been hailed as a trailblazer for its progressive defence of human rights (Cepeda-Espinosa 2004; Landau 2012). Responding to the mutation of internal displacement into a pervasive humanitarian crisis the Court adopted Decision T-025 in 2005, inaugurating an ongoing process of oversight of government response to the crisis in the mode of structural litigation.⁶ This oversight process has produced numerous specific follow-up

⁴ Armed conflict has waged for over 50 years and involved the government, self-identified Marxist guerrillas, right-wing paramilitary outfits and organized crime. For data on displacement see IDMC (2014).

⁵ The *tutela* action enables Colombian citizens to object to violations of their basic rights and to receive a judicial decision within ten days; while any judge can receive and decide on *tutela* cases, their final revision rests with the Constitutional Court.

⁶ Structural litigation in the Colombian legal system is undertaken when the Constitutional Court considers repeated and serious human rights violations reveal an underlying systemic problem that creates what the Court calls "an unconstitutional state of affairs." Once this state is declared, the Court orders the Government to take measures to remedy the systemic problem, and oversees effective implementation of these remedies through follow up awards based on public hearings, government report, and civil society reports.

orders (known as Autos) for government⁷ provision of humanitarian relief as well as the effective guarantee of basic social and economic rights. Over the course of the ensuing decade, through a steady number of Autos, the Court also adopted what it called ‘the differential approach’, focusing on the special needs and vulnerabilities of historically disadvantaged groups, such as women, afro-Colombians, indigenous people, disabled people and children.

In 2004, the Constitutional Court initiated a ground-breaking process of structural litigation under T-025 to respond to what it increasingly perceived as a humanitarian crisis. Declaring an “unconstitutional state of affairs” *vis-a-vis* internal displacement allowed the Court not only to give specific orders in individual cases, as it usually does, but also to order general government action and to adopt follow-up hearings and Autos until it considered the unconstitutional state of affairs had been overcome. For the growing network of IDP organizations, NGO, international humanitarian actors, and, increasingly, government officials, the Court became an admired defender of the human rights of a destitute and vulnerable group of people: the millions of IDP generated by the recent decades of internal conflict. For a decade, the Court has monitored government action on internal displacement through public hearings, inviting reports both from government institutions, NGO and humanitarian organizations, and issued a series of Autos ordering specific actions by the government (Rodríguez-Garavito and Rodríguez-Franco 2010; Rodríguez-Garavito 2011).

In 2011 a new law, the so-called Victim’s Law (Law 1448 of 2011), reframed the problem of internal displacement from a humanitarian crisis to a post-conflict situation, in what has been widely called a process of transitional justice without transition (following Saffon and Uprimny (2007)). In terms of a response to internal displacement, this reframing of the problem goes beyond humanitarian and poverty relief to encompass the rights to truth, justice, reparations and land restitution under a frame of transitional justice. After the adoption of the 2011 Victim’s Law the Court has continued to monitor government response to IDP also as a matter of truth, justice and reparations for victims of internal displacement, maintaining the differential approach that is also enshrined in the Victim’s Law.

The Victims’ Law was adopted as part of a larger transitional-justice process that began with peace with paramilitary armies in 2003-2005. That process and the peace negotiations with the FARC guerrillas instigated in 2012, have been promoted and supported by the Santos government (2010-2018), as well as by the Constitutional Court and important factions of Congress. The most important opportunity created by the Victim’s Law for IDP is the availability of compensation for past harms, paid for by the Colombian state as a matter of reparations for the harms to civilians during armed conflict. Law 1448 extended the small-scale mechanism for administrative and judicial reparations created by the previous Justice and Peace Law of 2005, transforming it into a large-scale transitional-justice process. The law requires the creation of a system to address the needs of conflict victims—not only through humanitarian aid (as mandated by past orders of the Constitutional Court) or socioeconomic stabilization (which comes largely through poverty-alleviation programs but is tagged as both humanitarian aid and reparations) but also through reparations for past harms.

Today reparations are the responsibility of a government agency specifically created for this purpose, the *Unidad de Atención y Reparación de Víctimas* (Unit for the Service to and Reparation of Victims, henceforth ‘the Victims’ Unit’). The Victim’s Law adopts the

⁷ By government we denote the executive branch at the national level, following the Spanish use of the term *el gobierno*. When we mean the executive branch at the local level we explicitly mention the municipal or provincial government.

Constitutional Court's differential approach recognizing that certain parts of the population have particular characteristics due to their age, sex, sexual orientation and disability, and require special guarantees and protections. For example, it created special protection mechanisms for female victims of sexual aggression and special regulation for female victims of land grab (see further von Au 2013). The Victim's Law has also placed victims' rights at the centre of peace talks, and created a real and tangible opportunity for reparations, as well as a framework to talk about political violence against civilians.

The Constitutional Court's progressive IDP practice faces growing challenges. This article focuses on one such challenge, as acknowledged by the Court: the insecurity of internally displaced women, understood here as politically motivated death threats, assassination attempts, arson, physical attacks and other forms of politically motivated intimidation.

In Auto 098 of 2013, the Court cited NGOs that reported IDP leaders were subject to increasingly brutal gender-based violence, including sexual violence.⁸ It also argued that the gendered nature of the violence was also evident in the ways in which oral, written and electronic forms of threats and harassment contained frequent references to appropriate gender roles. The Court also recognized specifically gendered harms arising from this increased insecurity: displaced women leaders were, through threats and harassment, subjected to confinement in their homes and communities, and on occasion forced to displace again. In addition to confinement and displacement, the Court confirmed the devastating emotional impact of threats and harassment—especially on women campaigning for land restitution—and noted that such intimidation has caused “serious and severe psychological and psychiatric effects.”⁹

The Court's remedy for the situation was to demand additional protection for IDP women leaders from the government arguing that women's gender both created a specific vulnerability (as seen in the gendered nature of the threats and harms) and demanded a specific, gender-sensitive form of protection. Therefore, in Auto 098 of 2013 the Court created an automatic “presumption of extraordinary gender risk”, giving internally displaced women and their female defenders faster access to government protection in the form of bodyguards, secure cell-phones, police surveillance and money for secure transports. The Court also more generally asked the government to adopt an effective policy to respond to the needs and specificities of damages suffered by women, and to the negative cultural patterns that this insecurity revealed. However, there has been little interest, both in the Court and in the government agencies that are in charge of producing this policy, in understanding the dynamics of political insecurity of IDP women leaders in sites of reception.

Insecurity in IDP sites of reception

While IDP seek to resettle in peaceful communities, insecurity is also a characteristic of the Colombian contexts of reception. Hence in much of the country, IDPs face multiple forms of insecurity after their displacement. A primary cause of insecurity is the persistent and well-documented presence of illegal armed actors in many municipalities. This presence of armed illegal actors can be visible, in the form of patrols, or invisible, in the form of political and

⁸ Constitutional Court of Colombia, Order 098 of 2013, pp. 17, 79, and 105. The order cites Human Rights Watch research—including of threats against displaced women leaders seeking land restitution—and concludes that the risk female IDP leaders face due to their leadership has worsened since 2009.

⁹ Ibid p 29. Translation by the authors.

economic control of municipal governments. Even if invisible however, they are willing to use force and threats to protect their political and economic interests.

In addition to the presence and control by illegal armed actors, a second cause of insecurity is state-capture by individuals linked to drug trafficking outfits, as well as by corrupt politicians and business interests (Garay 2008 López 2010, Meertens 2010). Decentralization, a principle of public administration, was adopted by the 1991 Constitution to strengthen municipal and department provision of public services, control by local constituencies and popular election of local administrative officials. However, decentralization created an opportunity for an alliance between corrupt politicians and drug trafficking outfits to control both electoral politics and fiscal resources, capturing the state at the local level for purposes of rent extraction. Corrupt politics at the local level, allied with organized crime, hinders participation, creates additional security risks, and frustrate the grassroots political efforts and public investment of resources.

A third cause of insecurity is the struggle over resources, especially resources related to the tenure of rural land (for example mining, agribusiness, tourist enclaves, etc.) While many conflicts can be traced back to struggle over land, transitional justice has engendered its own form of insecurity related to land tenure, particularly through resistance to land restitution in places that expelled IDP and which are now under the control of illegal armed groups and corrupt political and business interests (CODHES 2011, Sierra and Calle 2013.) The most visible form of insecurity is the threats and assassinations perpetrated by emerging criminal outfits that call themselves anti-restitution armies. These anti-restitution gangs follow similar strategies to the paramilitary groups, pursuing a strategy of control and intimidation of the civil population. These groups are present in areas with mining activities, large agribusiness such as banana and palm oil crops and coca plantations, as well as land and water corridors and seaports used for the traffic of illegal drugs and guns.

While these conditions affect all populations, it is also a fact that these forms of insecurity (from illegal armed actors, from state capture and from struggles over natural resources) affect community activism by IDP women in sites of reception. As documented by the Constitutional Court's Auto 098, as well as by the NGO reports cited by the Court, threats and intimidations are often gendered (for example the threat of sexual violence) and reinforce traditional gender roles that exclude women from political activity.

The complexity of the forms of insecurity challenges court-ordered remedies that focus on ordering government protection. In part, the challenge is grounded on the inability of the government to control illegal armed actors as well as state capture by criminal organizations and the use of force by private parties interested in grabbing land and other natural resources. In part it also has to do with the absence of a more subtle understanding of the gendered harms of political insecurity. The following case study provides an example of the impact of the dynamics of insecurity on displaced women leaders on the ground, furthering a complex understanding of the gendered harms that come from threats and harassment.

Case study: the Liga de Mujeres Desplazadas

The larger project from which the data for this case study was drawn was motivated by an interest in the relationship between feminist or women's organizations and the Colombian Constitutional Court, in the framework of IDP litigation. Our initial hypothesis was that local organizations capable of holding local politicians accountable were central to the implementation of the Court's progressive decisions. Our preliminary research questions focused on how the progressive, top-down orders from the Constitutional Court affected women's organizing at the municipal level

and the actual rights enjoyment among members of women's IDP organizations. Over time, we also focused on the ways in which women's IDP organizations dealt with violent contexts.

In the period between 2010 and 2013 we undertook an in-depth, multi-method study of women's IDP organizations in Colombia. With a team of graduate students we explored the importance of political mobilization and organization for the protection of the human security of internally displaced women.¹⁰ We gathered the basic data through a literature review, extensive interviews of 63 leaders of women's IDP groups, and visits to various women's IDP organizations around the country. The interviewees were recruited through government-organized human-rights or transitional-justice workshops, press reviews, contacts from the United Nations High Commissioner for Refugees (UNHCR) and the Colombian government, and leaders of other IDP groups. Our extended case studies, which included the collaborative design, implementation, and interpretation of household surveys about rights enjoyment, focused on (1) the Liga de Mujeres Desplazadas, in the department of Bolívar (henceforth "the Liga"), and (2) the Mesa de Organizaciones de Población Desplazada (Mocoa Municipal Committee of IDP Organizations, henceforth "the Mesa"), in the municipality of Mocoa, in the department of Putumayo.

This article focuses particularly on the data from our Liga case study, but it also draws on insights from the wider study, which are well exemplified by the Liga. Data collection for the Liga case study took place between May 2010 and June 2011; the wider collection of data between January 2011 and May 2013. Our decision to begin with a case study of the Liga was inspired by its visibility and success as a women's IDP organization—rare qualities in the Colombian landscape. The case study describes the development of the Liga and its activities between its creation in 1998 and July of 2011. The data include in-depth interviews with 14 Liga leaders; a collaboratively developed census of 126 member households; extensive field notes from participant observation of legal proceedings and meetings; and interviews, audio clips, and statements obtained from the Liga's three successive websites.

At the time of study, the Liga included close to 160 women, most of whom had been displaced in the early 2000s, and had migrated to the northern city of Cartagena and nearby towns. The Liga is best known for having constructed its own settlement—the Ciudad de Mujeres (City of Women)—which consists of almost 100 houses in the town of Turbaco. The organization has also successfully brought cases before the Constitutional Court and the Inter-American Human Rights System—in particular, demands for orders of protection—which have consistently been granted. Furthermore, the Liga has been highly effective at lobbying international humanitarian agencies and donors. Yet, through our research we have found that despite the Liga's successes in engaging the law, its widespread recognition and the ability to navigate national and international sources of assistance, the Liga's grassroots members are still riddled with poverty and struggling with social and political violence; both of which are affecting them in particular gendered ways.

Threats, harassment and physical attacks were not uncommon. At least part of these difficulties appeared to be linked to the more general problem of the public allocation of resources, and the public allocation of resources is not easily transformed through grassroots

¹⁰ The shorter case studies considered the alternative healing strategies used by the Casa Amazonia, in Mocoa; the legal strategies of the women lawyers' collective (Colectivo de Mujeres al Derecho or COLEMAD) in Barranquilla, on the Caribbean coast; and the feminist approaches underlying the constitution of the Women's Committee of the National Indigenous Association (CNMI), which is a branch of ONIC (Organización Nacional Indígena), the largest indigenous rights association in the country. Each of the case studies was developed over a four- to six-month period on the basis of in-depth interviews, participant observation, and reviews of press coverage and human rights reports.

activism and certainly not by Court orders in the absence of local political will. The Liga members, however, have tried.

The Liga has successfully combined legal and political activism with income generating projects for grassroots members. Generally we identified a strategy that combined legal claims made through courts; and actions to achieve political visibility before donors and international humanitarian actors; with obtaining financial support from donors for projects that directly funnelled benefits to members. The day-to-day work of these different strategies involved both the actions of supportive professionals and of grassroots leaders presenting *tutela* claims, petitioning local government, filling out surveys, recovering evidence and testimony, and filling out forms.

The peace process with the paramilitary also created a new situation of insecurity for the Liga. Previously, they had been subjected to the precarious conditions of violence in the slums as irregular armies and drug gangs attempted to control the territory and its people; for example by selective murders of prostitutes and drug dealers, by the silencing of social leaders through extensive threats posted in public spaces, by individualized threats to leaders as well as what appeared as focused thefts. They had also been the victims of numerous threats, attributed for the most part to paramilitary armies. With the demobilization of large numbers of former paramilitary soldiers, insecurity took new forms as these demobilized individuals settled in poor neighbourhoods and started controlling local business (such as motorcycle taxis and legal gambling.) The demobilized paramilitaries had close ties to drug traffickers who branched out into social and political control of small municipalities and impoverished sections of midsized cities. Paramilitary and drug gang control of local governments also meant more corruption and less money for social programs, in a new twist on the relationship between poverty and violence. Local rumours gathered during our field study insisted the municipality of Turbaco was controlled by one such drug lord. This link was especially harmful given that local governments were in charge of identifying beneficiaries for important poverty alleviation programs as well as of handing out basic humanitarian aid.

As described above, after 2004 the Constitutional Court took a particularly activist stance vis-a-vis the government's inability to provide relief for the humanitarian crisis created by massive forced displacement. The Liga took advantage of this and started filing documents with different types of evidence of government failures in all fronts. As a result Liga leaders were first included in Auto 200 of 2007, which included security measures for IDP leaders at risk, and also specifically mentioned in the orders of Auto 092 that focused on security. As part of this decision the Court ordered a detailed appraisal of Liga risk, which the government did in fact undertake in September 2007, granting special measures, including the transport subsidy, to 15 Liga members.

These security measures were generally perceived by the women as ineffective, but our observation was they were welcomed as compensation for the risks they ran, given the general perception of the government as complicit in these risks. It was – and is – understood as a monetary compensation, alleviating the costs of transport and cell phones, but not as a form of effective or even symbolic protection. In so far as all the Liga women we interviewed who mentioned security implied the local Police and Armed Forces were complicit in threats, murders and disappearances, it made no sense to have them be their assigned bodyguards and drivers, or to give women cell-phones so they could call the Police if they felt threatened. Hence the cars and cell-phones were appreciated as resources rather than as protection, and when protection was lifted on the argument that risk had diminished, the women protested.

Towards the end of 2009, with the intensification of threats from the Aguilas Negras (the paramilitary group “the Black Eagles”), the Liga went to the Inter-American system where it

sought and obtained precautionary measures for 13 members of the Liga; these were expanded again in mid-2010. In March 2011 they were extended to cover all the Liga's members. In April 2011 the Cartagena Monitoring Committee for Auto 092 (including the Liga) received a written threat from the Ejército Revolucionario Popular Anticomunista (ERPAC) in which the women advocating for the implementation of Award 092 were declared military targets and threatened with anal rape. The threat seemed in line with the generalized perception among the women that by organizing and becoming visible they were challenging traditional gender norms, and that they had to be careful to avoid retaliation for transgression of political and gender imperatives (i.e. by not appearing to be guerrilla sympathizers, but also by not appearing to be too aggressive or manly.)

In 2010, 2011 and 2012, a series of meetings between the national government and the Liga took place, to decide on the specific content of the precautionary measures. However, no agreement could be reached. In response to the Liga's demand for "integral protection", including specific gender components such as female bodyguards and the provision of socioeconomic support through an indefinite extension of humanitarian aid (allowed by the Constitutional Court), the government refused and directed the Liga to government poverty alleviation programs and welfare schemes.

After the adoption of the Victim's Law, the Liga became one of the flagship organizations for collective reparations. As the national agency in charge of reparations, the Victim's Unit learns how to provide collective reparations, it has also been working with the Liga women on the articulation of a plan for the organization. However, insecurity still permeates the local context in a way that is difficult to link specifically to reparations for the Liga. For example in December 2012 the Liga in Turbaco had a meeting with municipal authorities to discuss the recent death threats and the shooting of a young man in a confrontation with local police. The authorities explained that insecurity, including fliers with death threats, weren't specifically aimed at the Liga. Instead the authorities claimed it was a general situation as "narcoterrorists" (sic) moved from the bordering province of Cordoba to Bolivar (the province where Cartagena and Turbaco are located.)¹¹ While meetings with authorities revolve around dramatic incidents like that of the fliers, insecurity remains a more diffuse affair as exemplified in the next section.

Insecurity in sites of reception: Ana Luz's story

Liga activists have been concerned about violence against them since the Liga's inception, but the types of violence have shifted over time. Initially organizing in some of the poorest slums in the country meant the Liga was exposed to constant violence that under the appearance of criminality, especially thefts and rapes, was rooted in political violence.¹² Social control in the slums has been the province of actors who are criminal (such as drug lords and corrupt police) as well as political (such as guerrillas, security forces, and the paramilitary death squads). Sometimes an actor can be both. For example, corrupt police forces may also be involved in exterminating suspected guerrilla collaborators, or security forces may also engage in small-time theft and extortion. Briefly, armed control of a slum involves the complex interweaving of political rationales often referring to the wider armed conflict, as well as modes of control that are more generally

¹¹ Ministry of Foreign Affairs (Cancilleria) Colombia, Ayuda memoria reunión interinstitucional Medidas Cuatelares MC 309 09, Liga de Mujeres Desplazadas, Turbaco, Bolivar, December 7 2012, on file with author.

¹² Unless otherwise noted, the information on the Liga in this section comes from our extensive fieldwork and interviews in 2010 and 2011. We published an extended case study in Spanish including our survey data: Lemaitre, Sandvik, Lopez, Mosquera and Vargas (2014).

considered criminal, such as theft, extortion and rape.

Likewise, this blurring between state armed forces and illegal armed actors often happens with cultural frames of reference that demand social control of women: for example, an unruly leader might be targeted for political reasons (i.e. suspected guerrilla collaboration) and for threatening to expose the collaboration between corrupt state officials and criminal networks, or for challenging social conventions of woman-hood. Violence might also come from spurned lovers, abusive spouses, envious neighbours, and family vendettas. The motives for violence are often veiled, since reasons for violence are rarely advertised, and since even when they are the professed motives might be false.

In this context, what the Liga women could say was that in the early years they were subjected to confusing but persistent threats and violence in the slums as irregular armies and drug gangs attempted to control the territory and its people—for example, by selective murders of prostitutes and drug dealers, by the silencing of community leaders through extensive threats posted in public spaces, by individualized threats to leaders, as well as what appeared to be focused thefts. They were also the victims of numerous threats, attributed for the most part to paramilitary armies. Some leaders were raped, a leader's husband was murdered, and a leader's teenage son was stabbed. At the same time, other Liga women reported that strange men had followed them, possibly government spies, and others reported that they were targeted by fliers threatening community activists as guerrilla collaborators.

In Turbaco, the Liga's political action began during the process of constructing *Ciudad de las Mujeres*. Upon settling in Turbaco, explains Ana Luz Ortega, "we realized that we lacked many things, schools, education, everything was a whole new place..." They started organizing locally, focused on obtaining municipal support for the neighbourhood, participating in local political process and achieving the inclusion of the women in municipal plans and activities. In their descriptions of this organizing process, the women often described it as standing up for themselves and acting in ways that defied gender norms (by being manly, or too aggressive, or by not being deferential or compliant with authorities.) They persisted, inspired by their feminist lawyer Patricia Guerrero.

The first step for the Liga's political action in Turbaco was a self-administered needs survey. Based on this survey a group of 30 women from the Liga, along with members of other grassroots organizations in Turbaco, began systematically collecting information about municipal programs and policies for IDPs, using the constitutional right of petition to ask for official reports from public officials. The initial conclusion was that despite the presence of 480 displaced families in the municipality, the funding for IDPs that the national government had allocated for distribution through municipal governments had failed to result in the creation of any new programs or distribution of resources. In January 2007, at the end of his term, the then Mayor admitted that there were IDPs in Turbaco and pledged to work hand in hand with the Liga to design an appropriate social security policy. This promise however, failed to yield any new programs.

In 2009, still undeterred, the Liga sought and received funds from the U.S. Agency for International Development (USAID) to participate as actively as possible in the development of the PIU (Plan integral universal), the planning framework for IDPs, leading to the adoption of the IDP PIU as official policy in January 2010 by the Turbaco municipal government (under Turbaco Municipal Decree 008 of 2010). Despite having become official policy, however, the PIU was never implemented. In response, the Liga's monitoring committee engaged in a fervent written exchange with municipal authorities, demanding an explanation for the failure to comply with the PIU. In the course of 2010, the Liga also presented more than 19 petitions to various

authorities, requesting information about the implementation of the PIU, without receiving any substantive responses. At the end of 2010, the Liga initiated a *tutela* against the mayor, which was dismissed by the Turbaco judge; that decision was revised by the Constitutional Court, which reiterated the municipality's duty to report on the implementation of the PIU and urged various monitoring bodies to supervise the process. This court ruling was issued during the run-up to the October 2011 local elections, at a time when the Electoral Ombudsman had designated Turbaco as being at high risk for electoral fraud.

For Ana Luz Ortega, this was when the municipal authorities began to perceive the Liga as “a pebble in their shoe,” as a group of annoying women.¹³ Women stand in a distinctly gendered position when petitioning local authorities and organizing for social change in Colombia. On the one hand, women are taking on culturally appropriate roles when their activism responds to demands for poverty alleviation, especially if it entails the protection of young children. It is for example culturally appropriate for adult women (often referred to as *las señoras* the ladies or as *las madres* the mothers) to demand sanitation, clean water, electric lights, schools and health care. On the other hand, these demands have to be presented in gender-appropriate ways, preferably in terms of polite supplication by a group of older women demurely dressed. In our larger project we found time and again demure self-presentation by grassroots women performed simultaneously with demands framed in rights-language and with extraordinary patience and persistence.

Ana Luz is an example of this generalized strength and ability among IDP women leaders. Soft spoken and small in stature, she has valiantly overcome dramatically difficult circumstances. She had been living in dismal poverty when she joined the Liga: she lived with her daughters and husband in a one room shack with no electricity, no running water and no sanitation in a sector of Cartagena known as Isla de Leon, which regularly flooded with garbage and faecal matter in the rainy season. She had arrived from the Cordoba province fleeing the war in the late nineties, and had no formal education. Ten years after her displacement, and through her persistence, she had her own house in Ciudad de las Mujeres, and was a respected community leader, working in the Liga's health care committee as part of the organization's broader efforts to demand accountability from the local government and she was willing to keep working for a better life.

The health care committee had a difficult task. In Ana Luz's words, “Victims would go to the hospital and it was like -no, we don't take displaced people here, you are this and that, and you have to bring a certified document showing you are really displaced-.” Through their own investigation, the three women in the health care committee found there were public funds earmarked for IDP health care, and that the health care facilities in Turbaco should be receiving that money, transferred through a national health management organization known as CAPRECOM. They began to send complaint letters to the national headquarters, describing the lack of attention to victims of displacement in the Turbaco health care system, which led to a meeting with the local hospital management, where management promised health care would improve. But when the three women asked for a written commitment, and a copy of the CAPRECOM financing agreement, the hospital stalled. Then they received death threats. According to Ana Luz:

¹³ Ana Luz Ortega, Bogotá, May 2, 2014. Ana Luz spoke at length about her experience as a leader in a workshop in Universidad de los Andes, Bogotá where leaders read first drafts of the case studies we had written about the different organizations, and commented on them. She considered this story was missing from our understanding of what it was like to be a victim of forced displacement.

“one day one of my *compañeras*, an older woman, was told -tell them [the Liga women, in the feminine] not to look for anything, tell them if they keep looking they will uncover a rotten pot and they will stay here forever [implying death].” Just like that, so she calls me crying and says Ana Luz come here girl don’t do anything else, don’t insist with that petition, they are going to kill us...”

The Liga stopped writing letters. Asked what the Liga had done next, Ana Luz responded:

“What did we do? We held back. We let go. The truth is when you see a threat like that you say, not me, I am already running away from violence, so many things that had happened to me already, my son almost got killed... So. These are the things that happen, that we the victims live every day in our own bodies. This is what it is like, to be a victim.”

For women like Ana Luz, a threat brings back the fear that led to displacement, and the certainty of danger. Her response and her perception of herself, as a woman, as a mother, as a victim, are the defining context of the situation. Threats like these often also reinforce gender stereotypes as women are told to mind their own business and stay in the domestic realm. In this sense Ana Luz’s story illustrates the political dimension of the harms of insecurity, which is the reduction of grassroots women to the domestic sphere through threats and intimidation of community leaders and the links between these threats and their roles as mothers.

Forced internal displacement and insecurity in sites of reception raise specific questions for transitional justice. Beyond the concern with sexual violence, how does armed conflict affect women differentially, and how should it therefore be repaired differently? This includes considerations not only of specific harms, but considerations of a different experience of the same harms, such as insecurity and vulnerability to violence as perceived by the women themselves in a patriarchal culture that already tells them to stay in the domestic realm.

The demand that Ana Luz refrain from “uncovering a rotten pot” extends beyond the specific circumstances of armed conflict. First, it involves an extended insecurity that oscillates between strictly military causes (the power gained by drug lords and other illegal armed actors in a context of armed conflict) and more general concerns over corruption in the aftermath of decentralization. However, the latter cannot be unmoored from the conflict: first, because the ready use of violence, and the power of the local drug lord are both directly linked to armed conflict. Second, because Ana Luz’s fearful reaction is also only understandable in the context of her own experience and knowledge of the war and of her culture, and in her own perception of danger for herself and her family. The threat and her reaction make sense only in a context of a conflict where traditional gender roles, the idea of appropriate spaces for women, and appropriate punishment for women who transgress gender roles (not only sexual violence, but also often retaliation against her children) are also constitutive of both the armed conflict and of pervasive political insecurity.

Given the constitutive relevance of gender roles for political insecurity, how can the gender specific harms it causes be repaired? This question is compounded by the very recent and so far limited overlap between transitional justice and displacement. If a transitional justice

framework, understood as the generation of a new social contract (de Greiff 2006), guaranteeing women their safety as they make public demands includes them as part of the social contract. Threats and other forms of insecurity aimed at displaced women leaders reinforce patriarchal notions that exclude women from the political action and demands in the public sphere. If exclusion from politics and leadership and reduction to the domestic in exchange for safety is a central harm of armed conflict, then guaranteeing the full inclusion of women as social and political leaders, and their safety, is a necessarily part of post-conflict reparations. In Ana Luz and the Liga's case, this would be ensuring their demands can be made safely and are welcomed as part of a thriving democracy where women's political activities and community organizing are valued and nourished.

Conclusion

Peace negotiations with the FARC guerrillas began in 2012 and are framed both by the current consensus around transitional justice as the construction of lasting peace and the centrality of victims for a transition to peace. This is bringing up new ways of facing the constitutive role of traditional gender roles in war and its harms. If civic trust is to be built among all citizens, women's experience of exclusion from the political through force and intimidation must be included in the narratives of armed conflict, political insecurity and the aftermath of war. As courts attempt to grapple with the possibility of transformative reparations, we reflect on the implications of the Colombian Constitutional Court's orders for the protection of IDP women leaders. If court orders are to be an effective remedy, they must be rethought in response to a better knowledge of political insecurity. First, remedies that order protection and investigation of past crimes need to tackle the bureaucratic resistance at the local and regional level by a state bureaucracy captured by local, often armed, interests. Second, court remedies need to be rethought in terms of the gendered specificity of the harms of persistent insecurity, in particular the exclusion of women from public leadership as a lasting consequence of armed conflict. While this article does not provide specific solutions, we want to suggest that the presumption of extraordinary risk created by the Constitutional Court, with its fast track to government protection, is vastly insufficient and does not fully address the source of the insecurity or the nature of the harm.

Political insecurity is complex and extends beyond conflict between the state and the guerrillas, and yet the guarantee of security of political activity is a central component of a transition to peace. Arguably, political insecurity will persist as long as there is no effective challenge to the subnational hold of illegal armed actors emerging in the aftermath of war. The insecurity fostered by these actors is gendered, enforcing cultural mandates to confine women to the domestic space. In a transition to the end of armed conflict guerrillas can stop being both a threat for community organizing, and a justification for state repression. However the complete dismantling of gendered political insecurity will remain a challenge for transitional justice. A just transition to peace for women would require first, the dismantling of the capacity of private powers (at least of organized crime and business interests) to use violence to achieve their economic goals, and it will also require a vigorous promotion of women's political participation at the grassroots level.

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