



# INCLUSIVE JUSTICE

How Women Shape Transitional  
Justice in Tunisia and Colombia

#### **Authors**

Roslyn Warren, Anna Applebaum, Briana Mawby, Holly Fuhrman, Rebecca Turkington, and Mayesha Alam

#### **Expert Advisers**

Ambassador Melanne Vermeer

Dr. Jeni Klugman

#### **Acknowledgements**

The Georgetown Institute for Women, Peace and Security (GIWPS) is deeply grateful to the Norwegian Ministry of Foreign Affairs for making this study possible, and, in particular, to Marita Sørheim-Rensvik, whose personal dedication to this mission is indefatigable. In addition, the authors of this report would like to thank the following individuals and organizations for their advice and support: Bernard W. Aronson (the US Special Envoy to the Colombian Peace Process), Alma Perez, Amel Bouchamaoui, Djordje Todorovic, Javier Pinzón, Rosa Jiménez Ahumada, Sami Rhili, and Tahar Hamel.

We are a small but mighty team. This report would not have been possible without the support of our fellow staff members: Chloé White, Mara D'Amico, Alexander Rohlwing, Andrea Welsh, Andrew Walker, Annabelle Timsit, Haydn Welch, Luis Mancilla, and Sarah Rutherford. We would also like to express our profound gratitude to Fionnuala Ní Aoláin, Catherine O'Rourke, Gimena Sánchez-Garzoli, Lucia Hanmer, Sahla Aroussi, and Virginia Bouvier for serving as external reviewers of this report.

#### **Design and Layout**

Upwelling Ltd.

Cover top photo: © Chedly Ben Ibrahim / Corbis via Getty Images; Cover bottom photo: © Guillermo Legaria / AFP / Getty Images

# INCLUSIVE JUSTICE

How Women Shape Transitional  
Justice in Tunisia and Colombia

# TABLE OF CONTENTS

Foreword by Ambassador Melanne Verwee .....	i
List of Tables.....	ii
List of Acronyms .....	iii
Executive Summary .....	2
Motivation and Methodology.....	4
A Review of the Literature on Women and Transitional Justice.....	7
Tunisia: Redefining Victimhood.....	12
Colombia: Creating Space for Women in Peace.....	27
Global Implications.....	45
Appendix: Methodology .....	46
Bibliography.....	55
Endnotes.....	68

# FOREWORD

by Ambassador  
Melanne Verveer

The 21<sup>st</sup> century has seen several countries make the challenging transition from conflict to peace and from dictatorship to democracy. In 2016, Colombia celebrated an historic peace agreement between its government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, or the FARC), ending a conflict that had endured for more than half a century. Seven years ago, Tunisia began its Jasmine Revolution, culminating in the most promising transition of the Arab Spring.

The success of these transitions is not assured: both nations are now working to lay the foundations for effective and responsive governance and sustainable peace. Each country has established a transitional justice process, intended to create accountability for past human rights abuses. These mechanisms, if successful, offer communities the opportunity to heal and to address the root causes that initially led to conflict.

The inclusion of women's experiences, needs, and perspectives in transitional justice processes is critical to a society's ability to achieve sustainable peace. Women experience conflict in unique ways and can provide distinct perspectives on how best to confront the realities of their country's difficult past. In order to create solutions that benefit the whole of society, women's voices must be heard.

In both Tunisia and Colombia, how transitional justice is implemented – and who is included – will have long-term consequences for the outcomes of these transitions. In both contexts, women have helped to define these mechanisms and to lay the framework for political, social, and economic change. In each, they have played substantial roles in laying a foundation for an inclusive transitional justice process and in creating a path forward for a transitioning society.

This study, made possible through the generosity of the Norwegian Ministry of Foreign Affairs, draws on extensive fieldwork in Tunisia and Colombia, to explore how women have been involved in shaping transitional justice processes, the strategies they have used, and the significance of their efforts. Its findings are grounded in the experiences and expertise of women and men in government and civil society in both countries.

By relaying these experiences, we seek to provide evidence-based research to scholars, practitioners, and policymakers, in order for them to formulate sound policies for creating inclusive and effective transitional justice mechanisms. When their voices are heard and experiences tapped, women can be powerful agents of change for creating more peaceful and just societies.



Ambassador Melanne Verveer  
Executive Director  
Georgetown Institute for  
Women, Peace and Security

# LIST OF TABLES

*Tunisia*

Tunisia’s Transitional Justice Mechanisms..... 16

Leadership of the IVD and its Sub-Commissions..... 17

Process to Establish the IVD and Women’s Gains ..... 18

*Colombia*

Government Ministries Involved with Transitional Justice..... 30

Structure of the Havana Dialogues..... 32

The Integrated System of Truth, Justice, Reparation, and Non-Repetition..... 32

The *Cumbre* and its Networks ..... 39

# LIST OF ACRONYMS<sup>i</sup>

## *General Terms*

**CSO** – Civil Society Organization  
**ICC** – International Criminal Court  
**ICTJ** – International Center for Transitional Justice  
**NGO** – Non-Governmental Organization  
**OHCHR** – Office of the United Nations High Commissioner for Human Rights  
**UN** – United Nations  
**UNDP** – United Nations Development Programme

## *Tunisia*

**AFTURD** – *Association des femmes tunisiennes pour la recherche sur le développement* | Association of Tunisian Women for Research on Development  
**ATFD** – *Association tunisienne des femmes démocrates* | Tunisian Association of Democratic Women  
**IVD** – *Instance vérité et dignité* | Truth and Dignity Commission  
**RCD** – *Rassemblement constitutionnel démocratique* | Democratic Constitutional Rally

## *Colombia*

**CMSMP** – *Corporación Mujer, Sigue Mis Pasos* | Woman, Follow My Steps  
**ELN** – *Ejército de Liberación Nacional* | National Liberation Army  
**FARC-EP/FARC** – *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* | Revolutionary Armed Forces of Colombia-People's Army  
**GSC** – *La Subcomisión de Género* | Gender Sub-Commission  
**JPL** – *Ley de Justicia y Paz de Colombia* | Justice and Peace Law of Colombia  
**LIMPAL** – *Liga Internacional de Mujeres por la Paz y la Libertad* | Women's International League of Peace and Freedom  
**PAARI** – *Plan de Atención, Asistencia y Reparación Integral a las Víctimas* | Plan for Attention, Assistance and Integral Reparations to Victims  
**PCN** – *Proceso de Comunidades Negras* | Group of Black Communities  
**SIVJNRN** – *Sistema Integral de Verdad, Justicia, Reparación y No Repetición* | Integrated System of Truth, Justice, Reparation, and Non-Repetition  
**SNARIV** – *Sistema Nacional de Atención y Reparación Integral a las Víctimas* | National System for Integral Reparations to Victims

<sup>i</sup>Acronyms are only listed in this section if they appear in the report more than once.

# EXECUTIVE SUMMARY

Most countries relapse into conflict within ten years of making peace. Building long-lasting peace requires recognizing and reconciling the deep-rooted causes of conflict and its impacts. Transitional justice can contribute to sustained peace through a set of processes and mechanisms that facilitate accountability and reconciliation after conflict or political change.

Effectively addressing past wrongs to build sustainable peace means addressing the needs of all those involved. Women and men experience conflict differently – due to gender roles and social norms – and to succeed, transitional justice processes need to account for these differences.

This study looks at **how women shape transitional justice** in Tunisia and Colombia – two very different contexts – and suggests why, and how, these cases provide valuable lessons for other nations undergoing political transition.

## Findings

Both cases establish a high standard for women's inclusion in transitional justice.

Tunisian and Colombian women participated in official capacities early in each process. Female officials and women's civil society organizations (CSOs) advocated for and gained formal recognition of specific harms that women faced under dictatorship in Tunisia and during civil war in Colombia. As a result, the definition of victimhood in Tunisia was expanded to include socio-economic harms (such as being barred from educational and employment opportunities); in Colombia, amnesty for the crime of sexual violence – prevalent in the decades-long conflict – was explicitly barred in the final peace agreement. In both cases, women's leadership spurred inclusive mechanisms through which female victims could participate more fully in the process, and in greater numbers.

Inclusive mechanisms can help to ensure lasting peace. The creation of specific structures, such as the Women's Commission in Tunisia and the Gender

Sub-Commission in Colombia, allowed more citizens to participate in the unfolding political transitions. This may both enable states to better address root causes of violence and confer legitimacy on their political agreements. In each case, women's active and early participation as officials and in civil society helped make innovative and inclusive mechanisms possible.

## Tunisia

Tunisia's Jasmine Revolution (2011) sparked the Arab Spring and catalyzed the only promising – albeit difficult – transition from dictatorship to democracy in the MENA region. Critical to the viability of this young democracy will be its ongoing transitional justice process, the mandate of which includes addressing human rights violations that occurred between 1955-2010, as well as during the 2011 uprising that sparked the Revolution. Women's leadership contributed to a broader understanding of the suffering faced by Tunisians during the previous regimes, although it is too early to judge what the impacts and outcomes of the highly-politicized process will be.

Three key routes led to a more inclusive process:

- **Women's leadership in official transitional justice mechanisms**, such as Tunisia's truth commission (*Instance vérité et dignité*, IVD), helped integrate gender into the work of these mechanisms, and facilitated access for women in civil society and female victims to participate more fully in the process.
- **Women's CSOs facilitated an open and accessible process**, which resulted in a fivefold increase between 2014 and 2016 in the number of women who submitted testimony about their experiences.
- The stories of female victims – combined with the work of female officials and women's CSOs – led to **a broader understanding of what it means to be a victim of the previous regimes**, making Tunisia's transitional justice process the first to formally recognize socio-economic harms as a violation.



State recognition of socio-economic violations not only formally acknowledges a diverse set of harms as potentially worthy of redress, but also broadens the narrative, so that women are not seen simply as victims of sexual violence. This recognition enables the Tunisian government to more fully address structural inequities, such as institutionalized economic disparities and political discrimination, that characterized the preceding dictatorships.

### *Colombia*

In 2016, the Havana peace process ended over fifty years of civil war between the Colombian government and the FARC, the country's largest guerilla group. The sustainability of this peace depends in part on an inclusive transitional justice process that fairly addresses the sources of decades of violence. Women laid the groundwork for inclusion in advance of the peace talks in Havana, yielding significant gains for women in the final accords.

There were three critical achievements:

- **Before the peace negotiations, ministries with transitional justice mandates**, such as the Victims Unit and the Ministry of Justice, **began implementing gender policies**, adapting the earlier work of Colombian women's CSOs.
- **During the peace negotiations, new commissions and rules** – specifically, the innovative Gender Sub-Commission (GSC) and the de facto gender quota for the victims' delegations – **yielded concrete gains for women in the final accords**. Women on the GSC had the authority to review draft protocols before finalization and helped create a shared objective – to analyze the accords through a gender lens – between the negotiating parties.
- **The negotiations resulted in the first peace agreement to explicitly prohibit amnesty for crimes of sexual violence during conflict**, setting a valuable precedent for future peace negotiations.

The case of Colombia sets a high benchmark for women's participation and gender-responsive mechanisms. In addition to setting a precedent, the sexual violence provision reveals the potential to leverage international legal standards, such as those in the Rome Statute, to shape negotiated agreements. Finally, the Colombian case shows how the architecture of the peace process, and specifically the involvement of women and gender issues therein, can inform the transitional justice process that follows.

### *Remaining Challenges and Looking Ahead*

Significant challenges remain. The highly politicized nature of the Tunisian process is a serious impediment to its success. The use of sexual violence during the previous Tunisian regimes – the prevalence of which is being unearthed by the transitional justice process – remains largely unaddressed. Additional barriers will undoubtedly emerge as Tunisia's truth commission sorts through the tens of thousands of testimonies it received and proceeds with reparations and prosecutions.

Colombia also faces several hurdles: the continued marginalization of Afro-Colombian and indigenous women; the potential for additional public backlash against an agreement that many feel offers inadequate punishment for the FARC (a sentiment that was partially responsible for the 2016 referendum results); and the challenge of implementing a comprehensive and far-reaching peace agreement.

In sum, the cases of Tunisia and Colombia show how women's strategies, the responsiveness and support of the authorities, and the associated achievements offer important lessons for building inclusive transitional justice around the world.

# MOTIVATION AND METHODOLOGY

## MOTIVATION

For a state undergoing political transition, transitional justice can be a key tool through which society addresses the past and charts its future. This report explores the gains from and implications of two such processes currently unfolding in Tunisia and Colombia. By providing a real-time analysis, this report offers context-specific lessons that can be used by those involved in the Tunisian and Colombian processes, while also clarifying global implications that can be used by policymakers or practitioners involved in designing and implementing transitional justice processes worldwide.

Tunisia and Colombia differ politically and geographically, but share contextual and thematic synergies: as each moves away from structural and political violence, the role of transitional justice has become critical in shaping the societies that will emerge from the transition. As the birthplace of the Arab Spring and as a burgeoning democracy, Tunisia intends to address decades of systematic discrimination perpetrated by the state. Colombia, ending more than half a century of conflict between the Colombian government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, or the FARC), promises to address victims' needs under the final peace accords concluded in Havana. In each case, the unfolding transitional justice process will likely play a key role in the durability of the political transition underway.

In both, women have been, and continue to be, central to the ongoing transitional justice processes. This report highlights the gains women have made, the strategies they have employed, and the significance of these efforts. By articulating the practical gains and enduring challenges to building inclusive transitional justice systems, this report details not only how women shaped the transitional justice processes in Tunisia and Colombia but also why their efforts matter.

## METHODOLOGY<sup>ii</sup>

The study aims to answer the following question: *How are women shaping transitional justice in Tunisia and Colombia?* To answer this question, the authors organized their work using four distinct processes:

- an in-depth literature review;
- a systematic identification of participants;
- data collection via semi-structured interviews conducted in Tunisia and Colombia; and
- grounded coding and thematic analysis of the data collected from those interviews.

The authors began by establishing the scope of the study. Both Tunisia and Colombia have long histories of addressing violence through judicial proceedings, and each country has designed and implemented various transitional justice processes at different stages in their respective histories; Colombia, in particular, has instituted several transitional justice programs to address violent conflicts waged over decades with multiple armed groups. As a result, in order to achieve a focused and productive analysis, the research team limited the temporal scope of this study to the most recent transitional justice process for each country reviewed. In the Tunisia case, the authors analyzed events and processes from 2011 until 2016, including all transitional justice related decisions made following the Jasmine Revolution, with a particular focus on the formation and activities of the Truth and Dignity Commission (*Instance vérité et dignité* or IVD). In the Colombia case, the authors examined the transitional justice mechanisms created under the Havana peace negotiations between the Colombian government and the FARC, as well as existing transitional justice provisions from the 2011 Victims and Land Restitution Law (*Ley de Víctimas y Restitución de Tierras*, or Victims Law). Negotiations between the government and the National Liberation Army (*Ejército de Liberación Nacional*, or ELN) are not included, due to time and resource constraints.

<sup>ii</sup> Further detail relating to the research methodology can be found in the Appendix. The Appendix includes: the English, French, and Spanish Boolean search terms and databases used to conduct the literature review; the search terms and source material used to identify interview participants; the full list of interviewees for each case study as well as all relevant interview protocols and questionnaires; and the sub-set of research questions used to conduct the grounded coding and thematic analysis from the primary data collected.

### *Literature Review*

To place the study in the context of existing literature on women and transitional justice, the authors conducted a systematic review of literature on the subject, then critically reviewed 146 pieces of literature selected from that process. First, the authors created Boolean search terms to capture relevant literature across 13 databases. From the thousands of results derived from these searches, the authors selected 146 journal articles, books, and governmental and non-governmental (NGO) reports, using inclusion and exclusion criteria based on relevance, methodological rigor, and the overall caliber of analysis. Of the 146 pieces of literature captured, only 10 focused expressly on Tunisia and 33 centered on Colombia. The authors then analyzed these 146 sources according to each study's methodology, conceptualization of justice and participation, barriers identified in achieving justice and participation, subject matter studied (such as the women on whom the analysis focused), and best practices or lessons identified. Primary and secondary resources were published predominantly in English, but Boolean search terms were also translated into French and Spanish, depending on the case study under review, in order to capture and analyze additional texts published. Database searches were not conducted in Arabic due to language and resource limitations, although the research team conducted a limited document analysis of Arabic materials gathered in-country.

### *Identifying Participants*

To identify participants for this study, the authors created a separate set of search terms to comb through international, Tunisian, and Colombian news sources as well as international think tank and NGO reports. Searches were conducted in English, French, and Spanish. Out of the resulting articles and reports, the research team drew the names of key players in civil society, government, and international organizations. These names were then vetted for relevance to the study. To fill any potential gaps in this mapping process, the authors also consulted subject matter experts for each case, added suggested names to the participant mapping, then vetted those additional names accordingly.

### *Semi-Structured Interviews with Key Informants*

In Tunisia and Colombia, the authors conducted semi-structured interviews with members of civil society, government officials, and representatives of international organizations who had been directly involved in the transitional justice processes during the temporal scope of each case study, with the research team conducting a total of 28 interviews in Tunisia and 36 in Colombia. In each case, the research team worked with interpreters, conducting interviews in English, Spanish, French, or Arabic, depending on the linguistic preferences of each interviewee. In each case, the research team conducted the bulk of interviews in major cities (Tunis, Bogotá, and Cartagena) over a span of two weeks. To reach participants in other areas, the research team conducted interviews by phone and by Skype, where appropriate. In Colombia, the research team was unable to speak directly to members of the FARC, due to a combination of factors: the data was collected while peace negotiations were ongoing, the FARC remains classified as a Foreign Terrorist Organization by the United States Department of State, and the team was unable to gain access to FARC members through the relevant government channels.

Wary of imposing pre-conceived notions of “transitional justice” onto the unfolding processes, the authors constructed open-ended research questions concerning transitional justice in general, rather than narrow questions concerning specific institutions. This strategy enabled study participants to define transitional justice as a concept and focus on the mechanisms important to them, based on their personal experiences and their country context. Throughout, the interviews focused on how women accessed transitional justice mechanisms and implementation processes, how they participated in those processes after obtaining access, the issues for which they advocated, and the networks and connections they found useful. Recognizing that women of different backgrounds have varied perspectives, the authors made an effort in both countries to interview women from diverse social, ethnic, and political groups.

---

### *Coding and Thematic Analysis*

The authors employed a grounded coding methodology to analyze the data collected, drawing codes directly from the interview transcripts and identifying themes that emerged across the transcripts for each case. The authors then used themes identified to answer the sub-set of research questions for the study. To reduce coding bias, three members of the research team coded the transcripts for each case study: two who had collected the data in-country, and one who had not. The themes derived from this process form the outline of the results detailed in this report.

Real-time data analysis presents obvious challenges, since the circumstances are dynamic: in Tunisia, the research team conducted its fieldwork in May 2016, just before the IVD testimony submission deadline; in Colombia, the research team collected the data in June 2016, prior to the finalization of the peace accord and the national referendum in which it was voted down. However, the authors mitigated these limitations by making the case studies process-oriented, focusing the analysis on how gender-sensitive results materialized. As such, regardless of the outcomes of the broader political transitions currently unfolding, the key findings and global implications in both cases can serve as useful tools to policymakers and practitioners.

# A REVIEW OF THE LITERATURE ON WOMEN AND TRANSITIONAL JUSTICE

This literature review introduces the concept of transitional justice and provides an overview of the key ideas and debates in the literature on women and transitional justice.<sup>iii</sup> This review reaffirms the significant growth in scholarship on women and transitional justice, although the depth and quality of analysis varies. Particularly relevant for the two case studies in this report, this review concludes that:

- the literature on women and transitional justice remains theoretical, and largely qualitative;
- important themes in this field include women's participation in transitional justice mechanisms, the inclusion of issues disproportionately or uniquely affecting women in transitional justice processes, and the extent to which transitional justice can facilitate societal transformation (in reshaping a country's political, social, and economic processes); and
- the field would benefit from more research, based on the perspectives of affected women themselves, on the important roles they play in designing and implementing transitional justice mechanisms beyond their roles as victims.

## *Defining Transitional Justice*

Transitional justice may be defined as a set of processes and mechanisms that intend to foster justice, accountability, and/or reconciliation for communities emerging from conflict or undergoing periods of political change. The International Center for Transitional Justice (ICTJ), one of the leading players in studying and implementing transitional justice, defines it as:

“Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades.”<sup>1</sup>

<sup>iii</sup> This literature review provides an overview of the literature on women and transitional justice. It is not possible to provide a complete discussion of the field of transitional justice, its components, and its many proponents and critics. While transitional justice as a field also shares important ideas and concepts with the fields of study on international criminal law, political participation, and conflict and security, it is not possible in this report to delve into all of these connections and intersections. Additionally, publications that mentioned women as an aside but did not focus specifically on women as a primary subject were not included in this literature review. Please refer to the Appendix for a full description of the methodology used to conduct this literature review. This review provides a sampling of the literature specifically related to women and transitional justice, discussing who the key authors and actors are in the field and how these concepts are understood in the Tunisian and Colombian contexts. For a more complete overview of the field of transitional justice, see Teitel 2003, Arthur 2009, Forsythe 2011, Bell in Ambos, Large, and Wierda 2008, Leebaw 2008, and Kerr and Mobekk 2007.

Transitional justice is characterized by a mandate to redress past wrongs, while also providing a foundation for building peace. O'Rourke summarizes these dual aims: “Transitional justice refers to the legal, moral, and political dilemmas of providing accountability for the mass human rights violations that occurred during periods of violent conflict and repressive rule, while assisting the transition out of political violence.”<sup>2</sup>

As a field of practice, transitional justice is based on the premise that respect for the rule of law and human rights contributes to sustainable peace.<sup>3</sup> Buenohansen envisions transitional justice as “[looking] to the past to address wrongs, to the present to construct a new ethical and institutional framework to interpret that past, and to the future in order to fulfill the promise of ‘never again.’”<sup>4</sup>

The United Nations Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence states that the goals of transitional justice are recognizing the fact that victims have been harmed, building trust between individuals and also between individuals and state institutions, facilitating reconciliation, and strengthening the rule of law.<sup>5</sup> Transitional justice concerns itself with fixing state institutions as well as repairing social bonds, addressing both the security of the state and the security of individuals.<sup>6</sup>

## *Implementing Transitional Justice*

Transitional justice may be implemented in a variety of ways. Retributive forms of justice – punishing perpetrators of wrongful acts<sup>7</sup> – usually involve criminal prosecutions. In contrast, restorative justice – non-punitive, focusing on reconciling relationships – tends to include mediation and dialogue between perpetrator, victim, and the community.<sup>8</sup> Reparative justice – compensating a victim for loss or injury<sup>9</sup> – may take the form of material compensation, such as money, housing, or educational stipends, or symbolic reparation, such as creating memorials or instituting days of remembrance. In 2010, United Nations Secretary-General Ban Ki-moon categorized the components of transitional justice as:

- prosecution initiatives;
- initiatives in respect of the right to truth (such as truth commissions, commissions of inquiry, and fact-finding mechanisms);
- reparations;
- institutional reform, to create institutions that sustain peace and support human rights and the rule of law; and
- national consultations (that is, mechanisms facilitating public participation in designing transitional justice mechanisms).<sup>10</sup>

The Special Rapporteur demonstrates the importance of using a combination of these different approaches to provide victims with the most comprehensive and holistic means of redressing harms experienced.<sup>11</sup>

The field of transitional justice debates several ongoing questions:

- What is the appropriate combination of transitional justice mechanisms for each context?<sup>12</sup>
- How can transitional justice mechanisms most effectively serve diverse populations?<sup>13</sup>
- Who should lead in the design and implementation of transitional justice (for instance, national leaders, international officials, and/or grassroots movements)?<sup>14</sup>
- To what extent can transitional justice mechanisms facilitate reconciliation and transform society?<sup>15</sup>

Each context is different, and communities emerging from conflict or undergoing political transition have distinct needs when addressing the past and moving forward.

### ***Why Transitional Justice Matters***

The field also continues to evolve through a discussion of the overall aim of transitional justice, with scholars and practitioners debating the role that transitional justice can and should play.<sup>16</sup> Originally concerned only with the most serious human rights violations, such as genocide, ethnic cleansing, crimes against humanity, and war crimes,<sup>17</sup> the field has recently expanded to include many different types of violations, including displacement<sup>18</sup> and social and economic injustices.<sup>19</sup> As it evolves, transitional justice

has taken on a growing number of objectives, from justice and accountability to truth-seeking and reconciliation, and, ultimately, the creation of a more equitable society.<sup>20</sup> The Tunisia and Colombia case studies in this report illustrate the dynamic set of issues that current transitional justice processes seek to remedy.

### ***How Women Enter Debates on Transitional Justice***

As the scope and aims of transitional justice evolve, women enter the debate in two main ways: in the importance of women actively participating in transitional justice mechanisms and in the inclusion of harms that disproportionately or uniquely affect women in transitional justice processes. The literature stresses the importance of both. These elements serve to eliminate barriers to justice many women experience and to create gender-sensitive transitional justice, an aim the field increasingly connects with fostering long-term societal transformation.<sup>21</sup> As Lambourne and Rodriguez Carreon posit,

“Systemic barriers and deeply entrenched gender biases often undermine women’s full and effective participation in transitional justice processes. There is therefore a need for both improved access for women to existing transitional justice mechanisms, and the development of different approaches which better recognise and address women’s justice needs in a more holistic way.”<sup>22</sup>

Illustrating what a holistic and reimagined approach might look like as a policy framework, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) argues that the creation of gender-sensitive transitional justice mechanisms involves understanding that sustainable peace requires gender equity, the development of laws that foster and promote gender equity, the elevation of women as equal participants in the transition, and the provision of accountability for crimes committed against women and girls.<sup>23</sup> Ní Aoláin, Haynes and Cahn articulate this as “gender centrality,” which grounds the entire transitional justice process in gender equality. Conceptualized as such, gender equality becomes an express objective of the process.<sup>24</sup> The sections that follow outline key debates on women’s participation and content relating to women in transitional justice mechanisms.

### *Women's Participation in Transitional Justice Mechanisms*

Creating gender-sensitive transitional justice involves including women as active participants in transitional justice mechanisms. The literature advances two primary arguments for why this is important. The first argument, called the “justice claim” by O’Rourke,<sup>25</sup> holds that since women form half of the population, to exclude women from decision-making that affects the entire population is unjust. The second argument, the “different agenda claim,” argues that women hold particular political interests that are overlooked when women are excluded from decision-making arenas. O’Rourke goes on to explain more broadly why this participation matters:

“...women’s greater participation in decision-making links women’s participation to a broader project of ‘increasing and enhancing democracy.’ The claim for representation is not just aimed at the inclusion of women, but at transformative feminist engagement with politics. The hope is that by changing the players the nature of the game will change in turn, thereby allowing a different set of priorities to emerge.”<sup>26</sup>

Active participation can take a variety of forms, the most common of which are:

- participating individually or collectively in formal capacities to design and implement transitional justice processes;<sup>27</sup>
- submitting testimonies to or testifying before transitional justice bodies, such as truth and reconciliation commissions or criminal trials;<sup>28</sup> and
- grassroots lobbying and advocacy through coalitions, networks, or other more spontaneous methods, to shape the design and implementation of transitional justice mechanisms.<sup>29</sup>

The Tunisia and Colombia case studies demonstrate each of these forms of participation and how each contributes to creating gender-sensitive mechanisms.

The literature highlights the importance of women as decision-makers.<sup>30</sup> However, many experts also contend that simply including women in decision-making positions is insufficient – other forms of participation may be necessary to affect the outcomes of

transitional justice processes and the lives of women victims.<sup>31</sup> The authors that focus on gender mainstreaming and the significance of women’s participation strongly emphasize the importance of recognizing and enabling women as agents in transitional justice processes.<sup>32</sup> Many discuss the different roles women play in conflict and its aftermath, emphasizing that women are not only victims, but also agents of change, perpetrators of and bystanders to violence, and cause-driven activists.<sup>33</sup> As such, simply increasing the number of women participants does not ensure that women’s needs will be represented: the individual women present, their priorities, and whether they are able to participate in meaningful ways are equally important factors in determining whether women are represented more broadly.<sup>34</sup> Additionally, authors underscore the need to consider women’s varied experiences across diverse social groups. Alam, for example, cautions: “The essentialization of women, the assumption and indifference toward treating all women as the same, is frequent, problematic, and counterproductive in transitional justice initiatives.”<sup>35</sup>

The literature clearly articulates the importance of women’s participation in a meaningful way, but equally clearly states how difficult this may be to achieve: transitional justice processes are mainly dominated and led by men, and thus it can be difficult for women to access the design and implementation of these processes;<sup>36</sup> women victims themselves often lack knowledge about transitional justice processes, and find it difficult to access information and resources regarding the mechanisms therein. This is often compounded by a failure to conduct victim outreach;<sup>37</sup> without cognizance of transitional justice institutions, conflict survivors cannot even attempt to participate. Other obstacles or challenges for women include physical distance<sup>38</sup> (as in the case of refugees living in Botswana),<sup>39</sup> time-limited processes<sup>40</sup> (as in South Africa),<sup>41</sup> traditional cultural norms regarding women<sup>42</sup> (as in Timor-Leste),<sup>43</sup> the fear of stigma or other negative consequences to participating in processes including retribution or violence<sup>44</sup> (as in Bosnia and Herzegovina),<sup>45</sup> shame and stigmatization<sup>46</sup> (as in Peru),<sup>47</sup> re-victimization and trauma<sup>48</sup> (as in South Africa),<sup>49</sup> or weak and untrustworthy institutions, or at least the perception of them as such<sup>50</sup> (as in Mali).<sup>51</sup>

### ***Content Related to Women in Transitional Justice Mechanisms***

The literature underlines the importance of incorporating issues that disproportionately or uniquely affect women into transitional justice mechanisms. This appears most notably in the context of addressing sexual and gender-based violence in justice processes.<sup>52</sup> However, the literature also discusses the significance of integrating a gender lens into remedies for economic, social, and legal violence and discrimination.<sup>53</sup>

Some authors caution against focusing primarily on sexual violence,<sup>54</sup> which risks reinforcing “perceptions that sexual violence is women’s exclusive experience of conflict or political repression,” while denying or disregarding “women’s multiple subjectivities in situations of conflict or repression, as survivors, as political activists, and as perpetrators of violence.”<sup>55</sup> Many authors, such as Rubio-Marín, remind that violence against women occurs before, during, and after a conflict:<sup>56</sup> “Official peace does not usually mean peace for women, who, after the political turmoil has ended, continue to be subject to many forms of violence, often in the private sphere.”<sup>57</sup> Similarly, Lambourne and Rodriguez Carreon emphasize “the connection between addressing the ‘extraordinary’ violations experienced by women during genocide, war and other mass violence, and the ‘ordinary’ violations experienced by women during so-called peacetime.”<sup>58</sup>

It is important for transitional justice processes to portray women not only as victims or beneficiaries, but also to recognize and emphasize their roles as active participants.<sup>59</sup> An important developing theme in the literature focuses on the specific tools and strategies employed by women in order to obtain access to decision-making processes, and, after obtaining access, to shape transitional justice mechanisms.<sup>60</sup> Yet the field would benefit from more work providing a detailed understanding of how women mobilize to affect decisions related to transitional justice, and what they contribute, in practical terms, to those decision-making processes. This report thus supplements the literature studied by providing an understanding of the variety of strategies adopted by women to design and implement gender-sensitive transitional justice mechanisms, as well as the gains achieved from employing those strategies.

### ***The Impact of Gender-Responsive Transitional Justice Mechanisms***

The concept of gender justice has become increasingly prominent in the debate on whether transitional justice processes can facilitate long-term societal transformation. Valji defines gender justice as:

“The protection and promotion of civil, political, economic and social rights on the basis of gender equality. It necessitates taking a gender perspective on the rights themselves, as well as the assessment of access and obstacles to the enjoyment of these rights for both women, men, girls and boys and adopting gender-sensitive strategies for protecting and promoting them.”<sup>61</sup>

Scholarly concepts of transformation, rather than transition, as the end goal of transitional justice often link this outcome with gender justice. Björkdahl and Selimovic call for “a transformative approach to transitional justice that can enable a ‘gender-just peace’.”<sup>62</sup> Concerning reparations, Rubio-Marín writes that a program’s “transformative potential” is “the extent to which a reparations program has the capacity to subvert, instead of reinforce, preexisting structural inequalities.”<sup>63</sup> This means addressing not only victims’ basic needs, but also prioritizing the root causes of suffering and discrimination (such as women’s lack of economic development, educational opportunities, healthcare, or political participation).<sup>64</sup> As Aguirre and Pietropaoli write: “The goal of transitional justice is not restored dependence and subordination but rather an improved social structure that accords full citizenship, social justice, and empowerment based upon respect for women’s rights.”<sup>65</sup>

Likewise, UN Women argues: “Transitional justice processes can be leveraged not simply to secure justice for individual human rights violations, but also to address the context of inequality and injustice that gives rise to conflict, transforming the structures of inequality that underpin this violence.”<sup>66</sup>

### ***Research Methodologies Used in the Literature***

The body of literature studied on women, gender, and transitional justice is primarily qualitative, combining theoretical analysis with a case study approach.<sup>67</sup> A small subset of the 146 pieces of literature reviewed (17 studies) relied on research involving human



subjects, with an explanation of the sampling methods involved,<sup>68</sup> while seven employed a mixed methods approach.<sup>69</sup> Some draw on a compilation of grey and academic literature,<sup>70</sup> while others combine this with a detailed review of a specific case or cases.<sup>71</sup> Some use a legal lens,<sup>72</sup> and many rely on primary documents (such as international treaties, legal frameworks, archived materials, letters, evidence and other data established as part of legal proceedings).<sup>73</sup> Others draw on personal experiences.<sup>74</sup> In some instances, the authors depend on observation of women's groups<sup>75</sup> or interviews with women<sup>76</sup> either as victims<sup>77</sup> or as agents in shaping political processes,<sup>78</sup> as well as interviews with men.<sup>79</sup> Often, details on the rationale or selection process for these participants are omitted. Some authors gave first-hand accounts of their own experiences within transitional justice processes,<sup>80</sup> and a few compare their experiences with expert analysis concerning other cases<sup>81</sup> or acknowledge a potential bias related to their experiences in these contexts.<sup>82</sup> Much research is produced in the Global North, but focused on or aimed at the Global South.<sup>83</sup> Most authors studied women affected by conflict or women involved in post-conflict processes.<sup>84</sup> The body of literature focuses on particular countries, including Peru,<sup>85</sup> Northern Ireland,<sup>86</sup> Rwanda,<sup>87</sup> Bosnia and Herzegovina,<sup>88</sup> Timor-Leste,<sup>89</sup> South Africa,<sup>90</sup> and Sierra Leone.<sup>91</sup>

With regard to the country contexts addressed in this report, the bodies of literature on Colombia and Tunisia emphasize different themes, depending on the particularities of each situation.

For Colombia, the studies reviewed on transitional justice are largely based on in-country, primary, qualitative analysis with consultations, interviews, and meetings with key players on the ground;<sup>92</sup> of the 146 pieces of literature reviewed, 33 focused on Colombia. These examine women's roles as combatants, organizers,<sup>93</sup> and displaced persons,<sup>94</sup> and explore issues such as land restitution,<sup>95</sup> internal displacement,<sup>96</sup> violence against women and the prosecution thereof,<sup>97</sup> with some focusing on the 2005 Justice and Peace Law.<sup>98</sup>

The Tunisian transitional justice processes developed more recently than those in Colombia, and, as a result, Tunisia's processes have been studied less extensively. The 10 studies identified that focus on Tunisia, all based on qualitative research methods, apply a gender

lens to transitional justice in the country, with some relying on press coverage,<sup>99</sup> and others interviewing people from around the country<sup>100</sup> or in different parts of North Africa.<sup>101</sup>

To contribute to the growing subset of transitional justice literature focusing on women's strategies,<sup>102</sup> this report identifies key findings, from primary data collected in Tunisia and Colombia, on the specific gains women made, the strategies and tools they employed, and the corresponding impact of these efforts on transitional justice processes.

# TUNISIA: REDEFINING VICTIMHOOD

## INTRODUCTION

In 2011, the Jasmine Revolution ended five decades of dictatorship in Tunisia and ushered in a nascent democracy. As the Arab Spring revolutions in other states turned violent, Tunisia enjoyed a peaceful transition, and remains a cautious success story for transitional democracies. A critical factor to consolidate democratic gains and bolster stability in Tunisia is a credible and comprehensive transitional justice process capable of addressing the harms of the past, rebuilding trust in government, and mending societal divisions. Tunisia's process, which includes mechanisms to address human rights violations that occurred between 1955 and 2010 during the dictatorial regimes in addition to the 2011 uprising, has been intensely politicized and fragmented, but it has also achieved significant gains for women, as well as for the field of transitional justice as a whole.

The focus of this chapter is on women's participation in transitional justice in Tunisia, which emerged early and took on three distinct forms: in formal roles, in civil society, and as victims. First, women served and continue to serve as high-ranking officials in the process. Their leadership helped to institutionalize a gender perspective and facilitated greater access for women in civil society and female victims to participate in the process. Second, women in civil society organizations (CSOs) created a bridge between victims and transitional justice institutions, and their efforts increased the number of women who submitted testimony within the process. Third, the stories of female victims – combined with the work of female officials and women's CSOs – helped expand the definition of victimhood, which has led Tunisia's transitional justice process to be the first to formally recognize socio-economic violence as a violation meriting remedy. This innovation has broader implications not only for female victims in Tunisia, but for the

evolution of transitional justice frameworks around the world.

## CONTEXT

### *Bourguiba's Tunisia: Secularization, Modernization, and Instability*

After nearly 70 years as a French protectorate, Tunisia gained independence in 1956, and Habib Bourguiba of the Democratic Constitutional Rally party (*Rassemblement constitutionnel démocratique*, or RCD) became the first president. By the late 1960s, his modernization and collectivization policies had triggered a severe economic crisis. In response, Bourguiba implemented a “two-track” economic strategy, allowing certain private initiatives to flourish<sup>1</sup> while the government maintained control over the remainder of the economy. Although the 1970s were a time of relative economic growth and stability in Tunisia,<sup>2</sup> unemployment was high,<sup>3</sup> and development efforts were limited to the coastal area around Tunis, creating large regional imbalances.<sup>4</sup>

At the same time, the government began repressing all political dissent, limiting press freedom and the activities of civil society, opposition political parties, and trade unions.<sup>5</sup> Bourguiba viewed political Islam, particularly Ennahda, the moderate Islamist party,<sup>iv</sup> as a threat to the Tunisian State and engaged in a violent campaign against it. During the 1980s, the regime arrested, imprisoned, and tortured thousands of individuals who led, or even sympathized with, Islamist movements.<sup>6</sup> The stated agenda of modernization and secularization was used to dismantle Qur'anic schools, terminate religious endowments, and outlaw any mosque activities other than prayer.<sup>7</sup>

In the early 1980s, the government enacted Circular 108, banning the hijab (veil) in government offices and schools.<sup>v</sup> This systematically excluded all veiled

<sup>iv</sup> Islamism is a political project whose ideology is largely based on the tenets and teachings of the Islamic faith. See Rashid Dar and Shadi Hamid, “Islamism, Salafism, and jihadism: A primer,” *Brookings Institution*, July 15, 2016, accessed April 28, 2017, <https://www.brookings.edu/blog/markaz/2016/07/15/islamism-salafism-and-jihadism-a-primer/>. Ennahda, a moderate Islamist party, was founded in 1981 as the Islamic Tendency Movement. They advocated for political pluralism and an open democracy with Islamic influence. See Aidan Lewis, “Profile: Tunisia's Ennahda Party,” *BBC News*, October 25, 2011, accessed April 22, 2016, <http://www.bbc.com/news/world-africa-15442859>. After the Jasmine Revolution, Tunisia also saw the rise of more radical Islamist parties, including radical jihadi Salafists. See Monica Marks, *Tunisia's Ennahda: Rethinking Islamism in the Context of ISIS and the Egyptian Coup* (Washington, DC: Brookings Institution, 2015), 5, accessed April 22, 2017, [https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia\\_Marks-FINALE.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia_Marks-FINALE.pdf).

<sup>v</sup> There is disagreement about when Circular 108 was enacted. Some sources indicate that it was enacted in 1981, and banned wearing the hijab in both governmental offices and schools. See “It Was a Way to Destroy our Lives’: Tunisian Women Speak Out on Religious Discrimination,” International Center for Transitional Justice, June 14, 2016, accessed April 17, 2017, <https://www.ictj.org/news/tunisia-women-speak-out-religious-discrimination-TDC>. Others say a law was passed in 1981 banning the veil in state offices, and Circular 108, banning the hijab in educational institutions, was passed in 1985. See Lilia Ben Salem, “Tunisia,” in *Women's Rights in the Middle*

women – not only those affiliated with political Islam – from many educational and professional opportunities.

The 1980s also brought further economic pressures and social unrest. The state responded with populist policies such as wage increases, but these initiatives eventually led to a deeper economic crisis and, in 1986, an International Monetary Fund (IMF) stabilization program.

### ***Ben Ali's Regime: Economic Recovery and Political Repression***

In 1987, the prime minister Zine El Abidine Ben Ali deposed Bourguiba. Economic recovery followed.<sup>8</sup> In 1995, Tunisia became the first South-Mediterranean country to sign an association agreement with the European Union (EU), which promoted economic development.<sup>9</sup> Ben Ali initially promised to make amends for human rights abuses and political repression during the Bourguiba era, freeing thousands of political prisoners, commuting the death sentences of others, and encouraging political exiles to return to Tunisia.<sup>10</sup> The new government also relaxed its control over the press, allowed opposition political parties and associations to operate, and ratified the UN Convention Against Torture.<sup>11</sup>

Ultimately, however, Ben Ali's promises proved empty: in response to Ennahda's growing popularity,<sup>vi</sup> he quickly reverted to Bourguiba-era policies. He established a special police force through which he intimidated and arrested political dissidents and infiltrated civil society.<sup>12</sup> His regime restricted press freedoms, with state security forces seizing publications critical of the state.<sup>13</sup> He refused to legalize Ennahda as a political party and cracked down on its operations, imprisoning and torturing many of its members.<sup>14</sup> The RCD also infiltrated and undermined secular institutions opposed to his rule, including the National Syndicate of Tunisian Journalists and the Tunisian League for Human Rights.<sup>15</sup> Abroad, Ben Ali promoted the image of a progressive Tunisia, while

repressing dissent at home by empowering state security forces to target both secular and Islamist opposition figures through surveillance, threats, assault, disappearances, imprisonment, and even assassinations.<sup>16</sup>

### ***Women's Rights under Bourguiba and Ben Ali***

Despite the political repression that characterized the RCD regimes, women's rights generally improved. Bourguiba inaugurated the Code of Personal Status in 1956, which vastly expanded women's legal freedoms and became a symbol of gender equality in the Arab world.<sup>17</sup> The Code reformed marriage and custody laws, outlawing polygamy, setting a minimum marriage age for girls, and granting men and women an equal right to divorce.<sup>18</sup> Women won the right to vote and to run for political office in 1959,<sup>19</sup> and by the 1980s, the RCD gave certain women the freedom to organize and establish women's wings within political parties, trade unions, and other public civil institutions.<sup>20</sup> While these laws were far from perfect – for instance, the Personal Code still mandated that males inherit twice that of their female siblings<sup>21</sup> – these reforms led to the broader participation of women in education, in the workforce, and in politics. By 2010, women held 28 percent of parliamentary seats, accounted for 27 percent of judges, and out-enrolled boys in secondary education by 67 percent to 63 percent.<sup>22</sup>

Gender inequality persisted, nevertheless. The RCD regime trumpeted claims of equality as proof of its progressive rule, but the expansion of women's rights did not serve all women. Despite the increased presence of women in school and the workforce, Circular 108 limited educational and professional opportunities for certain communities. This hijab ban symbolized a larger phenomenon that began under Bourguiba, now commonly referred to as “féminisme bourguibien” or “state feminism.”<sup>23</sup>

“State feminism” became the euphemism for how both RCD regimes co-opted the women's rights movement to advance their own political agendas.<sup>24</sup> While

*East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (Lanham, MD: Rowman & Littlefield, 2010). Others state that Circular 108 was passed in 1981 and banned the hijab in governmental offices, and was later expanded in 1985 to include schools. See Monica Marks, “Women's Rights Before and After the Revolution,” in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. Nouri Gana (Edinburgh University Press, 2013).

<sup>vi</sup> Scholars disagree on what prompted Ben Ali's quick regression to authoritarian policies. Some claim that it was in response to Ennahda's strong showing in the 1989 election. See Issandr El Amrani and Ursula Lindsey, “Tunisia Moves to the Next Stage,” Middle East Research and Information Project, November 8, 2011, accessed April 22, 2017, <http://www.merip.org/mero/mero110811>. Others assert that Ben Ali prohibited Ennahda from participating in the 1989 election. See Christopher Alexander, “Back from the Democratic Brink: Authoritarianism and Civil Society in Tunisia,” *Middle East Report* 205 (1997): 36.

the government used women's rights to demonstrate to the world the modernity of the Tunisian state, it also required women's activism be performed only through state-controlled channels and prohibited independent feminist opposition.<sup>25</sup> Secular feminist organizations – including the Tunisian Association of Democratic Women (*Association tunisienne des femmes démocrates*, or ATFD) and the Association of Tunisian Women for Research on Development (*Association des femmes tunisiennes pour la recherche sur le développement*, or AFTURD) – could not challenge the policies of the regime, for fear of being arrested or losing their right to assemble.<sup>vii</sup> Islamist women's organizations were banned entirely, although some existed underground.<sup>26</sup> The state strategy served dual aims: the regime portrayed itself as a progressive defender of women's rights against 'Islamist terrorists,' while simultaneously oppressing political opposition.

Bourguiba and Ben Ali also targeted women for their political activism or for their relationships to male dissidents.<sup>27</sup> In prison, women endured direct human rights violations, including torture.<sup>28</sup> The transitional justice process has also revealed that many women suffered sexual violence and rape by agents of the RCD regimes.<sup>29</sup> In addition to the limitations it placed on women in education and employment via Circular 108, the state subjected women to further socio-economic repression: former female prisoners underwent pointage, for example, a system that forced women to report three to five times a day to police stations, leaving women little time to work (if they could) or take care of their families.<sup>30</sup> The regime also barred allegedly dissident women, or those related to accused dissidents, from public sector work.<sup>31</sup> Women with imprisoned male relatives often had little income; many were pressured to divorce their dissident husbands to free themselves from government suspicion.<sup>32</sup>

### ***The Path to Revolution***

Economic recovery under Ben Ali's regime did not serve the majority of Tunisians. Through strict regulation, Ben Ali prevented many small business owners from competing with the industrial giants

he favored.<sup>33</sup> Rising inflation and limited job opportunities exacerbated the inequality between the vast wealth amassed by Ben Ali's inner circle and the precarious economic situation of ordinary Tunisians. As the social contract continued to erode, presidential cronyism, coupled with public frustration over high unemployment and state-sponsored repression of political freedoms, created pervasive political tension throughout the country. Tension boiled over on December 10, 2010. The story that sparked the Arab Spring is now well-known, from the self-immolation of a fruit vendor, Mohammed Bouazizi, to the ensuing anti-government mass demonstrations, which led to the president fleeing the country.

### ***Transition of Power***

In January 2011, Tunisia's prime minister, Mohamed Ghannouchi, and temporary president, Fouad Mebazaa, announced a new interim government that promised to incorporate opposition members, including Ennahda, the Islamist political party.<sup>34</sup> However, many government officials associated with Ben Ali retained their positions. Mass demonstrations called on the government to eradicate the vestiges of the ousted president's regime. The government responded by dissolving the RCD central committee and subsequently suspending its activities. Amid continuing protests, Ghannouchi stepped down as prime minister.<sup>viii</sup>

Mebazaa took multiple steps to rectify RCD abuses. The Ministry of Justice charged Ben Ali with manslaughter, drug trafficking, and conspiracy against the state. Several months later, the former president and his wife were convicted in absentia of embezzling public funds.<sup>ix</sup> Around the same time, the government legalized Ennahda as a political party, which significantly affected Tunisia's political landscape.

In October 2011, elections took place for seats in the Constituent Assembly, which had the mandate to draft a new Tunisian constitution. Ennahda emerged as the clear victor, winning more than 40 percent of votes. Several months later, the Constituent Assembly

<sup>vii</sup> For more on the work of ATFD and AFTURD, see Lilia Labidi, "The Nature of Transnational Alliances in Women's Associations in the Maghreb: The Case of AFTURD and ATFD in Tunisia," *Journal of Middle Eastern Women's Studies* 3, no. 1 (2007): 6-34.

<sup>viii</sup> He was replaced by Beji Caid Sebti.

<sup>ix</sup> At the time of publication, Ben Ali and his family remain in exile in Saudi Arabia.

adopted an interim constitution and elected a prominent human rights leader, Moncef Marzouki, to the presidency. The new government promised to redress the wrongs of the RCD regimes.

## STRUCTURES OF TRANSITIONAL JUSTICE

Tunisia's ongoing transitional justice process is closely tied to its political transition and attempts to deal with crimes of the past.<sup>35</sup> While numerous governmental and legal bodies qualify as transitional justice mechanisms, based on definitions set out in this report's literature review, interviewees both from civil society and government overwhelmingly associated transitional justice with the Truth and Dignity Commission (*Instance vérité et dignité*, or IVD), its formation, and its testimony collection process. As such, this chapter focuses on the IVD process, while also examining women's participation in other mechanisms where relevant.

Immediately following the Revolution, and in response to the public's demand for accountability,<sup>36</sup> the transitional government set up several ad hoc mechanisms. These included military tribunals, to investigate crimes committed during the Revolution, primarily by high-ranking security officials. Two investigative bodies were also established: the National Commission to Investigate Abuse Committed since December 17, 2010 (hereinafter, the Bourderbala Commission, after its chairperson), which collected testimonies and evidence related to events that occurred during the Revolution, and the National Commission to Investigate Corruption and Misappropriation, covering the period since 1987.<sup>37</sup> The Bourderbala Commission drew up a list of individuals killed and wounded during the uprising, who were guaranteed material and symbolic reparations by the Commission for Martyrs and Wounded of the Revolution.<sup>x</sup>

After the elections in October 2011, the new Ennahd-led government prioritized transitional justice and the development of additional mechanisms followed.

It established the Ministry for Human Rights and Transitional Justice, with a mandate to create a legal framework. Minister Samir Dilou appointed a technical committee to lead a national dialogue on transitional justice, which conducted regional consultations with civil society, and ultimately drafted the comprehensive Transitional Justice Law,<sup>38</sup> which laid out the framework of and broadly mandated the IVD to:

- investigate violations committed since June 1955;
- collect testimonies to create a list of victims and a database of violations;
- identify responsibility and root causes;
- recommend reparations and take immediate action to compensate victims; and
- preserve the national memory.<sup>39</sup>

The Transitional Justice Law defined "victim" broadly, as including "any individual, group, or legal entity having suffered harm as a result of a violation,"<sup>40</sup> which was specified to be "any gross or systematic infringement of any human right" committed by the state or in the name of the state.<sup>41</sup> The definition of "victim" also included "family members who were harmed as a result of their kinship to the victim."<sup>42</sup> This expansive definition of victimhood gave the IVD broad freedoms to interpret and operationalize its mandate.

The international community gave technical and financial support to this work, and embassies, international NGOs, and UN agencies provided training, workshops, and funding to transitional justice actors and institutions.<sup>43</sup>

There are several other transitional justice mechanisms that have not yet come to fruition. For instance, the Transitional Justice Law created specialized human rights courts, which have not been operationalized as of the publication of this report.<sup>44</sup> Further complicating this picture is a draft Economic Reconciliation Law that offers amnesty to public officials and therefore, if adopted, risks infringing on the IVD's mandate.<sup>45</sup>

<sup>x</sup> These martyrs of the Revolution were treated separately from victims of the RCD regimes. After the Bourderbala Commission released its list in May 2012, a Commission for Martyrs and Wounded of the Revolution (*Commission des martyrs et blessés de la Révolution*, hereinafter Commission for Martyrs) began the reparations process for those victims. In February 2016, the Commission was rebranded as the General Authority for Martyrs and Wounded of the Revolution (*Instance générale des martyrs et des blessés de la Révolution*), although the mandate and leadership remained the same.

### Tunisia's Transitional Justice Mechanisms

#### Mandate:

#### Address Abuses Committed During the Revolution (2010-2011)

- National Commission to Investigate Abuse Since December 17, 2010
- Commission for Martyrs and Wounded of the Revolution

#### Mandate:

#### Address Abuses Committed by the RCD Regime (1955-2010)

- Ministry for Human Rights and Transitional Justice
- Technical Committee and National Dialogue
- Truth and Dignity Commission (IVD)

#### Other Mechanisms Outside the Scope of this Report:

- Military Tribunals
- National Commission to Investigate Corruption and Misappropriation
- Specialized Human Rights Courts (not yet operationalized)

The patchwork approach of the Tunisian transitional justice system separates the process into a variety of different institutions and mechanisms that often confuse victims as to which avenue to pursue for justice and reparations.<sup>46</sup> As Amna Guellali of Human Rights Watch said,

“It’s a very complicated and complex process, and I don’t know whether we will ever have a process that will bring together all these components.”<sup>47</sup>

The process also faces serious charges of politicization. Trials of former regime officials that occurred before the creation of formal justice systems have raised concerns about impartiality. Both the Transitional Justice Law and the IVD face criticisms of being too Islamist-driven. Many secular Tunisians see financial compensation to victims as a way for Islamists to reward their own community. IVD critics contend that commissioners have been chosen because they were sympathetic to Ennahda.<sup>48</sup> Complicating these critiques, the process also faces resource shortfalls; for instance, the reparations fund mandated does not yet exist.<sup>49</sup> Despite these frustrations, most interviewees – transitional justice officials, civil society leaders, and politicians – remained personally committed to the success of the process, and many continue to work to improve procedures, dispel misconceptions, and create understanding about the process among Tunisians.<sup>50</sup>

### WOMEN’S GAINS WITHIN TUNISIA’S TRANSITIONAL JUSTICE

The following sections review the process in Tunisia, and show how women’s leadership therein yields social gains. Interviews for this report were conducted in May 2016, just prior to the IVD’s deadline for testimony submission. At the time of publication, the IVD continues to process the more than 60,000 submissions it has received. Within this context, the chapter explores the benefits of women’s leadership, which resulted in three primary advances:

- the presence of women in official transitional justice mechanisms, which created access points through which women in civil society and female victims participated;
- the work of women’s CSOs in facilitating an open and accessible process, which increased the number of female victims whose experiences were incorporated into the process; and
- the recognition of a wider spectrum of victimhood, including the experiences of those who suffered socio-economic violations.<sup>xi</sup>

<sup>xi</sup> Although not expressly articulated in the law, the inclusion of socio-economic harms within the IVD process was reinforced by the broad mandate of the law as implemented by the female officials charged with carrying out that mandate, and by the diversified experiences of the women who submitted testimony.

By tracing what these gains are, how they came about, and why they matter, this chapter shows the influence of women's sustained and multi-level participation. Including women at all levels in the process helped give voice to the experiences of female victims, which, in turn, broadened the spectrum of harms that the country's transitional justice system seeks to address. The IVD's recognition of socio-economic harm disrupts the narrative that women suffer primarily as victims of sexual violence and compels the state to tackle the structural inequities that provoked the Revolution in the first place.

## GAIN 1: WOMEN'S LEADERSHIP IN OFFICIAL TRANSITIONAL JUSTICE MECHANISMS

### *What does this mean?*

Women have been well represented in formal leadership roles in the transitional justice process from the outset. Sihem Bensedrine, the IVD President and the most public face of transitional justice in Tunisia, is a woman, and five of the IVD's eleven members are women.<sup>51</sup> As IVD commissioner and Women's Commission chair Ibtihel Abdellatif put it,

"The IVD is a culture of women.... I think it is the only institution Tunisia has with parity between members. We have six committees here; three are chaired by women."<sup>52</sup>



Due to several factors, including a precedent of women participating in public life, and the international community's role in reinforcing international equality standards, female leadership in transitional justice preceded the IVD: women comprised a significant portion of appointees that designed the current transitional justice institutions. Two-thirds of the Bourderbala Commission, which crafted the formal list of martyrs of the Revolution, were women,<sup>53</sup>

and three women served on the 12-member Technical Committee that organized the National Dialogue and drafted the Transitional Justice Law.<sup>54</sup> In addition to Sihem Bensedrine, women lead and staff the institutions implementing transitional justice. Majdouline Cherni directed the Commission for Martyrs, and women comprise the majority of working-level staff in both the IVD and the Commission for Martyrs.<sup>55</sup>

### Process to Establish the IVD and Women's Gains





The presence and participation of women at every stage in the transitional process is significant. They have provided a gender perspective at key moments, notably by creating a gender quota in the IVD, by establishing the Women's Commission to deal specifically with cases of female victims, and by opening access points for CSOs to bring more women's voices into the process.

### *How did it happen?*

As noted, women's participation in the public sphere is not new to Tunisia. Historically, the country has led the region in the economic and political participation of women, with a set of progressive laws encouraging equality, at least on paper. Even with policies such as Circular 108, women's participation in public life was a normal part of the Tunisian story. Women also actively participated in the Revolution, constituting 30 percent of the victims served by the Commission for Martyrs.<sup>56</sup> The early transitional political institutions codified women's rights through a legislated quota of 30 percent for Constituent Assembly elections and a constitutional guarantee of equality.<sup>57</sup>

This precedent helped ensure that transitional justice bodies included women from the start. Individuals tasked with creating the early commissions appointed women to official roles. The appointment process lacked transparency, however, and, in the case of the Bourderbala Commission and the Technical Committee, the respective chairmen hand-picked their teams. While this politicized the process, it also led to the appointment of prominent women to key posts. Samir Dilou, minister for human rights and transitional justice, noted that the Technical Committee, including three women members, was selected "the Tunisian way, [through] personal contacts, personal networks."<sup>58</sup> The president of the Bourderbala Commission also personally selected the additional 14 commissioners tasked with generating the list of martyrs and wounded. He chose nine women, two-thirds of the commission, from diverse sectors, including law professors, psychologists, doctors, and magistrates.<sup>59</sup> Likewise, women serving as IVD commissioners were prominent professionals prior to their appointments: Hayet Ouertani (who had served on the Bourderbala Commission) was a psychologist; Ibtihel Abdellatif was founder and president of the Nisa'Tounsia; Sihem Bensedrine (whose

organization, the Tunisian Center for Transitional Justice, was part of the Technical Committee) was a journalist and human rights activist; Oula Ben Nejma (who had served on the Technical Committee) was a lawyer; Lilia Bouguira was a medical doctor. Thus, many women already had well-established track records in the transitional justice arena when the IVD member selection process began.<sup>60</sup>

As additional mechanisms were established, the prominence of women in the first commissions set the stage for additional points of entry through which women could participate. For example:

- The Bourderbala Commission's report in May 2012 expressly mentioned the specific harms faced by women, thus emphasizing a focus on the participation of female victims in subsequent transitional justice bodies.<sup>61</sup>
- The Technical Committee mandated that women comprise a portion of moderators in regional consultations; as such, about 35 percent of facilitators were women.<sup>62</sup>
- In drafting the Transitional Justice Law, women on the Technical Committee worked to include a quota that required at least one-third of each gender to be represented in IVD leadership.<sup>63</sup>
- Once the IVD formed, female commissioners pushed for the creation of the Women's Commission within the IVD, to deal specifically with female victims.<sup>64</sup>

Financial and technical support from the international community reinforced well-established Tunisian norms about women's participation in public life. The International Center for Transitional Justice (ICTJ), United Nations Development Programme (UNDP), UN Women, and other groups provided funding, technical assistance, and training on international standards of gender equality.<sup>65</sup> International partners also supported new organizations working on women and transitional justice, and encouraged human rights groups to increase the focus on women's needs.<sup>66</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR), UNDP, and ICTJ helped convene civil society networks working on transitional justice<sup>67</sup> and provided small NGOs with capacity building, focused on increasing women's participation in the transitional justice process.<sup>68</sup> They also worked with state-led initiatives. For instance,

the OHCHR and UNDP included a gender component in their training of regional committees involved in the National Dialogue,<sup>69</sup> and international experts drew on international experience (e.g., in South Africa, Chile, Argentina, and particularly in Morocco, the first Arab transitional justice experience) to train IVD officials in best practices on how to incorporate gender.<sup>70</sup> This focus complemented existing Tunisian norms and commitments.

### *Why does it matter?*

Women serving as decision-makers has intrinsic value; the Tunisian experience also highlights how women's participation affected the nature and outcomes of the process.

Through their work as members of the Bourderbala Commission, the Technical Committee, and the IVD, female officials brought a gender perspective in specific ways: the presence and persistence of women on the Bourderbala Commission, for example, meant that its final report included a section on violations based on gender, including the impacts of sexual violence, pregnancy-related harms, and the deaths or injuries of family members. In reference to drafting this report, former commissioner Hayet Ouertani recalled,

*“Nothing in particular was written on women, and women had to have a place in that report.... Fortunately, there were three other feminist women with me, so we drafted [that section].”<sup>71</sup>*

The Technical Committee built on this by defining victimhood broadly in the Transitional Justice Law, which also mandated that transitional justice bodies must consider women's unique experiences.<sup>72</sup> On the Technical Committee, Habib Nassar remembered that Oula Ben Nejma, one of three women members, “was very keen on pushing the gender agenda within the process.”<sup>73</sup> Salwa El Gantri, head of the ICTJ in Tunisia, identified women IVD members as key allies. Whether adjudicating on the Reparations Commission or creating the Women's Commission, these leaders had a “real understanding of why the focus on women should be done in the work of the Truth Commission.”<sup>74</sup> In each instance, most interviewees noted that while there was little resistance to

including gender,<sup>75</sup> it was consistently female officials who brought up the issue:<sup>76</sup> without the persistence of women, gender-responsive mechanisms such as the Women's Commission, a body with an independent budget for women victims and a mandate to mainstream gender throughout the IVD, would not exist.<sup>77</sup>

Women in official roles, as decision-makers and staff members, facilitated access for women's CSOs and female victims. Some ascribed this to a tendency of victims to trust women.<sup>78</sup> As noted by an official in the Commission for Martyrs, “We always seek to comfort the martyrs' and the wounded's families .... We have noticed that women are more tender... the thing that we seek most is trust.”<sup>79</sup>

Female officials facilitated access for women from their own constituencies. Many were transitional justice professionals who knew the landscape of actors and maintained their expansive networks,<sup>80</sup> serving as a conduit between the formal process and their colleagues operating outside of it.<sup>81</sup> These connections proved crucial during the testimony submission process, as female officials worked closely with women in civil society to increase the participation of female victims. To facilitate this, women's CSOs lobbied officials with whom they had personal ties, and kept in regular contact,<sup>82</sup> as expressed by a member of a prominent CSO: “I have a very good relationship with the members of the Women's Commission – we worked together on different civil society projects.”<sup>83</sup>

The next section details how women at the highest decision-making levels were receptive to the recommendations of women civil society leaders, and, how together, women inside and outside formal mechanisms collectively transformed the process to have a more gender-sensitive approach. However, the reliance on personal ties also contributed to politicization and lack of transparency, for which the process continues to be criticized. Many victims relied on personal connections and the attitudes of individuals in order to access official mechanisms.<sup>84</sup> Individual officials were sometimes seen as sympathetic to certain communities in Tunisia's highly polarized society, thus coloring their credibility as well as that of the process.<sup>85</sup> These dynamics also caused divisions and competition among CSOs. The chair of the Women's Commission, for instance, also

founded Nisa' Tounsiat, and, after a larger transitional justice advocacy network denounced the IVD, Nisa' Tounsiat left the network.<sup>86</sup> The personality-driven nature of the process enabled the press and the public to vilify certain players, thus eroding public trust.<sup>87</sup>

## **GAIN 2: WOMEN'S CSOS FACILITATE AN OPEN AND ACCESSIBLE PROCESS**

### *What does this mean?*

Women's CSOs worked with women at the grassroots level and those in official positions, serving as a bridge between victims and formal transitional justice institutions. Their work increased the number of female victims whose experiences were incorporated into the retelling of Tunisian history. CSOs brought credibility to the process and the process to the people.<sup>88</sup> Amidst ongoing public concern about the IVD's lack of transparency and politicization,<sup>89</sup> most CSOs saw the IVD as necessary for reconciliation and stability in Tunisia,<sup>90</sup> and used their country-wide networks to access victims and facilitate women's participation in the testimony submission process.<sup>91</sup>

When the IVD released its first witness testimony report in 2015, women had only submitted 5 percent of the total number of testimonies.<sup>92</sup> Women's CSOs undertook efforts to make the testimony collection process more open and accessible for women. Using their regional networks, they brought representatives from formal justice mechanisms into direct contact with communities outside Tunis and even collected testimonies themselves. Their interventions addressed not only structural barriers such as testimony collection points that were difficult to access, or the need for female statement-takers, but also the cultural stigma surrounding victimhood and assumptions that submitting testimony was equated with being a survivor of sexual violence. They sought to reframe the discourse around the significance of participation, so that female victims would understand their participation as a patriotic duty and their contribution as part of a collective opportunity to correct Tunisia's historical narrative. As a result, by the May 2016 collection deadline, over 20 percent of the testimonies submitted had come from women. Bringing more women's

voices into the process helped re-write the role of women in Tunisian history and enabled a new definition of victimhood that incorporated women's diverse experiences, including the socio-economic violations that impacted women differentially.

### *How did it happen?*

The Revolution opened unprecedented space for civil society to operate. Existing groups could work outside regime-approved spaces, and new groups, particularly those with Islamist leanings, were free to work, grow, and consolidate.<sup>93</sup> The scope of many of these newly formed groups was specifically to help female victims of the regime,<sup>94</sup> while existing women's groups, like ATFD and AFTURD, shifted focus in order to respond to the need for greater participation in transitional justice.<sup>95</sup> Since the early IVD testimony submission reports showed women were only a small fraction of participants, women's CSOs developed strategies to encourage women to testify. CSOs had direct access to and credibility with victims, as well as with female IVD members.<sup>96</sup> Their approach was twofold:

- to raise awareness among Tunisians about the transitional justice process and the status of women as victims; and
- to identify gendered barriers to the submission process and recommend to IVD members the corresponding changes that would make the process more accessible, while also operationalizing these solutions through their own work on the ground.

Leading up to the June 2016 deadline for testimony submission, CSOs engaged in awareness-raising campaigns that underscored the importance of both the transitional justice process and women's participation within it.<sup>97</sup> Many women initially believed that their experiences were less important than those of their husbands, brothers, or sons. As transitional justice expert Wahid Ferchichi explained:

*“Most women were spouses [or] sisters of men who suffered during the dictatorship, who don't consider themselves as victims directly.... They only speak about their husband, their father, their son, but they don't speak of themselves directly as victims.”<sup>98</sup>*

In response, many women's groups began raising awareness about what qualified as a violation, and why women's participation in the process mattered.<sup>99</sup> "We would go into the regions, we would talk to the women, and word can spread," said AFTURD member Samia Letaief, whose organization established listening centers for women victims, "We would tell them that they have socio-economic rights, that these rights were violated."<sup>100</sup> Other groups conducted similar outreach: *Avocats sans frontières* (Lawyers Without Borders, or ASF) partnered with Tunisian women's groups in creating mobile centers to help women in regions outside Tunis understand their rights as well as the purpose of the IVD,<sup>101</sup> and Tounissiet aired short television ads promoting the transitional justice process and encouraging women to submit testimony.<sup>102</sup>

These CSOs also reframed what it meant to participate, elevating the submission of testimony as being essential not just for the individual but also for society, as a way to rewrite Tunisian history and to ensure such violations would not happen again.<sup>103</sup> In this effort, women's groups also worked on raising awareness among men as to the harms suffered by their wives, mothers, and daughters, often as a result of a male relative's imprisonment. They worked to reframe women's suffering as heroic, explaining the gravity of violations faced by women to their husbands and sons.<sup>104</sup> This both reduced the stigma over submitting testimony and elevated the significance of the women's participation to their immediate families.

CSOs also served as a key platform for IVD members to speak directly to local populations and dispel misconceptions about the process.<sup>105</sup> IVD members relied on trusted civil society networks to reach people, particularly in the regions outside Tunis. As Ibtihel Abdellatif, head of the Women's Commission, recalled: "I was invited to many governorates. I didn't refuse any invitation of any NGOs in Tunisia.... Every weekend I went to these regions [to] meet women in these workshops."<sup>106</sup>

CSOs were able to facilitate this trust-building between victims and the process because they had credibility with both.<sup>107</sup> As ICTJ's Salwa El Gantri summarizes: "At the end of the day, the victims know the associations – the Truth Commission is

something new that came after their relationship with the associations."<sup>108</sup>

Local women's CSOs played a critical role in this regard, especially in the regions. Having worked at the grassroots level for years, they were trusted entities; their endorsement of the IVD established credibility.<sup>109</sup> In combination, these efforts opened up the process for female victims. CSOs raised women's awareness on who qualified as a victim, reframed the discourse on what it meant to participate, and facilitated trust-building between victims and the process that aimed to serve them.

At the same time, these organizations also tackled procedural barriers obstructing women's participation in the testimony collection process, including the cultural stigma surrounding sexual violence victims, the inability to leave work or families in order to testify, and the need for additional victim services such as psychosocial or medical support. In many places, for example, the simple act of going to a testimony collection point could be shameful for women, since many equated violations against women with sexual assault. As Ahlem Nsiri, Director of *Centre tunisien méditerranéen* (Tunisian Mediterranean Center, or TU-MED) noted:

"They are afraid that just [making] contact is a sign that they were sexually abused."<sup>110</sup>

Some organizations addressed these challenges by collecting testimonies directly, and submitting them to the IVD on the victim's behalf. Nisa' Tounsiat conducted training for women on how to submit testimony, and also directly collected more than 400 testimonies of women political prisoners and those who had suffered socio-economic marginalization by being barred from educational or professional opportunities.<sup>111</sup> The ICTJ gathered testimonies and eventually helped collate and submit a collective dossier representing thousands of women impacted by Circular 108.<sup>112</sup> CSOs also used their connections with officials to mark certain cases as 'urgent,' so they could receive immediate attention.<sup>113</sup>

In addition to collecting testimonies and fast-tracking cases, CSOs worked with the IVD to operationalize procedures that improved access for female victims,

and commissioners took their recommendations seriously. Women's CSOs again served as a bridge between the IVD and the populations it served. In the words of Hend Bouziri, president of Tounissiet:

*“Many members of the IVD were involved in civil society before – we know them all .... We invited them to events about transitional justice and we would bring women victims as guests .... We sat down with the IVD and talked about techniques for listening to women victims.”<sup>114</sup>*

Women in civil society found the IVD commissioners receptive, particularly the female commissioners, and, as women's CSOs presented their concerns, the IVD modified its testimony collection procedures so as to better serve women. To register victims and take victims' statements, the IVD launched mobile units across nine of the 24 governorates.<sup>115</sup> Statement-takers ensured confidentiality by collecting testimony in private settings, by coding each testimony using a file number instead of a name, by allowing proxies to provide testimony on a victim's behalf, and by allowing women to submit testimony anywhere, not just in their own villages.<sup>116</sup> Women's groups emphasized these privacy measures to victims, which, in turn, spurred more women to testify, particularly on sensitive violations such as sexual assault.<sup>117</sup> The IVD intentionally hired female staff so that women could choose a female statement-taker,<sup>118</sup> and female judges were present in all units.<sup>119</sup> Even small procedural changes, like allowing women to give their statements in parts rather than all at once, helped make the process more comfortable for women.<sup>120</sup> The IVD also recognized the need for holistic support for victims, and worked to provide medical and psychological units in conjunction with taking statements.<sup>121</sup> Multiple interviewees noted that behind every male victim were women who held their families together.<sup>122</sup> To reach these women, the IVD encouraged men to bring their wives when they came to submit testimony, and even altered the statement taking protocol to include asking all male victims about the women in their lives.<sup>123</sup> Both the IVD and the Commission for Martyrs created alternative access points for female victims to submit testimony, partnering with government entities that had greater regional reach or community trust, including the Ministries of Human Rights, Women, Health, and Social Affairs.<sup>124</sup>

### *Why does it matter?*

The fivefold increase in women's participation levels from 5 percent to 23 percent represents an important step forward in engendering the transitional justice process and furthering the advancement of women's voice and agency.<sup>125</sup> The submission of testimonies by female victims to the IVD helped shape the Tunisian concept of victimhood in important ways, and brought a wider spectrum of violations of women's rights to the attention of the public. However, barriers remained: the short timeline of the process and a lack of resources meant that CSOs could not reach all marginalized populations, the stigma of sexual violence persisted, and a lack of transparency marred the process in the eyes of many Tunisians, who felt that access depended on knowing the right people.<sup>126</sup> Moreover, political maneuverings further undermined support, most notably the Economic Reconciliation Law, which threatened to encroach on the IVD's mandate.<sup>127</sup> While CSOs expressly endorsed the existing mechanisms, hoping to enhance credibility in them, many Tunisians ultimately saw the process as illegitimate, which is an ongoing challenge for Tunisia.<sup>128</sup>

## **GAIN 3: RECOGNITION OF A WIDER SPECTRUM OF VICTIMHOOD**

### *What does this mean?*

The Tunisian process is the first to formally recognize socio-economic harms as violations warranting justice and material reparation.<sup>129</sup> By broadening the concept of what constitutes victimhood, transitional justice mechanisms encompass a more diverse set of experiences. Often, transitional justice processes primarily define women's needs by their status as victims of sexual violence, which, although important, ignores the broader range of gendered harms endured by women. Many women suffered from the 'direct' violations of imprisonment, torture, and sexual violence, but the Tunisian process also acknowledged a range of 'indirect' socio-economic abuses that uniquely impacted women. Among others, these included the additional burdens carried by women whose relatives were jailed and who were left without income to raise families,<sup>130</sup> women who were expelled from school and fired from their public and private sector jobs for

wearing the veil,<sup>131</sup> and women who were harassed daily, or forced to undergo regular disruptive security checks, because of their political actions or those of their families.

The fragmentation of the transitional justice process – into multiple bodies that address various populations of victims – made definitions of victimhood particularly contested. A report by Al-Kawakibi Democracy Transition Center (KADEM) in 2015 concluded that the politicization of transitional justice led to a *de facto* victim hierarchy, and a tendency to regard some victims with suspicion.<sup>132</sup> This challenge continues today.

Despite this, the recognition of diverse violations also expanded the understanding of victimhood in the Tunisian process. The multiple forms of victimization women endured under the RCD regimes were further articulated through the testimonies solicited and submitted by CSOs and individual women. The conceptualization of victimhood evolved over each stage of the transitional justice process, with women’s stories critical to informing the broader understanding of the range of violations that impacted women’s lives during the regime years.

### *How did it happen?*

The Bourderbala Commission laid the foundation<sup>133</sup> for extending the concept of victimhood by specifically identifying gendered harms – such as sexual assault, threats of such, breaches of privacy, and miscarriages caused by violence – in the process for the first time. The report also revealed women’s perceptions of their victimization under the RCD:

“Many women avoid discussion of their particular or direct experiences [and] gave testimony as indirect victims... who submitted testimony to the commission as mothers, wives or sisters.”<sup>134</sup>

Although the report articulated some of women’s unique experiences and perspectives, it mentioned the ‘indirect victim’ concept only briefly. As Hayet Ouertani recalled, “In the first report, we didn’t really talk about direct and indirect victims.... The idea of indirect came after there was serious discrimination against women regarding the distribution of reparations.”<sup>135</sup>

The Bourderbala Commission determined that for women to access services and reparations, their experiences as mothers, wives, and sisters needed recognition as legitimate forms of victimhood, not just as the collateral damage of dictatorship. As such, the Bourderbala Commission borrowed the ‘indirect’ concept from the Moroccan transitional justice process to help explain why women who may not have been imprisoned or tortured deserved acknowledgment and reparations.<sup>136</sup>

Stories unearthed during the National Dialogue process and the legislative debate on the Transitional Justice Law highlighted that the imprisonment of men adversely affected their female family members. “Sometimes [women victims’] testimonies were more poignant, due to the sensitivity of their abuse,” explained Mohamed Kamel Gharbi, president of *Réseau tunisien de justice transitionnelle* (Tunisian Transitional Justice Network, or RTJT) and member of the Technical Committee.<sup>137</sup> As legislators debated the Transitional Justice Law, civil society networks provided additional examples of gendered harm to the Constituent Assembly. Samira Merai, a member of parliament at the time, remembered, “There were really touching stories of women...what we learn from this is that women are victims indirectly and they pay a very heavy price.”<sup>138</sup>

The Transitional Justice Law’s explicit inclusion of family within its definition of who constitutes a victim, as well as its further directive to “take into consideration the situation...of women,”<sup>139</sup> gave the IVD a broad mandate. The submission of women’s testimonies brought to light concrete examples of the types of abuse women faced, and the creation of the Women’s Commission gave space to fully investigate these abuses.

Women’s stories elevated the diversity of women’s suffering, revealing forms of abuse that were much broader and more widespread than previously thought,<sup>140</sup> including the use of sexual violence as an intimidation tactic<sup>141</sup> and socio-economic violations that impacted both secular and Islamist women.<sup>142</sup> As Hend Bouziri, president of Tounissiet, said,

“Each woman was subjected to a different kind of abuse – economic, psychological, social, legal institutional, physical.”<sup>143</sup>

A number of groups represented veiled women in particular, and emphasized the unique effects of socio-economic discrimination on their lives, arguing that this represented a new form of violation. “Violating a personal freedom is for us a major violation against women,” described a member of a prominent CSO.<sup>144</sup>

The collective dossier on Circular 108, spearheaded by a network of 11 CSOs and facilitated by the ICTJ, proved powerful.<sup>145</sup> From thousands of submissions that detailed violations suffered due to Circular 108, this coalition collated the testimonies of 140 women that clearly illustrated both the diversity of socio-economic violations endured by women and the systematic nature of those violations perpetrated by the RCD.<sup>146</sup> ICTJ director Salwa El Gantri summarized the definitive conclusion of the dossier:

“Once you have that veil, you are a second-class woman citizen.”<sup>147</sup>

Critically, the dossier revealed socio-economic marginalization as the largest systemic violation category filed by women, publicly dismantling the pervasive assumption that women’s primary experience of abuse is through sexual violence. Activists used this testimony to pressure politicians to outlaw Circular 108, which remains on the books, though not widely enforced.<sup>148</sup>

### **Why does it matter?**

The evolution of the concept of victimhood was a decisive step forward for transitional justice in Tunisia. For women in particular, it moved the conversation from a question of who should be recognized as a victim, to a question of how varied forms of violations should be remedied within the process. The expanded understanding recognizes that women’s experiences are serious and varied, and constitute a crucial part of Tunisia’s historical narrative.

Expanding ‘victimhood’ to include a wider array of violations comes with challenges for Tunisians seeking

justice. Some participants felt the direct/indirect typology created a *de facto* ranking of abuse, notwithstanding the law’s articulation of equality amongst all victims.<sup>149</sup> At early points in the process, the concept of indirect proved necessary to help explain the ways many women experienced oppression. But today, many CSOs want to erase the distinction. As Hend Bouziri, put it,

“One of our most important things as a civil society group and through the work we’ve done... is that we proved that the idea of direct and indirect victim is nonsense. The women who were considered indirect victims sometimes are subject to abuses harsher than those for ‘direct’ women.”<sup>150</sup>

Even Hayet Ouertani, who helped codify the ‘indirect’ concept and expand the definition of victimhood to include mothers, daughters, and sisters, reflected, “This concept of indirect victim bothers me a little, because if we talk about an indirect victim, we minimize her efforts and we minimize what she has gone through.”<sup>151</sup>

Another victim category further complicates the perceived hierarchy of victims: those considered ‘urgent.’ Both the Commission for Martyrs and the IVD recognize and prioritize ‘urgent’ cases by meeting those victims’ needs or dealing with their reparations before others,<sup>152</sup> but there are no specific, publicly available criteria for what qualifies as an ‘urgent’ case.<sup>153</sup> Urgency may be based on medical or economic need, seriousness of violation, or familial or social situation.<sup>154</sup> Cases are decided and dealt with in an *ad hoc* manner, and several civil society leaders noted that they use informal channels based on personal relationships to expedite urgent cases for victims with whom they work.<sup>155</sup>

Although ‘victimhood’ remains a contested concept in Tunisia, the formal recognition of socio-economic harm has important implications. It enables women, their families, and communities to view some of the harms suffered by women as legitimate and worthy of redress. It disrupts the limiting transitional justice narrative that women experience harm primarily as victims of sexual violence, and expands the lens through which society understands women’s

experiences. This broader acknowledgement does not negate the importance of addressing sexual harms, as the stigmatization of sexual violence in Tunisia remains a significant barrier for victims seeking justice, but the expanded conceptualization adds nuance to the understanding of how oppression and conflict impact women.

The shift has implications for Tunisia's political transition as well. Recognizing the diverse ways in which women suffered from state-based repression upends the façade of the progressive society Bourguiba and Ben Ali sought to project, in which equality for women marked modernity.<sup>156</sup> Tunisia's historical record now demonstrably includes women's diverse experiences, and exposes the reality of a state in which the civil, political, and familial rights promised by Tunisia's legal code were not guaranteed to all.<sup>157</sup>

## CONCLUSION

Women participated throughout the Tunisian transitional justice process at all levels. Their active engagement in key leadership roles, as civil society liaisons, and as victims submitting testimonies led to a broader understanding of the suffering faced by Tunisians during the previous regimes. Female officials worked to institutionalize women's participation; women's CSOs operationalized strategies that sensitized women about the importance of their participation in the process and overcame gendered barriers to testimony submission; and female victims' testimonies integrated women's diverse experiences into the nation's historical record.

Serious challenges still face Tunisia's transitional justice process. While the personality-driven nature of the process created strategic access points for women in civil society, it also underlined the lack of transparency of institutional processes. Procedural opacity and corresponding perceptions of favoritism have intensely politicized the process, and remain the greatest challenge to its success.

Despite ongoing obstacles, the expanded concept of victimhood articulated in Tunisia holds broader implications for future transitional justice regimes. First, it broadens the theoretical lens of transitional

justice, so as to better understand and address the root causes of structural violence. As this chapter shows, the grievances that led to the Tunisian Revolution were rooted in socio-economic inequities caused by the government. The country's transitional justice process, driven in large part by the work of women at all levels, begins to confront this fundamental injustice by recognizing socio-economic violations as legitimate harms. Second, this expanded concept widens the spectrum of harms recognized and addressed within a transitional justice process, moving the conversation from *who* constitutes a legitimate victim to *how* various types of violations should be remedied. This has critical implications for women, whose experiences are often omitted in typical conceptualizations of harm, other than as victims of sexual violence. Furthermore, Tunisia's broadened definition of victimhood contributes to the evolving scholarly debate around whether transitional justice can serve as a tool for societal transformation. This does not mean that Tunisia's transitional justice process will cure its social ills, but, rather, the Tunisian case shows in practical terms what the potential of such processes can be.



# COLOMBIA: CREATING SPACE FOR WOMEN IN PEACE

## INTRODUCTION

On September 26, 2016, the Colombian government signed an historic peace agreement with the country's largest guerilla group, the Revolutionary Armed Forces of Colombia–People's Army (*Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo*, or the FARC), ending the Western Hemisphere's longest running civil war. Sustaining peace will require the maintenance of an inclusive transitional justice process to account for and reconcile decades of violence. The groundwork for such a process was laid in advance of the peace talks in Havana, and yielded significant and gender responsive gains in the final accords. This chapter analyzes the current transitional justice mechanisms created through the Havana peace negotiations between the Colombian government and the FARC, as well as existing transitional justice provisions from the 2011 Victims and Land Restitution Law (*Ley de Víctimas y Restitución de Tierras*, or Victims Law). Despite the inclusive process and associated gains, the electoral rejection of the accords in October 2016 underlines the challenges ahead.

Overall, this case highlights how women laid early groundwork on transitional justice and built upon it in the context of the peace process. It finds three main effects:

- First, government agencies working on transitional justice institutionalized gender policies laying a foundation for new institutions created in the peace accords.
- Second, the peace negotiation architecture included specific structures to integrate gender analysis into the accords, which ultimately led to gender-responsive provisions in the final agreement.
- Third, the accords explicitly classified sexual violence as a non-amnestiable crime, which sets a valuable precedent for other countries in transition.

The result has been a new norm of women's participation and an important precedent of creating gender-responsive mechanisms that will be hard to wholly reverse, a key lesson for designing and implementing inclusive transitional justice regimes in other contexts.

## CONTEXT

### *La Violencia and the Formation of Left-Wing Guerilla Groups*

Colombia's conflict began in the late 1940s during *La Violencia*, a period of intense fighting over land.<sup>1</sup> In 1957, political elites resolved the fighting through a power-sharing agreement,<sup>2</sup> which soon failed, since it prioritized placating the political elite over addressing long-held grievances about rural land.<sup>xii</sup>

Ongoing violence and insecurity facilitated the establishment and consolidation of power by left-wing guerilla groups in the countryside. Rural farmers and communists initially formed autonomous community groups to protect themselves; in 1964, several of these self-defense units consolidated into what became known as the FARC.<sup>3</sup> Calling for land reform and improved rural living conditions, the FARC proclaimed that it would defend rural communities from the Colombian state.<sup>4</sup> Over the next 15 years, the FARC evolved into an armed group dedicated to territorial expansion, claiming to fight for the poor under its Marxist-Leninist banner.<sup>5</sup> In 1982, the FARC officially transitioned from a defensive to an offensive force,<sup>xiii</sup> with a centralized hierarchical structure, a general staff, a military code, and a training school.<sup>6</sup> Other guerilla groups formed around the same time, most prominently the National Liberation Army (*Ejército de Liberación Nacional*, or ELN), a group of students and intellectuals with roots in Christian liberation theology that later became notorious for kidnappings.<sup>8</sup>

In the early 1980s, the growing power of various guerilla groups and increasing urban unrest compelled the Colombian government to try to end the conflict. In 1984, the state signed individual ceasefire agreements with four of the five most prominent rebel groups, including the FARC.<sup>9</sup> A new political party, the leftist Patriotic Union (*Unión Patriótica*, or UP) formed during the transition period after the ceasefire, but conflict resumed when thousands of members<sup>xiv</sup> – many of whom were former FARC – were assassinated during their first political campaigns.<sup>10</sup>

<sup>xii</sup> It is estimated that nearly 400,000 plots of land were taken from small landowners during *La Violencia*. See Anna Maria Ibanez, *Concentration of Rural Property in Colombia* (Oslo: International Peace Research Institute, 2009) accessed April 22, 2017, <https://www.prio.org/utility/DownloadFile.ashx?id=194&type=publicationfile>.

<sup>xiii</sup> The FARC added "Ejército del Pueblo" (EP), or "People's Army" to its name.

<sup>xiv</sup> More than 4,000 members of *Unión Patriótica* have been assassinated since the 1980s. See Diana Jean Schemo, "Colombia's Death-Strewn Democracy," *The New York Times*, July 24, 1997, accessed April 20, 2017, <http://www.nytimes.com/1997/07/24/world/colombia-s-death-strewn-democracy.html>.

### *The Drug Trade, Paramilitaries, and Shifting Alliances*

Around the same time as peace talks began in the early 1980s, a *nouveau riche* emerged, enriched from the escalating drug trade. The growing wealth and power of narco-traffickers spawned a web of incongruous alliances.<sup>11</sup> Druglords purchased vast rural estates and aligned themselves with wealthy landowners, party elites,<sup>xv</sup> and the Colombian military to protect their assets.<sup>12</sup> At the same time, traffickers needed to cooperate with local guerrillas to move their products through the jungle. Drug money quickly infiltrated guerrilla groups, the militaries, and national political parties.<sup>13</sup>

Druglords also funded right-wing paramilitary groups to protect their interests.<sup>14</sup> Starting as narco-death squads, these groups then developed into private, professional self-defense groups that mobilized against left-wing guerrillas. In 1997, paramilitary factions merged into the *Autodefensas Unidas de Colombia* (United Self-Defense Forces of Colombia, or AUC).<sup>15</sup> In the mid-2000s, these groups demobilized through a controversial process after a series of agreements with the Colombian government.

### *Women's Roles in the Conflict Cycle*

In decades of conflict, women played diverse roles as human rights activists, fighters, and peace advocates, all while enduring the extreme violence of the war.

For over fifty years, various actors – the paramilitaries, the guerrillas, and the Colombian army – all employed brutal tactics, with devastating consequences for ordinary people. Armed groups used banned weaponry, such as landmines, and forcibly recruited child soldiers to their causes;<sup>16</sup> kidnapping was common, with an estimated 12,000 civilians abducted between 1995 and 2002 alone.<sup>17</sup>

Sexual violence was systematically used as a weapon of war.<sup>18</sup> During the 2000s, it was estimated that 18 percent of women in areas controlled by armed groups were victims of sexual violence: in other words, armed groups directly victimized nearly half a million people in one decade.<sup>19</sup> Caught in conflict zones, Afro-Colombian and indigenous women were especially vulnerable;<sup>20</sup> sexual violence was used to spread terror in their territories, which had been granted constitutional autonomy in 1991.<sup>21</sup> All armed groups perpetrated these crimes against women, although in different forms and with different goals.<sup>22</sup> Paramilitary leaders abducted women and girls for sexual slavery and domestic labor, perpetrated sexual violence to gain territorial control, and assassinated women whom they suspected of fraternizing with ‘the enemy.’<sup>23</sup> Despite the FARC’s regulations prohibiting rape, there have been reports of guerrilla forces using sexual violence to forcibly recruit female combatants.<sup>24</sup>

Drug traffickers, guerrillas, and paramilitaries (sometimes aligned with multi-national corporations)<sup>xvi</sup> also displaced huge swathes of the rural population during the conflict. The Unit for Integral Care and Reparation for Victims (*La Unidad para la Atención y Reparación Integral a las Víctimas*, hereinafter the Victims Unit), responsible for collecting cases and providing reparations, has registered more than seven million victims of forced displacement.<sup>25</sup> Over 1.5 million women have been displaced in the last decade alone.<sup>26</sup> Displacement exacerbated the prevalence of gender-based violence and discrimination that already existed. Many displaced women fled to Colombia’s urban *barrios* (slums) and have remained there, often lacking basic services and vulnerable to sexual violence, sexually transmitted diseases, and forced prostitution.<sup>27</sup> Afro-Colombian and indigenous women face additional obstacles: they cannot practice important cultural rituals in the *barrios* and often cannot obtain jobs or an education.<sup>28</sup> In all cases, displacement seriously affects a woman’s ability to reclaim her

<sup>xv</sup> Among the parties closely associated with narco-traffickers were the Democratic Alliance (*Alianza Democrática*) and New Liberalism (*Nuevo Liberalismo*, or NL). See Mauricio Rubio, “Colombia: Coexistence, Legal Confrontation, and War with Illegal Armed Groups,” in *Dangerous Liaisons*, ed. Kevin Casas Zamora (Washington, DC: Brookings Institution Press, 2013).

<sup>xvi</sup> Multinational companies, including Chiquita, Del Monte, and Dole, are facing charges of crimes against humanity for the role they played in financing paramilitary death squads, which is the first time that private enterprises have been charged with such crimes. See Adriaan Alsema, “Dole and Del Monte also facing crimes against humanity charges for financing death squads in Colombia: report,” *Colombia Reports*, February 4, 2017, accessed March 27, 2017, <http://colombiareports.com/dole-belmonte-also-accused-crimes-humanity-financing-banana-death-squads-colombia-report/>.

land, since land is frequently untitled, and where a title does exist, it is rarely in the woman's name.<sup>29</sup>

While many women fled the conflict, others willingly joined the FARC and other guerilla groups.<sup>30</sup> Some estimates even suggest that women comprised 35 to 40 percent of the FARC, including as commanders, as well as the ELN.<sup>31</sup> These groups espoused a commitment to gender equality as a key recruitment tool.<sup>32</sup> Despite their significant presence within the ranks of the guerillas, some female ex-combatants have reported sexual violence, including forced abortions or forced use of contraceptives. There are also reports of sexual harassment and other forms of gender discrimination, such as forced unions.<sup>33</sup>

While some women took up arms, far more championed peace. In 1996, activist Ana Teresa Bernal Montañes' organization, *Red Nacional de Iniciativas por la Paz y contra la Guerra* (National Network of Initiatives for Peace and Against the War, or REDEPAZ), organized a national referendum on peace, in which 10 million Colombians voted for a peaceful resolution to the conflict. The same year, *La Ruta Pacífica de Las Mujeres* (Peaceful Route of Women, hereafter *Ruta Pacífica*) brought together women from 315 organizations across the country to support the shared vision of peace through negotiation.<sup>34</sup>

By 1999, the government had initiated peace talks. Yet while women had led the peace campaign, they were excluded from the talks. When negotiations with the FARC broke down in 2002,<sup>35</sup> and the political climate shifted away from peace efforts, women's groups nevertheless continued mobilizing for peace, building coalitions and advocating for a more inclusive process.

Colombian women's organizations also consistently advocated for women's civil and socio-economic rights, which, in turn, led to constitutional changes and legal reforms, including:

- The inclusion in the 1991 Constitution of gender-responsive language, declaring men and women as equal, emphasizing special protections during pregnancy, and guaranteeing women's participation in public administration.<sup>36</sup>
- The ratification in 2002 of the Women's Emancipatory Constitution, officially recognizing the common experiences, particularly economic marginalization and political exclusion, of women living in conflict areas.<sup>37</sup>
- Law 975 in 2005, known as the Justice and Peace Law (*Ley de Justicia y Paz de Colombia*, or JPL) aimed at promoting the reintegration of former paramilitaries into civilian life by reducing their jail sentences.<sup>38</sup> However, many women-led victim/survivor groups criticized the JPL as granting impunity for perpetrators of sexual violence and argued that the law, which is still in force, fails to provide women any real truth, justice, or reparations.<sup>39</sup> Women's and victim/survivor groups, along with international organizations, successfully challenged key aspects of the JPL, and, in turn, the Constitutional Court instructed the government to include more victim-centered provisions in the law, including those allowing victims to participate in investigations, and provisions on liquidating paramilitary assets to pay for the victim reparations funds.<sup>40</sup>
- In 2008, activist efforts resulted in the Constitutional Court issuing Auto 092, officially recognizing the conflict's disproportionate effect on women. This law required government agencies to create programs to serve women forcibly displaced by the conflict, established two constitutional presumptions to protect this population, and issued orders of specific protections for 600 forcibly displaced women.<sup>41</sup>
- Women's rights activists lobbied Congress for special gendered provisions in the 2011 Victims Law,<sup>42</sup> which created the Victims Unit to administer reparations. The law also mandated the return of millions of hectares of land to those displaced by the conflict<sup>xvii</sup> and introduced measures to assist women in their land rights claims.<sup>43</sup>

Women activists' extensive engagement has had major impacts, especially through legal reforms. Shortcomings remain, however. For example, critics contend that the implementation of the Victims Law has fallen short in its protection of women seeking to secure land since, three years after the law was signed, over 75 percent of land restitution claims made by couples continue to be made in the male partner's name.<sup>44</sup>

<sup>xvii</sup> As of 2012, Colombian landowners lost nearly seven million hectares (17 million acres) of land as a result of the conflict. See Lina Forero-Nino, "Colombia's Historic Victims and Land Restitution Law," *Law and Business Review of the Americas* 18, no. 1 (2012): 97.

### *The Road to Peace in 2016*

In 2012, President Juan Manuel Santos announced that the government would begin public negotiations with the FARC. Four years of negotiations yielded a comprehensive peace deal in 2016, which stated that the FARC would lay down its weapons and transition to a legally recognized political party.

Despite international acclaim for the agreement, voters rejected the peace deal by a narrow margin in an October 2016 referendum, claiming it was too favorable to the FARC. Shortly thereafter, the government and the FARC signed a revised peace deal that addressed key concerns, which the Congress ultimately approved.

## CURRENT STRUCTURES OF TRANSITIONAL JUSTICE

Transitional justice mechanisms in Colombia can be divided into two categories: those longstanding government institutions developed over 50 years of conflict, and the new structures created during the Havana peace process.

### Government Ministries Involved with Transitional Justice

Agency:  
**Victims Unit**

- Leads the government's efforts to provide reparations to victims of the conflict cycle.<sup>45</sup> It administers both individual and collective reparations and provides technical and budgetary support to territorial authorities to address victims' needs.<sup>46</sup>

Agency:  
**Office of the Attorney General**

- Investigates and prosecutes crimes.<sup>48</sup>

Agency:  
**Ministry of Justice and Rights**

- Formulates, coordinates, and executes policy related to access to formal and alternative justice, crime prevention and control, and prison and penitentiary issues.<sup>47</sup>

Agency:  
**Ombudsman's Office**

- An autonomous body that advances human rights standards by promoting compliance with international humanitarian law, advising individuals in the exercise of their rights, and providing access to justice.<sup>49</sup>

## THE PEACE PROCESS BETWEEN THE GOVERNMENT OF COLOMBIA AND THE FARC

The Havana peace table was made up of two negotiating delegations (the Colombian government and the FARC), as well as representatives from guarantor countries (Norway and Cuba) and accompanying countries (Venezuela and Chile).<sup>45</sup> Humberto de la Calle Lombana led the government delegation;<sup>46</sup> this team was supported by Sergio Jaramillo Caro, the high commissioner for peace, whose office helped set the agenda for the negotiations and played a key role in preparing for the accords.<sup>47</sup> The FARC plenipotentiaries were led by Lucian Marín Arango (alias Iván Márquez). Although rarely present in Havana, the commander of the FARC, Rodrigo Londoño Echeverri (alias Timoleón Jiménez or Timochenko), was another key player.<sup>48</sup>

The negotiations were organized around six agenda items:

- A Comprehensive Agrarian Development Policy;
- Political Participation;
- An End to the Conflict;
- A Solution to the Problem of Illicit Drugs;
- The Victims; and
- Implementation, Verification and Endorsement.<sup>49</sup>

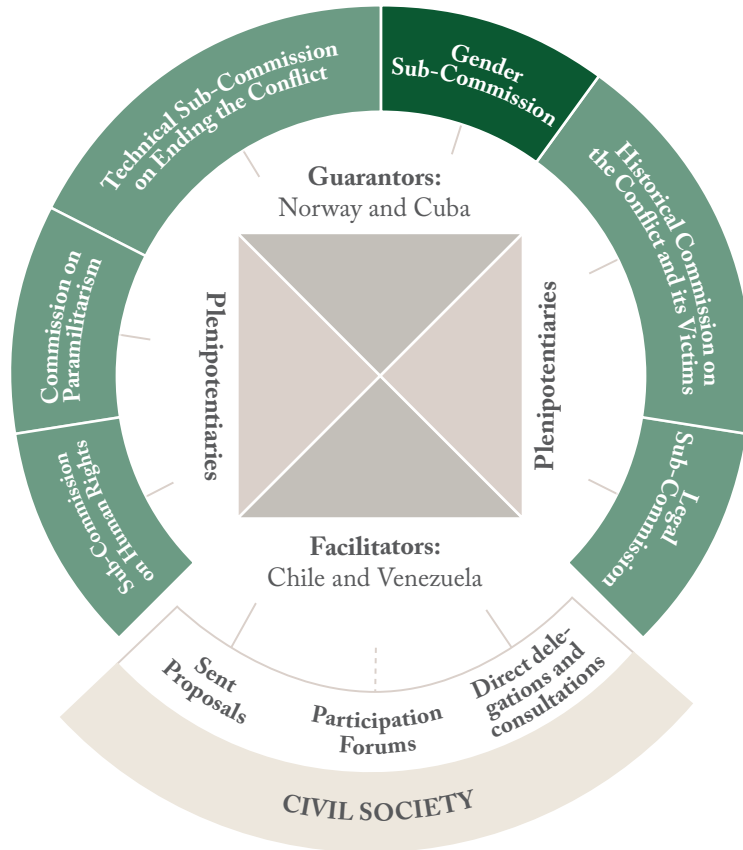
Within the process, six sub-commissions were created to support the negotiations, including one on gender:

- The Historical Commission on the Conflict and its Victims;
- The Gender Sub-Commission;
- The Technical Sub-Commission on Ending the Conflict;
- The Legal Sub-Commission, to help build a justice system;
- The Commission on Paramilitarism, to assist with the agreement on ending the conflict; and
- The Sub-Commission on Human Rights, to address issues related to prisons.<sup>50</sup>

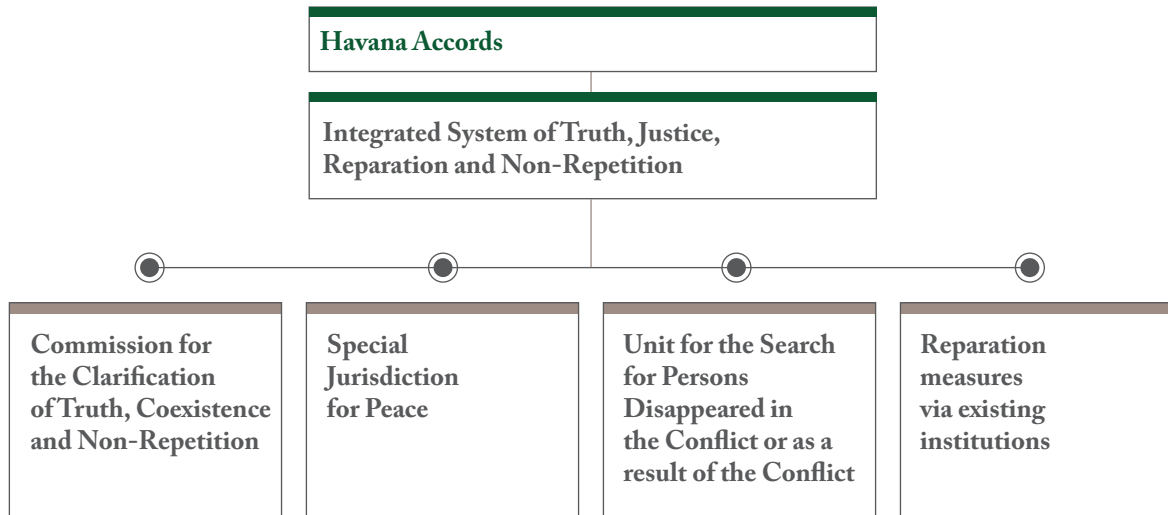
The negotiation process allowed for civil society input through three mechanisms:

- the creation of proposals related to the six agenda items, sent to the peace table by physical or electronic means;
- direct consultations on the agenda items, through delegation trips to Havana and other methods; and
- participation through spaces organized by parties not directly connected to the peace table.<sup>51</sup>

### Structure of the Havana Dialogues



### The Integrated System of Truth, Justice, Reparation, and Non-Repitition



The Integrated System of Truth, Justice, Reparation, and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y No Repetición*, or SIVJRNR) coordinates the planning and provision of services for victims, as well as accountability for perpetrators. The SIVJRNR is made up of a variety of mechanisms to address victims' needs,<sup>xviii</sup> including the Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*) and the Commission for the Clarification of Truth, Coexistence and Non-Repetition (*Comisión para el Esclarecimiento de la Verdad, la Convivencia y la no Repetición*).<sup>52</sup>

The Special Jurisdiction for Peace will judge and impose sanctions on those responsible for crimes committed in the armed conflict, including crimes against humanity, genocide, and grave war crimes, working in coordination with the Attorney General's office, as well as victims and human rights organizations.<sup>53</sup> The Commission for the Clarification of Truth, Coexistence and Non-Repetition will be a truth commission, to clarify what happened during the conflict and to acknowledge the experiences of victims, working in coordination with the Special Jurisdiction for Peace,<sup>54</sup> both to understand the extent of violations committed and to punish the perpetrators.

## WOMEN'S GAINS WITHIN COLOMBIA'S TRANSITION

Despite the road to peace being long and contentious, three key features of Colombia's current peace and transitional justice architecture have enabled the process to be gender-inclusive:

- Prior to the peace accord, integrating gender into the institutional policies of several government agencies with transitional justice mandates established a precedent for the resulting transitional justice provisions arising out of Havana.
- During the peace negotiations, creating gender structures opened official spaces for women to advocate for policies that acknowledged their experiences during the conflict.

- In the Havana accords, expressly designating sexual violence as a non-amnestiable crime – the first peace agreement to do so – set a precedent for other negotiations to follow.

The sections that follow trace how each of the above gains came about, and why they are significant. In doing so, this report provides a framework for analyzing the successes and limitations of inclusivity in the Colombian process as seen by Colombians, and develops key lessons for designing and implementing inclusive transitional justice regimes in other contexts. Importantly, the fieldwork for this chapter was conducted in a format that enabled participants to identify the issues they perceived as most critical to transitional justice, without criteria imposed by researchers. While some issues such as land restitution and forced displacement were discussed with study participants, the policies arising from these issues did not emerge as gains of the transitional justice process and thus are not addressed at length here.

## GAIN 1: GOVERNMENT MINISTRIES WITH TRANSITIONAL JUSTICE MANDATES IMPLEMENTED GENDER POLICIES

### *What does this mean?*

During decades of war, the government institutionalized its response to the conflict by creating offices within existing ministries to manage and implement conflict-related policies, including a somewhat fragmented transitional justice process, headed by the Victims Unit, the Ministry of Justice, the Ombudsman's Office, and the Office of the Attorney General, along with other supporting agencies. Since 2011, these agencies have implemented policies that integrate gender into their program frameworks and activities.

As the lead agency administering reparations, the Victims Unit seeks to apply a transformative approach when addressing women's needs, as Iris Marín Ortiz, sub-director of the Victims Unit, stated:

<sup>xviii</sup> Commission for the Clarification of Truth, Coexistence and Non-Repetition (*Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición*), the Unit for the Search for Persons Disappeared in the Conflict or as a Result of the Conflict (*la Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto armado*), the Special Jurisdiction for Peace (*la Jurisdicción Especial para la Paz*), and reparations measures to be administered by pre-existing state institutions.

“Reparations must be transformative. This means that we are not just looking to restore the previous state of things, but also to correct the previous situation of discrimination or marginalization that this person suffered before. When it comes to women...we’re not bringing them back to a place where they were abused by their husbands.... That’s a situation of discrimination and marginalization. We have to take that into account in the reparations process.”<sup>55</sup>

As part of the Unit’s original structure, the Office on Gender Policy has applied this approach across all Unit activities since inception.<sup>56</sup> Two key components are collecting sex-disaggregated data and mandating gender parity for the Unit’s implementing partners in civil society.<sup>57</sup> Importantly, the Unit is responsible for officially registering victims, and requires the sex of the person to be stated on the submission form.<sup>58</sup> Using this, programs can be tracked by gender, resulting in the following statistics:

- Roughly half of the approximately 8.4 million victims registered with the Unit by June 2016 were women.
- While disbursement amounts are not disaggregated by sex, 70 percent of the 600,000 recipients are women.
- The rehabilitation program has also overwhelmingly served women: 76 percent of the 93,000 participants have been women.<sup>59</sup>
- However, only 22 out of the Unit’s 140 registration centers have the capability of taking statements confidentially,<sup>60</sup> widely considered as a best practice for increasing women’s access to resulting services, such as medical, psychosocial, etc.

For collective reparations – reparations granted to organizations, communities, or groups targeted during the conflict, rather than individuals – the Unit launched an affirmative action strategy to reach women’s organizations.<sup>61</sup> Even when dispensing collective reparations to bodies *not* expressly focused on women, the Unit mandates gender parity on the advisory committees of recipient groups. In partnership with the

Unit, these advisory committees disburse reparations locally. Both policies ensure women hold leadership roles in locally implementing collective reparations.<sup>62</sup>

Other government institutions dealing with transitional justice have also mandated gender-responsive policies. In early 2016, the Office of the Attorney General directed its offices to create specific protocols for victims of gender-related violence.<sup>63</sup> The Office of Transitional Justice within the Office of the Attorney General trained staff to identify signs that a victim may have experienced gender violence, even if the person originally comes forward to declare a different crime.<sup>64</sup> The Ministry of Justice has been proactive in pushing the courts to develop directives that make it easier for women to navigate discriminatory laws when pursuing conflict-related cases,<sup>xix</sup> and has urged judges to resolve cases accordingly.<sup>65</sup>

Integrating gender policies has resulted in more targeted programs for women. For example, the Ministry of Justice supports multi-day workshops across the country to provide integrated services for female victims of conflict-related sexual violence: a local CSO will coordinate the logistics, with the Ministry providing representatives of the Attorney General’s office, the Victims Unit, and the Ombudsman’s office.<sup>66</sup> Catalina Díaz Gómez, director of transitional justice at the Ministry of Justice, explained the rationale behind this methodology: “The government needs to approach the victims in an inter-institutional way so that the victims don’t need to tell their story three different times.”<sup>67</sup>

Instead, victims give their testimony once, and various officials file it accordingly for prosecution, reparation, or other services depending on the work of their ministry.

### *How did it happen?*

The Victims Unit led the way. Ranking officials at the Victims Unit had deep ties with civil society. These officials were also overwhelmingly women, and their support for a strong gender focus proved crucial.<sup>xx</sup> The sub-director of the Victims Unit Iris Marín Ortiz observed:

<sup>xix</sup> Women rarely hold land titles in their name. Before accessing land restitution processes, they must first apply for presumed death declarations for family members or succession decisions, which can take years in court.

<sup>xx</sup> In June 2016, a new male director, Alan Jara, assumed leadership of the Victims Unit.



“So far, our director-general [Paula Gaviria] and sub-director, and four out of our five national directors are women....90 percent of our organization is composed of women. The highest ranking members are women.”<sup>68</sup>

Paula Gaviria, a prominent civil society advocate, played a key role in designing the Victims Law in 2011, and was subsequently instrumental in establishing the Victims Unit. Maria Eugenia Morales and Iris Marín Ortiz, currently the respective national director and sub-director, had previously worked with UN Women Colombia (*ONU Mujeres Colombia*), where they had designed gender-sensitive methodologies for working with victims and advocated for their inclusion in the Victims Law.<sup>69</sup> As the sub-director stated: “Our presence in this institution comes from our experience with women’s organizations.”<sup>70</sup>

Women’s groups had collected victims’ testimonies for over 20 years in order to document violations and advocate for services responsive to women’s needs. Starting in the mid-2000s, they were already developing gender-responsive frameworks for transitional justice while lobbying the relevant institutions to adopt their recommendations. Thus, as civil society activists became government officials, many as high-level officials, they incorporated these priorities into state institutions such as the Victims Unit. When the Victims Unit was first created, civil society advocates felt it represented a unique opportunity to reset the relationship between government agencies and the victims they aimed to serve. As the sub-director indicated,

“The government took many of the banners carried by civil society and appropriated them, so that ... many people we now work with here at the Unit and other places... [are] people we used to work with previously, in human rights organizations.”<sup>71</sup>

The Colombian state relies heavily on Bogotá bureaucracies,<sup>xxi</sup> with numerous interviewees referencing the importance of precedents and legal obligations as the way to establish gender-responsive policies in government agencies.<sup>72</sup> As such, the Victims Unit had

the leverage to compel several government agencies to follow suit. For instance, since the Victims Unit manages the reparation disbursement process, its policies influenced the Attorney General’s office and the Ministry of Justice. More specifically, the Victims Unit oversees the National System for Integral Reparations to Victims (*Sistema Nacional de Atención y Reparación Integral a las Víctimas*, or SNARIV), which coordinates the 53 state entities dealing with victims.<sup>73</sup> Within SNARIV, each state entity uses the Plan for Attention, Assistance and Integral Reparations to Victims (*Plan de Atención, Asistencia y Reparación a las Víctimas*, or PAARI) to create a profile for each victim and record their needs.<sup>74</sup> The intake processing form states the victim’s gender. The Victims Unit, via PAARI, disseminates all victim information, including gender, to the other government entities tasked with providing services. A common barrier to gender-responsive policies is the lack of sex-disaggregated data to implement programs, but officials in agencies working on transitional justice noted that PAARI includes information on gender and can use it to complete their work.<sup>75</sup> Easy access to sex-disaggregated data can change both which programs are implemented and whether those programs adequately serve women.

Judicial decisions also supported institutional changes in gender policy such as those spearheaded by the Victims Unit. Auto 092, a judicial mandate issued in 2008, articulated specific conflict-related risks women face,<sup>76</sup> which forced government offices working on conflict-related issues to include gender in their work.<sup>77</sup> This was followed by Auto 009 in 2015, which established “a constitutional presumption of connection between sexual violence, the armed conflict and displacement.”<sup>78</sup> The judicial mandate states,

“It is reasonable to presume that acts of sexual violence perpetrated [in areas of armed conflict] are found to have a direct tie to the armed conflict and therefore, factor into new displacements or the re-victimization of women who have established themselves in a given location after displacement. Thus, competent authorities should apply this presumption in order to prevent, respond to, register, investigate, prosecute

<sup>xxi</sup> According to a government official, Colombia has one of the strongest and most active judiciary systems in the region and has a culture of bureaucratic rules. Interview with a government official, June 16, 2016.

and redress acts of sexual violence against women that have occurred in a given location, taking into account the correlation between the armed conflict, the presence of armed actors, displacement and sexual violence.”<sup>79</sup>

Auto 009 directed government ministries to be aware of sexual violence in conflict situations and to create policies in their respective offices acknowledging the difference between conflict-related sexual violence and other forms, such as intimate partner violence or rape outside of a conflict context. Such institutional policy changes signal an awareness that gender matters when administering government services, particularly in relation to conflict.

Spurred on by new gender policies, some government agencies created gender-responsive programs by adopting methodologies from women’s CSOs. For example, the Ministry of Justice’s workshop programs were created by a CSO seeking to support victims of conflict-related sexual violence. After being approached by women wishing to register sexual violence complaints but without any comfortable way of doing so, *Corporación Mujer, Sigue Mis Pasos* (Woman, Follow My Steps, or CMSMP) developed a new complaint submission process to facilitate collective submissions, whereby victims could testify to multiple agencies simultaneously. This process was implemented through private, two-day workshops that included representatives from the offices of the Ombudsman and the Attorney General.<sup>80</sup> The initial workshop enabled the government to collect and register the testimonies of 60 participants.<sup>81</sup> CMSMP eventually partnered with the Ombudsman’s office and the Ministry of Justice in coordinating and providing funds for the complaint submission model, respectively.<sup>82</sup> The CMSMP representatives, all themselves victims of sexual violence, trained officials on how to engage women without re-victimizing them.<sup>83</sup> While significant disagreements between the parties ultimately ended the partnership,<sup>84</sup> the Ministry of Justice continues to implement a version of this integrated service model.

A similar partnership developed with the national women’s CSO *Liga Internacional de Mujeres por la Paz y la Libertad* (Women’s International League of Peace and Freedom, the Colombian branch of WILPF, or LIMPAL) and *Casa Amazonia* (Amazon House), a

local organization in Putumayo, which together created an approach for working with indigenous or Afro-Colombian victims of sexual violence.<sup>85</sup> They published a series of best practices called “*Ruta Ideal*” (‘Ideal Path’), which included recommendations such as allowing reporting at the Health Department rather than the Prosecutor’s office, and not requiring a security check or explanation of reasons before entering to file a claim.<sup>86</sup> Subsequently, the Presidential Office of the Council of Human Rights (*Consejería Presidencial para los Derechos Humanos*), currently headed by the former Victims Unit director, Paula Gaviria, partnered with LIMPAL to train women victims on victims’ rights and to provide psychological and legal counseling.

#### *Why does it matter?*

How the dictates of the Havana accords will merge with existing government frameworks on transitional justice remains to be seen. The gender policies so far enacted by government agencies offer some hope that bureaucracy can integrate gender into institutions created by the accords. One promising sign was that the former director of the Victims Unit and champion of gender-responsive approaches, Paula Gaviria, was at the negotiating table in Havana for several months, explaining the processes of the Unit and advising on language for the Victims Accord.

Though still limited, the creation of gender programming at the Ministry of Justice and elsewhere is encouraging, making it easier for conflict victims to report crimes and access associated government services, which in turn creates credibility for these institutions. If government institutions, in partnership with women’s CSOs, are attentive to the needs of conflict-related sexual violence victims, this could help restore the trust lost due to the state’s failure to protect its citizens from conflict.

However, significant challenges remain: state agencies are diverse by nature, regional outposts demonstrate far less willingness to implement gender policies than the Bogotá headquarters. Some local transitional justice agencies, such as the Attorney General’s and Ombudsman’s offices, are unresponsive, or stigmatize women submitting testimony, with responses varying by city or even by town.<sup>87</sup> This was noted in various interviews. As one employee of the Victims Unit revealed, “Whenever [women] say something’s

happening, people think they're making it up, so [women are] used to dealing with their own issues without the institutions."<sup>88</sup>

A victim's advocate living in Cartagena reported that she frequently uses national-level allies to override regional inaction, explaining,

"First, I talk with the regional level. If they don't listen to me I go to the national level. There are some institutions that never do what we ask them to, and I already know it, so I go directly to the national level."<sup>89</sup>

Aware of these hurdles, the Victims Unit leadership specifically decided that their intake policy would involve analyzing victims' statements in Bogotá, rather than regionally.<sup>90</sup>

Beyond mistrust, danger also looms for women coming forward locally, especially those victimized by crimes of sexual violence; threats are common, and protection is limited.<sup>91</sup> Only 12,000 victims have registered claims of sexual violence out of eight million registered victims<sup>92</sup> – even though estimates of conflict-related sexual violence are much higher. Institutional gender policies are only a first step in increasing the number of claims; for women victims to safely report conflict-related sexual violence and access services across the entire country, huge deployments of human and financial resources are required. Mobilizing these resources involves sustained political will outside of Bogotá. As such, regardless of the strength of gender frameworks, disconnects between central and regional implementation remain a significant challenge to the transitional justice process.

## **GAIN 2: CREATION OF SPECIFIC STRUCTURES TO INTEGRATE GENDER IN THE PEACE NEGOTIATIONS**

### ***What does this mean?***

The Colombian peace process in Havana is a rare case: women participated at the negotiation table, on the technical support teams, and through testimonials, with each agenda item reviewed by the Gender Sub-Commission before the final agreement was signed. The process included structures to facilitate the express goal

of an inclusive peace agreement. Pressure from women in civil society aligned with the strategic self-interest of both negotiating teams to make this possible.

Two mechanisms enabled this achievement:

First, the Gender Sub-Commission (*la Subcomisión de Género*, or GSC), announced in June 2014, was part of the negotiation table's pronounced commitment to achieve agenda item five<sup>xxiii</sup> addressing the needs of victims.<sup>93</sup> Inaugurated three months later, the GSC comprised six members from each negotiating team, as well as guarantor country representatives.<sup>94</sup> It was co-chaired by María Paulina Riveros Dueñas, a government plenipotentiary and former director of human rights at the Ministry of the Interior (*Ministerio del Interior*) and Simanca Judith Herrera (known under her alias, Victoria Sandino), a FARC guerrilla and member of the FARC Peace Delegation. The GSC's mandate was to "review the final agreement and prior agreements reached and guarantee that they had an adequate gender focus."<sup>95</sup>

In practice, its members analyzed the impacts of the conflict on women for each agenda item in the peace deal. The GSC is unique;<sup>96</sup> no other such commission has been created during official negotiations to review all agreements from a gender perspective.

Second, there was a de facto gender quota for the victims' delegations that presented directly to the negotiating table in Havana. The negotiating table agreed on criteria through which Colombians could be selected to address the peace table; they stipulated that women had to participate, though they did not specify an actual number.<sup>97</sup> The United Nations, the National University's Thought Center for Following the Peace Dialogue (*Centro de Pensamiento y Seguimiento al Diálogo de Paz*), and the Colombian Conference of Bishops (*Conferencia Episcopal Colombiana*, or CEC) collectively chose the delegates, working from lists of victims submitted by the Victims Unit, by CSOs such as *Victimas Visibles* and *Movimiento Nacional de Víctimas de Crímenes de Estado* (National Movement of Victims of State Crimes, or MOVICE), and by individuals.<sup>98</sup> The negotiating teams had no input in the selection process, reducing the possibility of bias, and delegate names were kept confidential until the victims were on their way to Havana.<sup>99</sup> According to Alejo Vargas, director of the Thought Center for Following the Peace

<sup>xxiii</sup> This occurred with the release of the "Declaration of Principles for the Discussion of Point 5 on the Agenda: Victims" (*Declaración de principios para la discusión del punto 5 de la agenda: víctimas*).

Dialogue, the selection committee sought diversity in terms of region, perpetrator, and crime typology (e.g., kidnapping, extortion, displacement, sexual violence, anti-personnel mines, among others), while adhering to the *de facto* gender quota. Ultimately, the peace table listened to five delegations of 12 victims each; women constituted 60 percent of the 60 victims who presented,<sup>100</sup> giving an account of their experiences during the conflict and their priorities for the peace.

### *How did it happen?*

Long before the Havana talks began, women in civil society had started developing the structures and gathering the evidence to push for an inclusive peace process. In 2009, *Ruta Pacífica* embarked on a multi-year process to create a truth commission for women. As their director, Marina Gallego, noted,

“We created this commission... as a contribution by women to the peace process in Colombia, even if there wasn't yet a negotiation table, back then, nor was one expected to be created any time soon.”<sup>101</sup>

In addition to developing a gender-responsive methodology for any future truth commission,<sup>102</sup> *Ruta Pacífica* also interviewed more than 1,000 women across every department in Colombia. Other organizations, such as CMSMP and *Movimiento por La Paz* (Movement for Peace, or MPDL), undertook similar initiatives, albeit with different methodologies.<sup>103</sup> Through interviews and service provision, they created compelling evidence for the need to elevate women's experiences within a formal process.

With the aim of affecting the contours of the talks, women's CSOs built coalitions to mobilize thousands of women, targeting their outreach towards various stakeholders in the peace process. After the talks were announced in September 2012 without any female negotiators, women's CSOs began lobbying the government and international players. In one key meeting in 2013 with Sergio Jaramillo, the high commissioner for peace, *Ruta Pacífica* pushed for women plenipotentiaries. Jaramillo's office indicated that if a vocal public case was made, they could acquiesce.<sup>104</sup> In late 2013, nine prominent women's CSOs<sup>105</sup> organized a three-day *Cumbre de Mujeres y Paz* (Summit on Women and Peace, or *Cumbre*) in Bogotá, supported by the UN and international partners such as Norway, Sweden, and Spain.<sup>106</sup> The highly publicized event brought together

more than 500 women to create unified recommendations to be sent to the negotiation teams.<sup>107</sup> These women represented thousands more, as the nine CSOs were hubs for women's networks across the country. Some of the organizers, such as the *Red Nacional de Mujeres* (National Network of Women), coordinated regional summits with their local affiliates in advance of the *Cumbre*, so that the national groups could convey their regional partners' recommendations to the summit.<sup>108</sup>

This multi-tiered approach enabled a flow of information between regional networks of women and women's organizations headquartered in Bogotá.<sup>109</sup> Inilse Mercado, a member of the Cartagena branch of the *Mesa del Movimiento Social* (Table of Social Movements), explained how the complex networking among women's groups disseminated information across the country:

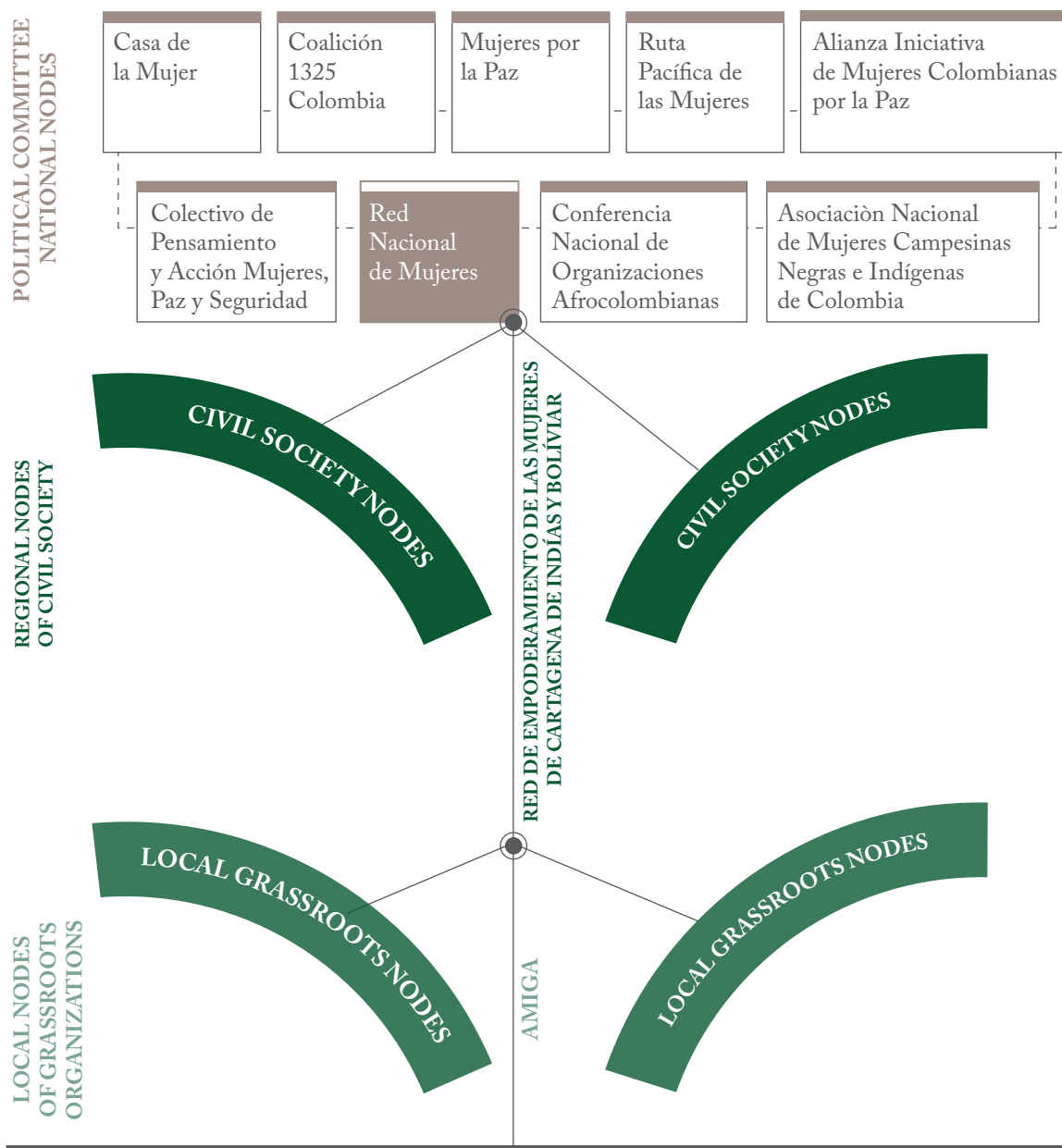
“There are national women's networks. In my case, I'm also a member of a grassroots organization called the Empowerment for Women Network. The core of my work is on a neighborhood level, in another grassroots organization called Amiga. Amiga is part of the Empowerment for Women Network. This network focuses on public policy and operates as a node of the National Network. Through these nodes, we communicate with the National Network – they keep us informed on the [peace] process.”<sup>110</sup>

The layered networks enabled the perspectives of multiple women's groups across the country to be part of the proposals sent to Havana by streamlining the demands of the women's movement into manageable proposals and focusing on pressuring key stakeholders.

However, women's concerns and their degree of inclusion in the process varied. There were notable geographic differences; Afro-Colombian and indigenous women in particular still felt distanced from the decision-making.<sup>111</sup> An interviewee from Cartagena revealed,

“Women from national [Bogotá-based] organizations can just come, talk the talk and then leave. Their notions of safety are different... [Cartagena]...is a completely different context. There is a lot of fear.”<sup>112</sup>

### The Cumbre and its Networks



Divisions were also topical, even within the Bogotá-based organizations. As Norma Inés Bernal Vélez of the *Grupo Ecuménico de Mujeres Constructoras de Paz* (Ecumenical Group of Women Peacemakers, or GEMPAZ) noted, “we bring our very strong arguments... it’s very difficult. Women in Colombia are very good at arguing in their groups.”<sup>113</sup>

Interviewees noted that multiple priorities, including forced disappearance were discussed, but notably, interviewees did not mention land restitution. Even with these differences, the *Cumbre* relayed specific requests to the negotiating teams, including the naming of women as plenipotentiaries.

One month after the initial *Cumbre*, the government appointed two women as plenipotentiaries: María Paulina Riveros Dueñas and Nigeria Rentería. *Ruta Pacífica’s* Marina Gallego saw the *Cumbre* as causal: “We demanded from the government that women be named plenipotentiaries – and the government did so.”<sup>114</sup>

International pressure for women’s participation was also a factor, including the timely assessment of Colombia’s compliance with treaty obligations to the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2013.<sup>115</sup>

The nine *Cumbre* organizers, known as the Political Committee, continued to meet on a bi-weekly basis and advocate for women’s priorities.<sup>116</sup> As one government official said: “They were pushing for meeting with us, they got meetings with us, they were saying ‘we need to do this, we need to make sure that we really incorporate gender issues here’.”<sup>117</sup>

Committee members targeted specific government representatives based on existing leverage. *Sisma Mujer* (Sisma Woman), a leader within the National Network of Women, networked with Paula Gaviria of the Victims Unit as well as the Office of the High Commissioner;<sup>118</sup> *Ruta Pacífica* acted similarly with officials at the Ministry of Justice.<sup>119</sup>

The officials with whom they met shaped many of the daily decisions made on the peace process – and many of these officials were women. Women held key posts across multiple ministries such as the Victims Unit and the Ministry of Justice; the Office

of the High Commissioner was nearly 70 percent female, with women holding all the director-level positions.<sup>120</sup> These women did not work specifically on gender, but they held meetings with women’s CSOs as part of their usual outreach efforts.

The idea of the Gender Sub-Commission emerged from one of these key officials – Elena Ambrosi.<sup>121</sup> After the *Cumbre*, and amidst sustained pressure from women’s CSOs, Ambrosi developed and presented the idea of a Gender Sub-Commission first to Commissioner Jaramillo, then to the negotiating teams. As one government official summarized it, “Elena is super powerful within the delegation.... So, when she insisted, ‘This is something I want to make happen,’ it happened.”<sup>122</sup>

In creating the GSC, Ambrosi, with the help of others, operationalized one of the main items on the agenda of women’s CSOs: an official forum to discuss issues that affected women’s lives during the conflict.

The international community also championed women’s inclusion in the peace process. For instance, through funding, capacity building, and facilitation support, UN Women Colombia was a key player in creating the *Cumbre*. As Katherine Ronderos, a *Cumbre* Political Committee representative from LIMPAL, indicated:

“UN Women facilitates the group and has provided important support, not only technical but political as well. This has been pivotal to the *Cumbre* because we are a diverse group... we argue, and we often struggle to come up with decisions. They have helped us... to keep us together, and to be more real on our decisions.”<sup>123</sup>

The former head of UN Women Colombia, Belén Sanz, accompanied women’s groups to lobby for an inclusive process, effectively giving these women’s CSOs the backing of the international community.<sup>124</sup> The Norwegian government also played a critical role in making the process more inclusive, expressly with regard to gender:<sup>125</sup> as the GSC was discussed, a Norwegian focal point on 1325 stressed the importance of a gender perspective in the peace process, and Norway later appointed a member of its team to serve as a facilitator for the GSC.<sup>126</sup> International agencies also helped select the members of the victims’ delegations. As one of three entities on the selection committee, UN Women ensured adherence to the *de facto*

gender quota. They helped guarantee that women made up 60 percent of the delegates who visited Havana.<sup>127</sup>

Ultimately, however, the FARC and the Office of the High Commissioner chose strategically to ensure inclusion in the talks. With the Havana negotiations being a less transparent process than previous iterations,<sup>xxiii</sup> the government sought to demonstrate its willingness to listen. As one government official said regarding women's CSOs: "We've heard them, we've invited them... [the GSC] has been of great help to a very important and representative group in Colombian society. They know we're there, working on the issue."<sup>128</sup>

For the FARC, which had little to no contact with the civilian population during the peace process,<sup>129</sup> an inclusive process had the potential to help humanize the armed group. Given the subsequent failure of the referendum, this strategy was perhaps inadequate. Nevertheless, the GSC and victims' delegations constituted almost the only opportunities for the FARC to engage directly with Colombian citizens, albeit in a government-sanctioned setting.<sup>130</sup>

An overall emphasis on victims in the negotiation process yielded structures that were accessible to women and responsive to their needs. María Paulina Riveros Dueñas spoke to its relevance:

"For the first time...all the agreements should be focused on the rights of conflict victims, to ensure that at least there will be justice and reparation, and no repetition. The purpose of the visit wasn't just for them to come and be heard, but for the physical presence of a very diverse group to help us in designing the agreement."<sup>131</sup>

The GSC utilized this explicit focus on victims to push for including its gendered analysis in the agenda items of the overall accord. A focus on inclusion resulted in a direct reference to victims' rights to truth, justice, reparations, and guarantees of non-recurrence,<sup>132</sup> which was a substantial gain in terms of future legal recourse for victims. The GSC also succeeded in inserting an acknowledgment of the differential impact of conflict on men and women – official recognition of *gendered* victimhood – into this text, which was a gain for women victims.

### *Why does it matter?*

The structures of the Havana process shaped the final accords. Gains made for women in transitional justice sections of the accords included:

- the creation of a gender working group within the future truth commission to address the effects of the conflict on women;
- a special team in the Special Jurisdiction for Peace court to investigate sexual violence cases;
- a commitment to improving psychosocial service provision to sexual violence survivors;
- the classification of sexual violence as a non-amnestiable crime; and
- the promotion of women's equal participation in new transitional justice bodies created by the accords.<sup>133</sup>

These gains can be traced to the gender structures in the peace process architecture. The GSC served as the key entry point for women's inclusion. Women's CSOs sent proposals to the GSC and lobbied through its representatives,<sup>134</sup> submitting input on every agenda item in real-time.<sup>xxiv</sup> Because women's CSOs had collected evidence of the conflict's impact on women,<sup>135</sup> the GSC acknowledged their expertise and invited their testimonies. Initially 18 women from various organizations testified at the GSC followed by a delegation of 10, focused expressly on sexual violence.<sup>136</sup> These women used this opportunity to explain their priorities<sup>137</sup> and to propose language that was ultimately codified in the final agreement.<sup>138</sup>

In addition to the two GSC co-chairs (who were already official members of their negotiating teams), other women came to Havana specifically to serve on the GSC, increasing the number of female officials within the process. Two of the government's nine plenipotentiaries were women, and, while the FARC had no female plenipotentiaries, approximately 35 percent of their overall delegation was female.<sup>139</sup> Furthermore, the GSC's mandate enabled it to review and make recommendations on all agenda items, giving women on the GSC a unique power to impact the accords.<sup>140</sup>

<sup>xxiii</sup> The government was intent on creating a less participatory process than the 1999-2002 El Caguán discussions with the FARC, which involved many citizens, but three years of presentations dissolved without the parties even agreeing to an agenda. A government official noted Colombia's history of failed talks, "We rethought this process not only within the international framework...but also on the experiences Colombia had on the issue." Interview with government official, June 16, 2016a; Interview with government official, June 16, 2016c.

<sup>xxiv</sup> The Gender Sub-Commission also reviewed the agenda items agreed to before its creation.

These participatory gains did have a distinct Bogotá bias. Some women, especially Afro-Colombian and indigenous women, were not present at the table, and many felt that the GSC did not adequately address their needs.<sup>141</sup> Julia Eva Cogollo Cabaracas of the *Proceso de Comunidades Negras* (Group of Black Communities, or PCN) discussed how neither the Afro-Colombian community nor the women's community adequately pushed for black women's needs:

“We consider that our proposals won't be heard... the ones [from PCN] who go to Havana are men, and even when we send proposals with them, we're not really sure if they are going to fight for our proposals... On some occasions, we sent them with women organizations that went there... they almost never emphasize the black part.”<sup>142</sup>

Indigenous women shared these concerns. As one interviewee expressed, the GSC “exposed the needs of women in general, but not necessarily those of indigenous women.”<sup>143</sup>

The GSC was also important from a negotiating perspective. In reviewing proposals through a gender lens, the GSC created a common cause between the otherwise adversarial positioning of the two negotiating parties. As María Paulina Riveros Dueñas said: “I remember phrases such as ‘This is the first time we have an all-women meeting at the table,’ [and] ‘We have something in common.’ It was somewhat surprising.”<sup>144</sup>

Hilde Salvesen, the Norwegian facilitator on the GSC, observed how the GSC created unexpected common ground between the negotiating teams:

“Although the persons in the commission came from very different contexts and had contrasting political views, there was a common goal: the empowering of women and women's rights throughout the peace process. Now they didn't always agree on the measures or how this should

be realized, but still, there was a general feeling of a common aim.”<sup>145</sup>

The GSC was an innovation that created unexpected common ground between the negotiating teams.

### GAIN 3: SEXUAL VIOLENCE AS A NON-AMNESTIABLE CRIME

#### *What does this mean?*

The Special Jurisdiction for Peace, a new court created by the peace accords and charged with carrying out conflict-related prosecutions, cannot grant amnesty to any person charged with a crime of sexual violence. Colombia is the first country to explicitly adopt this designation in a peace agreement, leaving no room for interpretation.<sup>xxv</sup>

#### *How did it happen?*

Initially, women's groups disagreed on how to approach the crime of sexual violence in conflict. Some worried that focusing on sexual violence would mean other issues affecting women, such as forced displacement or land restitution, would be neglected; others argued that peace could not be achieved without addressing sexual violence.<sup>146</sup> After contentious debates among *Cumbre* leaders and others, three organizations<sup>xxvi</sup> formed a separate alliance known as the *Alianza de las Cinco Claves* (Alliance of the Five Keys, or *Cinco Claves*).<sup>xxvii</sup>

*Cinco Claves* prioritized sexual violence in their advocacy strategies: submitting online proposals; meeting with María Paulina Riveros Dueñas, Catalina Díaz Gómez, and GSC members; developing a relationship with the FARC and providing recommendations to their lawyers; and creating a country-wide campaign to solicit and forward proposals on sexual violence to the peace table.<sup>147</sup> Adriana Benjumea Rúa, a key member of the *Cinco Claves* alliance and director of *Corporación Humanas, Centro Regional de Derechos*

<sup>xxv</sup> From a review of 300 peace agreements in 45 conflicts from 1989 to 2008, only two can be interpreted to classify sexual violence as a non-amnestiable crime. The Democratic Republic of the Congo's Sun City Agreement (2003) designates “crimes against humanity” as non-amnestiable. While certain criminal tribunals, including the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have defined “crimes against humanity” to include sexual violence, the Sun City Agreement does not make clear what definition of “crimes against humanity” it adopted. The Juba peace agreement for Uganda (2007-08) intended to prevent impunity for all crimes covered in the Rome Statute, which includes sexual violence. However, this agreement was never signed. See Robert Jenkins and Anne-Marie Goetz, “Addressing Sexual Violence in Internationally Mediated Peace Agreements,” *International Peacekeeping* 17, no. 2 (2010): 261-277.

<sup>xxvi</sup> *Red Nacional de Mujeres, Sisma Mujer, and Corporación Humanas*

<sup>xxvii</sup> *Cinco Claves* took its namesake from a document the organizations wrote together. It was a list of key demands on addressing sexual violence in all processes, including truth, justice, reparations, and guarantees of non-repetition.



*Humanos y Justicia de Género* (Human Corporation, Regional Center of Human Rights and Gender Justice, hereafter *Corporación Humanas*), identified the legal argument as the most effective approach:

“The most successful thing has been to speak with the legal advisers and send... information to the two parties. Most of the proposals we have wanted to make with the FARC have been sent to their legal advisors in Havana.”<sup>148</sup>

The legal reasoning raised fears that the international community could intervene in Colombia – upending the entire peace deal – if sexual violence was not addressed in the accords. Two government officials interviewed noted that previous rulings of the Inter-American Court of Human Rights and the International Criminal Court (ICC) against amnesty provisions in similar contexts were often referenced during the negotiations.<sup>149</sup> As one noted:

“You have the Court overruling the amnesty law in Peru, the amnesty law in Salvador, the amnesty law in Chile, the amnesty law in Brazil, the amnesty law in Uruguay... this is just not going to stick if we do not have a good amnesty law that makes sure that international crimes and human rights violations are out of the amnesty.”<sup>150</sup>

The FARC was equally invested. If a ruling had come down from a higher court that stalled the signed peace agreement, the FARC would have been caught in existential limbo, already committed politically to a peaceful resolution and likely unable to remobilize forces expediently.

Victims’ delegations to Havana also spotlighted the issue. The legal argument against full amnesty referenced above did not immediately yield strong protocols for prosecuting sexual violence. As Beatriz Quintero García of *Red Nacional de Mujeres* (National Network of Women) stated, “We had to keep pushing, because it might just be added to comply with the international standards, but without it having an important role.”<sup>151</sup>

It was also important to underline that all parties held equal responsibility in addressing crimes of sexual violence; the victims’ delegations’ presentations showed culpability on all sides. As Adriana Benjumea Rúa, whose organization was invited to Havana to speak on sexual violence, explained, “We represent the victims

of the three armed groups: paramilitary, military, and guerrilla. The guerrillas raped women, the army violated women, and paramilitaries raped women.”<sup>152</sup>

One victim who testified in Havana remembered saying, “If this process does not include sexual violence as a key issue, you’ll be in debt with women, a large debt.”<sup>153</sup>

These testimonies emotionally impacted negotiators.<sup>154</sup> They also made it plain that *both* sides bore responsibility for holding perpetrators accountable.

### *Why does it matter?*

As noted above, the Havana process is the first to explicitly make the crime of sexual violence in conflict non-amnestiable. This classification also yielded other important elements in the accords. A separate team of trained investigators must participate in any examination of a sexual violence claim. The Victims Accord includes the provision of better psychosocial support for victims of conflict-related sexual violence. Furthermore, the instructions for the truth commission include best practices for addressing concerns of sexual violence victims,<sup>155</sup> such as a gender working group.<sup>156</sup> However, the non-amnestiable classification does not guarantee successful prosecution. Perpetrators are unlikely to confess, and fear abounds that victims will be held primarily responsible for moving cases forward. A civil society member noted, “The whole process depends on victims’ complaints... we also think it’s necessary to reinforce the mechanisms to incentivize women to report these cases.”<sup>157</sup>

The fracturing of the women’s movement around addressing sexual violence also jeopardizes its ability to coalesce during the implementation process. Prosecution of these crimes will require active CSO participation, but previous disagreements over whether to prioritize prosecution for sexual violence or the implementation of other issues (such as land restitution, displacement, or truth-telling) will likely continue. The divergence of these groups may also present a further challenge to Afro-Colombian and indigenous women, who were heavily targeted for sexual violence but also greatly impacted by forced displacement.<sup>158</sup> CSOs are stronger together, and thus the women’s movement must be able to sustain a unified front to realize the gains they pressed for in the accords.

## CONCLUSION

As one of the world's longest running conflicts comes to an end, the sustainability of the newfound peace depends greatly on the rebuilding of trust and institutions that were eroded by the war. During his 2016 Nobel Peace Prize acceptance speech, President Juan Manuel Santos said, "It is much harder to make peace than to wage war."<sup>159</sup> The failure of the October 2016 national referendum shows just how difficult it is. Colombia's peace process sought to include the perspectives of diverse stakeholders, yet the people ultimately rejected the resulting accord. Policymakers and practitioners engaged in the Colombian case will have to grapple with this reality as they set parameters both for the implementation of the Victims Accord and for the upcoming peace negotiations with the ELN.

While Colombia's current transition is both precarious and full of promise, it includes potentially significant gains for women. Government agencies working on transitional justice have integrated gender into their institutional policies and – in adapting the work of women's CSOs – have slowly started programs to address women victims' needs. The architecture of the Havana talks included specific structures for analyzing the role of gender in the conflict, leading to both a substantial number of women contributing to the negotiations and several gender responsive provisions in the agreement. Notably, the negotiating parties explicitly classified sexual violence as a non-amnestiable crime in the final accords, which marks a significant step forward for women as well as for transitional justice as a field.

Still, the process has been far from perfect. Regional government offices are reluctant to operationalize

the gender policies codified at Bogotá headquarters. During the peace negotiations, the Gender Sub-Commission did not adequately address the concerns of certain groups of women, particularly those from Afro-Colombian and indigenous communities. While the explicit classification of sexual violence as a non-amnestiable crime is significant, this alone cannot guarantee successful prosecution and redress for victims. Some critics charge that the focus on sexual violence diverts attention from other issues that affect women in conflict. Further implementation of the gender responsive provisions of the agreement will also require both considerable financial resources and sustained political will.

There is nonetheless cause for optimism that the efforts made to create inclusive peacemaking structures will help enable Colombia's successful transition. Fifty years of conflict will generate a long transition period. As demonstrated in this chapter, gains for women thus far are the result of initiatives started well before the peace talks in Havana, especially the efforts of women's CSOs to document gendered violations, provide services to victims, and conduct advocacy campaigns. Their groundwork – and the commitment of certain government officials – ultimately yielded an expectation of women's participation and a precedent for gender-responsive mechanisms that will be hard to reverse, a key lesson for designing and implementing inclusive transitional justice regimes in other contexts. Although transitional justice processes are associated with the post-conflict period, Colombia's processes are already far more inclusive – and thus far stronger – than is usual so few months after the official end of conflict. Colombia shows the potential for these processes to set the country on a new path forward.

# GLOBAL IMPLICATIONS

The cases of Tunisia and Colombia offer findings that can assist in the design and implementation of future transitional justice processes around the world.

This report documented major innovations associated with each case. In Tunisia's transitional justice process, the formal acknowledgement of socio-economic harms as worthy of redress makes it the first to recognize this category of structural violence. The commitment to make sexual violence a non-amnestiable crime marks the Colombian process as the first peace negotiation to explicitly codify such a provision in its final accords.

Of course, transitional justice processes are inherently political, and these two cases are no exception. In both contexts, implementation remains a significant challenge.

More broadly, though, both cases reveal lessons about how women institutionalized a gendered approach to transitional justice and why their work matters. These findings are relevant for three main groups: women in general, states undergoing transition, and the transitional justice field.

Tunisian and Colombian women participated through official channels, and certain harms experienced by women received formal recognition through the processes aiming to serve them. In both cases, women's leadership conferred both inclusion and legitimacy on the process by helping write women's diverse experiences into the national record and by memorializing the experiences of victims. Taken together, these cases clarify the importance of women's leadership – which created space to expand the spectrum of harms addressed by the state in transition and to establish legal precedent to prosecute grave war crimes that uniquely and disproportionately affect women.

For states undergoing transition, the implications of this inclusivity relate to a state's ability to better address the root causes of violence and to reach political agreements that can be viewed as legitimate by a broader spectrum of actors. In both Tunisia and Colombia, women's active and early participation as decision-makers was critical. Through its recognition of socio-economic violations, the Tunisian state strengthens its mandate of responsibility over addressing the structural inequities that characterized both preceding regimes. The architecture of Colombia's peace process created the conditions through which the final accord explicitly categorized sexual violence as non-amnestiable, bolstering the credibility of the peace agreement internationally and domestically; meanwhile, Colombia's failed referendum further underscores the need to consider the proper balance of inclusion within political negotiations.

For the field of transitional justice, Tunisia and Colombia provide important findings for how, and if, transitional justice processes can facilitate societal transformation. By virtue of its broad definition of victimhood, the Tunisian case provides a ripe environment for studying the efficacy of a transitional justice process designed with an expansive mandate. The Colombian case reveals how the architecture of a peace process can shape the transitional justice processes to follow; it also highlights the power of international legal standards as leverage in influencing negotiated agreements.

Although each process is riddled with complex challenges, women's strategies and associated gains in these cases provide insights into the construction of more inclusive transitional justice processes that can be applied, tested, and modified around the world.

# APPENDIX: METHODOLOGY

## APPENDIX A.1 – SEARCH TERMS AND DATABASES FOR LITERATURE REVIEW

*The authors used the following databases to conduct a systematic literature review:*

Google Scholar; JSTOR; MUSE; ProQuest Research Library; LexisNexis Academic; WorldCat; International Center for Transitional Justice; Persée; Isidore; Digitalia Hispanica; HAPI; WestLaw; LexisNexis Law

*The authors used the following Boolean search terms to identify literature to be analyzed as part of a systematic literature review:*

“transitional justice” + women; “transitional justice” + gender; “transitional justice” + “civil society”; gender + conflict + justice; “transitional justice” + Colombia + women; “transitional justice” + Tunisia + women; “transitional justice” + “civil society” + Colombia; “transitional justice” + “civil society” + Tunisia; “transitional justice” + Colombia; “transitional justice” + Tunisia; “restorative justice” + women; “retributive justice” + women; “reparative justice” + women; reconciliation + conflict + women; reparations + conflict + women; prosecution + conflict + women; tribunal + conflict + women; memorialization + conflict + women; restitution + conflict + women

*French Boolean search terms:*

“la justice de transition” + “les femmes”; “la justice transitionnelle” + “les femmes”; “la justice de transition” + “le genre”; “la justice transitionnelle” + “le genre”; “la justice de transition” + “le sexe”; “la justice transitionnelle” + “le sexe”; “la justice de transition” + “la société civile”; “la justice transitionnelle” + “la société civile”; “les femmes” + “le conflit” + “la justice”; “le genre” + “le conflit” + “la justice”; “le sexe” + “le conflit” + “la justice”; “la justice de transition” + “la Tunisie” + “les femmes”; “la justice transitionnelle” + “la Tunisie” + “les femmes”

*Spanish Boolean search terms:*

“la justicia transicional” + mujeres; “la justicia transicional” + “el género”; “la justicia transicional” + “la sociedad civil”; mujeres + “el conflicto” + “la justicia”; “el género” + “el conflicto” + “la justicia”; “la justicia transicional” + Colombia + mujeres

## APPENDIX A.2 – SEARCH TERMS AND SOURCING DATABASES FOR IDENTIFYING PARTICIPANTS

The research team developed a set of international and local media sources for both Tunisia and Colombia, in which to conduct Boolean searches (see below), in order to elicit the names of relevant players in the field. The international list was compiled from multiple sources, with the top news sources detailed according to readership and depth of coverage for international peace and justice studies. The list of local news sources was compiled from multiple lists of top news sources, delineated by readership, in Tunisia and Colombia. Due to the limited level of Arabic language skills in the research team, only Tunisian news sources in English and French were collected.

*International news sources used during participant mapping:*

- ⊙ AP
- ⊙ BBC
- ⊙ Al Jazeera
- ⊙ Reuters
- ⊙ The Guardian
- ⊙ The Telegraph
- ⊙ Foreign Policy
- ⊙ The New York Times
- ⊙ The Washington Post
- ⊙ The Los Angeles Times
- ⊙ Voice of America
- ⊙ The Economist
- ⊙ The Wall Street Journal

*Tunisian news sources used during participant mapping:*

- ⊙ Tunisialive
- ⊙ Tunisia Daily
- ⊙ L'Expert
- ⊙ La Presse de Tunisie
- ⊙ Le Quotidien
- ⊙ Le Temps
- ⊙ Tunis Hebdo
- ⊙ Tunivisions
- ⊙ Réalités/Heqaiq
- ⊙ The Dawn
- ⊙ Mosaique FM

***Colombian news sources used during participant mapping:***

- ⊙ El Tiempo
- ⊙ El Espectador
- ⊙ El Periódico
- ⊙ El País
- ⊙ El Colombiano
- ⊙ Semana
- ⊙ Cromos
- ⊙ The City Paper

The research team also compiled a list of international and national organizations with extensive knowledge of the field. Where relevant, the written materials of these organizations were either included in the literature vetting process due to the organization's established expertise on the subject matter, or included in the participant mapping process because their publications appeared during the literature vetting process.

***Organizations used during participant mapping:***

- ⊙ International Center for Transitional Justice (ICTJ)
- ⊙ United States Institute of Peace (USIP)
- ⊙ United Nations News Centre (UN News Centre)
- ⊙ Human Rights Watch (HRW)
- ⊙ Amnesty International
- ⊙ African Centre for the Constructive Resolution of Disputes (ACCORD)
- ⊙ Essex Transitional Justice Network
- ⊙ American Society for International Law
- ⊙ Centre for the Study of Violence and Reconciliation

The research team developed a set of Boolean terms to search the above media sources and extract content that included the names of civil society organizations, women's organizations, women leaders, women activists, government officials, and civil society leaders relevant to each case study. The following Boolean searches differ from the search terms used in the literature vetting process, since they are based on prevalent themes and terms that the research team found within the literature. Additionally, these search terms provide an appropriate filter for searching the terminology of news and media sources. These search terms also include terms specific to the Colombia and Tunisia cases.

***Boolean search terms used for Tunisia participant mapping:***

Tunisia + women + justice; Tunisia + "civil society" + justice; Tunisia + women + "transitional justice"; Tunisia + "civil society" + "transitional justice";

Tunisia + women + reconciliation; Tunisia + "civil society" + reconciliation; Tunisia + women + "truth commission"; Tunisia + "civil society" + "truth commission"; Tunisia + women + reparations; Tunisia + "civil society" + reparations; Tunisia + women + trial; Tunisia + "civil society" + trial; Tunisia + women + memorialization; Tunisia + "civil society" + memorialization; Tunisia + women + restitution; Tunisia + "civil society" + restitution; Tunisia + women + "rule of law"; Tunisia + "civil society" + "rule of law"; Tunisia + women + accountability; Tunisia + "civil society" + accountability; Tunisia + women + "human rights"; Tunisia + "civil society" + "human rights"; Tunisia + women + "Truth and Dignity Commission"; Tunisia + "civil society" + "Truth and Dignity Commission"; Tunisia + women + constitution; Tunisia + "civil society" + constitution

***Boolean search terms used for Colombia participant mapping:***

Colombia + women + justice; Colombia + "civil society" + justice; Colombia + women + "transitional justice"; Colombia + "civil society" + "transitional justice"; Colombia + women + reconciliation; Colombia + "civil society" + reconciliation; Colombia + women + "truth commission"; Colombia + "civil society" + "truth commission"; Colombia + women + reparations; Colombia + "civil society" + reparations; Colombia + women + trial; Colombia + "civil society" + trial; Colombia + women + memorialization; Colombia + "civil society" + memorialization; Colombia + women + restitution; Colombia + "civil society" + restitution; Colombia + women + "rule of law"; Colombia + "civil society" + "rule of law"; Colombia + women + accountability; Colombia + "civil society" + accountability; Colombia + women + "human rights"; Colombia + "civil society" + "human rights"; Colombia + women + "Justice and Peace Law"; Colombia + "civil society" + "Justice and Peace Law"; Colombia + women + "Victims and Land Restitution Law"; Colombia + "civil society" + "Victims and Land Restitution Law"; Colombia + women + constitution; Colombia + "civil society" + constitution

The research team mapped all relevant actors found from these searches, engaged in a round of vetting to determine the individuals most relevant to the subject of this report, then contacted those individuals to schedule in-person, phone, or Skype interviews.

Where the mapping showed gaps, the research team consulted with subject matter experts to identify individuals and groups to include in the study. The names of individuals and groups gathered through events and expert discussions on the peace process were also included in the mapping.

## APPENDIX A.3 – LIST OF INTERVIEWEES<sup>xxviii</sup>

### Tunisia

1. Ahlem Belhadj – Former President, *Association tunisienne des femmes démocrates* (Tunisian Association of Democratic Women, or ATFD)
2. Ahlem Nsiri – President, *Centre tunisien méditerranéen* (Tunisian Mediterranean Center, or TU-MED)
3. Amine Ghali – Director, Al Kawakibi Democracy Transition Center (KADEM)
4. Amna Guellali – Senior Tunisia Researcher, Human Rights Watch
5. Amor Saфраoui – President, *Coordination nationale indépendante pour la justice transitionnelle* (Independent National Coordination for Transitional Justice)
6. Camille Henry – Program Coordinator, *Organisation mondiale contre la torture* (World Organization Against Torture, or OMCT)
7. Ferida Labidi – Member of Parliament, Ennahda Party
8. Hayet Ouertani – Chair, Reparations and Rehabilitation Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD)
9. Habib Nassar – Director for Policy and Research, Impunity Watch
10. Hejer Bettaieb – Member, *Nisa' Tounsiat*
11. Hend Bouziri – President, *Tounissiet*
12. Ibtihel Abdellatif – Chair, Women's Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD)
13. Khadija Arfaoui – Activist
14. Lilia Labidi – Former Minister, Ministry of Women's Affairs
15. Lamia Farhani – President, *Association des familles des martyrs et blessés* (Association of Families of Martyrs and the Wounded)
16. Majdouline Cherni – President, General Authority for Martyrs and Wounded of the Revolution (*Instance générale des martyrs et blessés de la révolution*)
17. Mohamed Kamel Gharbi – President, *Réseau tunisien de justice transitionnelle* (Tunisian Transitional Justice Network, or RTJT)

18. Mounia Bouali – Member, *Tounissiet*
19. Najoua Bettaieb – Former President, *Tounissiet*
20. Noura Borsali – Former Commissioner, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD)
21. Ouided Bouchamaoui – Nobel Peace Prize Winner, 2015; Leader, National Dialogue Quartet (*Quartet du dialogue national*)
22. Oula Ben Nejma – Chair, Inquest and Investigation Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD)
23. Salwa El Gantri – Head of Office, Tunisia, International Center for Transitional Justice (ICTJ)
24. Samia Letaief – Treasurer, *Association des femmes tunisiennes pour la recherche sur le développement* (Association of Tunisian Women for Research on Development, or AFTURD)
25. Samir Dilou – Former Minister, Ministry of Human Rights and Transitional Justice (*Ministère des Droits de l'Homme et de la Justice transitionnelle*)
26. Samira Merai – Minister, Ministry for Women, Families, and Children (*Ministère de la Femme, de la Famille et de l'Enfance*)
27. Taoufik Bouderbala – President, Higher Committee for Human Rights and Fundamental Freedoms (*Comité supérieur des droits de l'homme et des libertés fondamentales*)
28. Wahid Ferchichi – Law Professor, University of Tunis

### Colombia

1. Adriana Maria Benjumea Rúa – Director, *Corporación Humanas, Centro Regional de Derechos Humanos y Justicia de Género* (Human Corporation, Regional Center of Human Rights and Gender Justice)
2. Alejo Vargas – Director, *Centro de Pensamiento y Seguimiento al Diálogo de Paz* (Thought Center for Following the Peace Dialogue)
3. Ana Teresa Bernal Montañas – Commissioner, National Commission for Reparations and Reconciliation (*Comisión Nacional de Reparación y Reconciliación*, or CNRR)
4. Angélica Ortiz
5. Beatriz Quintero García – Technical Secretary, *Red*

<sup>xxviii</sup> Each interviewee's listed position/organization reflects their position/organization at the time of interview.

- Nacional de Mujeres* (National Network of Women)
6. Carlos Fidel Villamil Ruiz – National Director of Transitional Justice, Office of the Attorney General (*Fiscalía General de la Nación*)
  7. Catalina Díaz Gómez – Director of Transitional Justice, Ministry of Justice (*Ministerio de Justicia y del Derecho*)
  8. Claudia Erazo – General Director, *Corporación Jurídica Yira Castro* (Yira Castro Legal Corporation)
  9. Diana Marcela Gómez Correal – Member, *Hijos e Hijas por la Memoria y contra la Impunidad* (Sons and Daughters for Memory and Against Impunity)
  10. Hilde Salvesen – 1325 Focal Point, Ministry of Foreign Affairs, Government of Norway
  11. Inilse Mercado – Technical Secretary, *Mesa del Movimiento Social* (Table of Social Movements)
  12. Iris Marín Ortiz – Sub-Director, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit)
  13. Jomary Ortégón – President, *Corporación Colectivo de Abogados José Alvear* (José Alvear Restrepo Lawyers' Collective)
  14. Joshua Mitrotti Ventura – General Director, Colombian Agency for Reintegration (*Agencia Colombiana para la Reintegración*)
  15. Juanita Candamil – Gender Coordinator, Office of Transitional Justice, Ministry of Justice (*Ministerio de Justicia y del Derecho*)
  16. Julia Eva Cogollo Carbarcas – Member, *Movimiento por la Paz* (Movement for Peace, or MPDL); Member, *Proceso de Comunidades Negras* (Group of Black Communities, or PCN)
  17. Katherine Ronderos – Political Committee Representative, *Liga Internacional de Mujeres por la Paz y la Libertad* (Women's International League for Peace and Freedom, or LIMPAL)
  18. Linda Cabrera – Sub-Director, *Sisma Mujer* (Sisma Woman)
  19. Marcela Sánchez – Executive Director, *Colombia Diversa* (Diverse Colombia)
  20. María Eugenia Cruz – Founder, *Corporación Mujer, Sigue Mis Pasos* (Woman, Follow My Steps)
  21. María Eugenia Morales Castro – National Director of Reparations, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit)
  22. María Paulina Riveros Dueñas – Co-Chair, Gender Sub-Commission (*La Subcomisión de Género*); Plenipotentiary, government delegation to the peace process; Director of Human Rights, Ministry of the Interior (*Ministerio del Interior*)
  23. Marina Gallego – National Coordinator, *La Ruta Pacífica de las Mujeres* (Peaceful Route of Women, or *Ruta Pacífica*)
  24. Norma Inés Bernal Vélez – Member, *Grupo Ecueménico de Mujeres Constructoras de Paz* (Ecumenical Group of Women Peacemakers, or GEMPAZ)
  25. Paula Gaviria – Presidential Advisor for Human Rights, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit)
  26. Pilar Rueda
  27. Rubiela Valderrama – Member, *Corporación Red de Empoderamiento de Mujeres de Cartagena de Indias y Bolívar* (Women's Empowerment Network of Cartagena and Bolívar)
  28. Teresa Cassiani – Member, *Proceso de Comunidades Negras* (Group of Black Communities, or PCN)
  29. Yanette Bautista – *Fundación Nydia Érika Bautista* (Nydia Érika Bautista Foundation)
  30. Marino – *La Asociación Nacional de Afrocolombianos Desplazados* (National Association of Displaced Afro-Colombians, or AFRODES)
  31. Interview with *ONU Mujeres Colombia* (UN Women Colombia), June 23, 2016
  32. Interview with Alicia, June 20, 2016
  33. Interview with Government Official, June 16, 2016a
  34. Interview with Government Official, June 16, 2016b
  35. Interview with Government Official, June 16, 2016c
  36. Interview with Government Official, June 16, 2016d

## APPENDIX A.4 – INTERVIEW PROTOCOL

Inclusive Justice: How Women Shape Transitional  
Justice in Tunisia and Colombia – Interview  
Protocol Script

Georgetown University

Informed Consent to Participate in Research Study

### ***Introduction – background and purpose***

Hello! My name is [name]. I am visiting Tunisia/ Colombia as a researcher on a project entitled *Inclusive Justice: How Women Shape Transitional Justice in Tunisia and Colombia*, conducted by the Georgetown Institute for Women, Peace and Security (GIWPS). The Institute is based at Georgetown University in Washington, DC.

The goal of our research study is to document how women are accessing and participating in transitional justice processes occurring in two countries – Tunisia and Colombia. The study will include women who are shaping the design and implementation of transitional justice mechanisms in Tunisia and Colombia.

You are here today because you have been invited to participate in this research study.

This study is being sponsored by the Norwegian Ministry of Foreign Affairs, and the results of the research will be available to the public in April 2017.

### ***Study plan***

You are being asked to take part in this study because you were/are a key participant in the transitional justice process and/or represented the voice of women in mobilizing, designing, and participating in transitional justice processes. Approximately 60-70 individuals will take part in this study through interviews and focus groups conducted in Tunisia and Colombia.

If you decide to participate in this study, you will take part in one individual interview or focus group discussion. This interview/focus group should last around 45-60 minutes. During the conversation, you

will be asked questions about your own role (as well as the role of your organization) in the transitional justice processes in Tunisia or Colombia. Your answers should focus solely on your role and your organization's role in the transitional justice process and/or the establishing of transitional justice mechanisms.

The interview will be audio recorded and transcribed for the purposes of accuracy. After the research process is complete, the recordings will be destroyed.

Your participation in this study is completely voluntary and you may stop participating at any time. However, if you decide to stop participating in the study, we encourage you to talk to the researcher first.

### ***Risks and benefits***

There are no risks or direct benefits to participating in this study.

### ***Anonymity***

We would like to include your name or other identifiable information in the publication that results from this research project. Where appropriate, we would like to use your name with regard to the information you provide in this interview/focus group. However, you have the option to not have your name used for any information you provide today when the data from this study is published; if this is the case, please indicate so on the last page of this form.

### ***Confidentiality***

Every effort will be made to keep any information collected about you confidential. However, it is impossible to guarantee absolute confidentiality.

In order to keep information about you safe, study data will be kept in a password-protected file on the researchers' personal computer, which only the researchers can access. Audio recordings, digital and paper copies of interview transcripts and notes will be kept during the research study period. We will code all of this information using a participant identification number to further protect your identity and keep the contributions you make today confidential.

Following the conclusion of the research study, audio recordings, digital transcripts, and paper notes of the interview will be destroyed.



---

***Your rights as a research participant***

Participation in this study is strictly voluntary at all times. You can choose not to participate at all or to leave the study at any point. If you decide not to participate or to leave the study, there will be no effect on your relationship with the researchers or any other negative consequences.

If you decide that you no longer wish to take part in the interview, you are encouraged to inform the researcher of your decision. The information already obtained through your participation will be included in the data analysis and final report for this study.

***Questions or concerns?***

If you have questions about the study, you may contact:

Georgetown Institute for Women, Peace and Security

Phone: +1-202-525-1965

Email: [giwps@georgetown.edu](mailto:giwps@georgetown.edu)

***Statement of person obtaining informed consent***

I have fully explained this study to the participant. I have discussed the study's purpose and procedures, the possible risks and benefits, and the fact that participation is completely voluntary.

I have invited the participant to ask questions and I have given complete answers to all of the participant's questions.

\_\_\_\_\_  
Signature of Person Obtaining Informed Consent

\_\_\_\_\_  
Date

### ***Consent of participant***

I volunteer to participate in a research project entitled *Inclusive Justice: How Women Shape Transitional Justice in Tunisia and Colombia* conducted by the Georgetown Institute for Women, Peace and Security (GIWPS). I understand that the project is designed to gather information about how women are shaping transitional justice processes in the ongoing contexts of Tunisia and Colombia.

I understand all of the information in this Informed Consent Form.

I have gotten complete answers for all of my questions.

I freely and voluntarily agree to participate in this study, and I understand that I may withdraw and discontinue participation at any time without penalty.

I understand that, if I feel uncomfortable at any time, I have the right to decline to answer any question or to end the interview.

I understand that my participation in this study will be kept confidential unless explicit written or oral consent is obtained from the study team. I understand that the researcher will not identify me by name in any reports using information obtained from this interview without my explicit written or oral permission. If I decline to participate or withdraw from the study, I understand that my information and involvement will remain confidential.

I understand that I will be audio recorded and that the recording will be subsequently transcribed by the research team as a part of this study.

I understand that this research study has been reviewed and approved by the Institutional Review Board (IRB) at Georgetown University for Studies Involving Human Subjects.

I have read and understand the explanation provided to me and I have been given a copy of this consent form. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study, free of coercion.

Please indicate whether you agree to be audio recorded as a part of this study.

- YES** (If you change your mind about this at any point, please let the researcher know)
- NO**

---

Participant Signature

---

Date

---

Printed Name of Participant

*Once you sign this form, you will receive a copy of it to keep, and the researcher will keep another copy in your research record.*

Please indicate whether you agree to have your full name as well as your organization's name used alongside your comments in the final publication that results from this research.

- YES** (If you change your mind about this at any point, please let the researcher know)
- NO**
- ALTERATION:**

**Name or pseudonym to be used:**

---

*(e.g. first name only, initials only, random pseudonym, only work position/title, only institutional affiliation, etc.)*

For further information, please contact the Georgetown Institute for Women, Peace and Security (+1-202-525-1965 or [giwps@georgetown.edu](mailto:giwps@georgetown.edu))

## APPENDIX A.5 – INTERVIEW QUESTIONNAIRE

### *Questions for Civil Society Members:*

1. Tell me a little bit about yourself. Where are you from? How did you become engaged in transitional justice work?

- a. Why did you join/establish [name of organization]?
- b. What components of the transitional justice process are you focused on?
- c. Which communities do you primarily work with?

2. What strategies are you using to influence the design of transitional justice mechanisms?

- a. Have any strategies changed over time? In what ways?
- b. To what extent have these strategies been effective? How so?
- c. What strategies have not been effective? How so?
- d. What has been your biggest obstacle?
- e. What difference do you think you have made during the course of the design of transitional justice processes?

3. What strategies are you using to influence the implementation of transitional justice mechanisms?

- a. Have any strategies changed over time? In what ways?
- b. To what extent have these strategies been effective? How so?
- c. What strategies have not been effective? How so?
- d. What has been your biggest obstacle?
- e. What difference do you think you have made during the course of the implementation of transitional justice processes?

4. To what extent have the transitional justice mechanisms addressed the needs and experiences of women?

- a. Explain in more detail.
- b. To what extent do these mechanisms neglect the needs of any specific group of women?
- c. Explain in more detail.

5. What would a meaningful outcome of the transitional justice process look like to you?

### *Questions for Members of Government:*

1. Tell me a little bit about yourself. Where are you from? How did you become engaged in transitional justice work?

- a. Who do you represent?
- b. What does your role encompass?
- c. What components of the transitional justice process are you focused on?

2. To what extent have you interacted with women in civil society as part of the design of transitional justice mechanisms?

- a. With whom have you interacted?
- b. Have your interactions changed over time? How?
- c. Were there any bilateral meetings between representatives of the government and women in civil society? Tell us more.
- d. Did you ever personally meet with women in civil society?
- e. To what extent do you think women in civil society have been taken seriously throughout the design and implementation of transitional justice processes? Can you provide some specific examples?
- f. Are there any examples of specific language or issues that were included in the transitional justice mechanisms that resulted from the advocacy of women in civil society?
- g. Are there any examples of women in civil society seeking to shape/influence the design of transitional justice mechanisms but who have been unable to do so? Tell us more. (What issues? Which organizations?)

3. To what extent have you interacted with women in civil society as part of the implementation of transitional justice mechanisms?

- a. With whom have you interacted?
- b. Have your interactions changed over time? How?
- c. Were there any bilateral meetings between representatives of the government and women in civil society? Tell us more.
- d. Did you ever personally meet with women in civil society?
- e. To what extent have women participated in implementing the transitional justice mechanisms? Tell us more.
- f. Are there any examples of women in civil society seeking to participate in transitional justice mechanisms but who have been unable to do so? Tell us more. (What issues? Which organizations?)

4. To what extent will the transitional justice process address the needs and experiences of women?

5. What would a meaningful outcome of the transitional justice process look like to you?

## APPENDIX A.6 – CODING AND THEMATIC ANALYSIS

The study was guided by the research question: How are women shaping transitional justice in Tunisia and Colombia? The authors used a subset of research questions to frame the contours of the study.

### *They are as follows:*

- 1) How are women accessing the design processes of transitional justice mechanisms?
- 2) How are women accessing the implementation processes of transitional justice mechanisms?
- 3) How are women participating in the design of transitional justice mechanisms?
- 4) How are women participating in the implementation of transitional justice mechanisms?
- 5) How are women's priorities reflected in transitional justice mechanisms?

These five questions guided the data collection and analysis processes. To collect the data, the authors used these questions to create the interview questionnaire and to conduct the semi-structured interviews. In making sense of the data, the authors used these questions to distill codes grounded in the data collected and to arrive at themes that emerged from the data. This process allowed the research team to answer their overarching research question: How are women shaping transitional justice in Tunisia and Colombia?

# BIBLIOGRAPHY

- Aguirre, Daniel and Irene Pietropaoli. "Gender Equality, Development and Transitional Justice: The Case of Nepal." *The International Journal of Transitional Justice* 2, no. 3 (December 2008): 356-377.
- Al Bawaba. "A Working Guide to What's Going on in Tunisia." *Al Bawaba*, January 26, 2016. Accessed April 22, 2017. <http://www.albawaba.com/loop/working-guide-whats-going-tunisia-797958>.
- Alam, Mayesha. *Women and Transitional Justice: Progress and Persistent Challenges in Retributive and Restorative Processes*. Basingstoke: Palgrave Macmillan, 2014.
- Alexander, Christopher. "Authoritarianism and Civil Society in Tunisia: Back from the Democratic Brink." *Middle East Report* 205 (October-December 1997): 34-38.
- Alexander, Christopher. *Tunisia: From Stability to Revolution in the Maghreb*. London: Routledge, 2016.
- Alsema, Adriaan. "Colombia's 2012-2016 Peace Talks: Fact Sheet." *Colombia Reports*, September 25, 2016. <http://colombiareports.com/colombia-peace-talks-fact-sheet/>.
- Alsema, Adriaan. "Dole and Del Monte also facing crimes against humanity charges for financing death squads in Colombia: report." *Colombia Reports*, February 4, 2017. Accessed March 27, 2017. <http://colombiareports.com/dole-belmonte-also-accused-crimes-humanity-financing-banana-death-squads-colombia-report/>.
- Amnesty International. *A Land Title is Not Enough: Ensuring Sustainable Land Restitution in Colombia*. London: Amnesty International, 2014.
- Amnesty International. *Annual Report: Tunisia 2010*. London: Amnesty International, 2010.
- Amnesty International. *This is What We Demand. Justice!: Impunity for Sexual Violence Against Women in Colombia's Armed Conflict*. Amnesty International, 2011.
- Anderson, Jessica. "Gender, Local Justice, and Ownership: Confronting Masculinities and Femininities in Northern Uganda." *Peace Research* 41, no. 2 (2009): 59-83.
- Andrieu, Kora. "Confronting the Dictatorial Past in Tunisia: The Politicization of Transitional Justice." *Justiceinfo.net*, August 31, 2015. Accessed April 22, 2017. <http://www.justiceinfo.net/en/component/k2/1818-confronting-the-dictatorial-past-in-tunisia-the-politicization-of-transitional-justice.html>.
- Andrieu, Kora, Wahid Ferchichi, Simon Robins, Ahmed Aloui, and Hager Ben Hamza. *"To Participate is to Have Hope": Victim Participation in Tunisia's Transitional Justice Process*. Tunis: Transitional Justice Barometer, 2015.
- Arthur, Paige. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly* 31 (2009): 321-367.
- Arvelo, José E. "International Law and Conflict Resolution in Colombia: Balancing Peace and Justice in the Paramilitary Demobilization Process." *Georgia Journal of International Law* 37 (2005): 411.
- Askin, Kelly D. "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status." *American Journal of International Law* 93, no. 1 (1999): 97-123.
- Backer, David. "Civil Society and Transitional Justice: Possibilities, Patterns and Prospects." *Journal of Human Rights* 2, no. 3 (2003): 297-313.
- Bailey, Norman A. "La Violencia in Colombia." *Journal of Inter-American Studies* 9, no. 4 (1967): 561-575.
- Baines, Erin. "Gender, Responsibility, and the Grey Zone: Considerations for Transitional Justice." *Journal of Human Rights* 10, no. 4 (2011): 477-493.
- Banjeglav, Tamara. "Dealing with the Past in Post-war Croatia: Perceptions, Problems, and Perspectives." In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simic and Zala Volcic, 33-50. New York: Springer, 2013.
- Bechri, Mohamed Z. and Sonia Naccache. *The Political Economy of Development Policy in Tunisia*. Tunis: University of Tunisia, 2003.
- Belhassine, Olfa. "Women Victims Step Up As Tunisia Truth Commission Deadline Nears." *Justiceinfo.net*, September 6, 2016. Accessed April 22, 2017. <http://www.justiceinfo.net/en/tribunals/national-tribunals/27798-women-victims-step-up-as-tunisia-truth-commission-deadline-nears.html>.
- Bell, Christine and Catherine O'Rourke. "Does Feminism Need a Theory of Transitional Justice? An Introductory Essay." *The International Journal of Transitional Justice* 1, no. 1 (2007): 23-44.
- Bell, Christine. "The 'New Law' of Transitional Justice." In *Building a Future on Peace and Justice*, edited by Kai Ambos, Judith Large, and Marieke Wierda, 105-126. Berlin: Springer, 2009.

Bennoune, Karima. "Système Dégagé? Women and Transitional Justice in the Wake of the Arab Spring." *American Society of International Law Proceedings* 106 (2012): 502-505.

Bernstein, Anita and Hans Dieter Seibel. "Reparations, Microfinance, and Gender: A Plan, with Strategies for Implementation." *Cornell International Law Journal* 44 (2011): 75-113.

Björkdahl, Annika and Johanna M. Selimovic. "Advancing Women Agency in Transitional Justice." *Working Paper 1*. Lund: Swedish Institute of International Affairs, Lund University, 2013.

Boitiaux, Charlotte. "Le Statut de la Femme Tunisienne ou l'Héritage de Bourguiba Menacé." *France 24*. August 14, 2012. Accessed April 22, 2017. <http://www.france24.com/fr/20120813-tunisie-statut-femme-tunisienne-heritage-menace-code-statut-personnel-feminisme-bourguiba-ben-ali-reformes-progres>.

Bouvier, Virginia. "Breaking News from Havana: Joint Declaration of Principles on Victims." *Colombia Calls Blog*, June 7, 2014. Accessed April 22, 2017. <https://vbouvier.wordpress.com/2014/06/07/breaking-news-from-havana-joint-declaration-of-principles-on-victims/>.

Bouvier, Virginia. "Gender on the Havana Agenda." *Colombia Calls Blog*, July 26, 2016. Accessed April 22, 2017. <https://vbouvier.wordpress.com/2016/07/26/gender-on-the-havana-agenda/>.

Bradley, Megan. "Gender Dimensions of Redress for the Palestinian Refugees." In *Compensation to Palestinian Refugees and the Search for Palestinian-Israeli Peace*, edited by Rex Brynen and Roula El-Rifai, 204-223. London: Pluto Press, 2013.

Brahm, Eric. "Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-Conflict Societies." *International Journal of Not-for-Profit Law* (August 2007): 62-72.

Brants, Chrisje and Katrien Klep. "Transitional Justice: History-Telling, Collective Memory, and the Victim-Witness." *International Journal of Conflict and Violence* 7, no. 1 (2013): 37-49.

Bueno, Isabella and Andrea Diaz Rozas. "Which Approach to Justice in Colombia Under the Era of the ICC." *International Criminal Law Review* 13 (2013): 1-36.

Bueno-Hansen, Pascha. "Engendering Transitional Justice: Reflections on the Case of Peru." *Journal of Peacebuilding & Development* 5, no. 3 (2010): 61-74.

Bueno-Hansen, Pascha. *Feminist and Human Rights Struggles in Peru: Decolonizing Transitional Justice*. Urbana: University of Illinois Press, 2015.

Cahn, Naomi, Dina Haynes, and Fionnuala Ní Aoláin. "Gender, Masculinities and Transition in Conflicted Societies." *New England Law Review* 44, no. 1 (2010): 101-123.

Cahn, Naomi, Dina Haynes, and Fionnuala Ní Aoláin. "Returning Home: Women in Post-Conflict Societies." *University of Baltimore Law Review* 39, no. 3 (2010): 339-369.

Cambanis, Thanassis. "The Arab Spring was a Revolution of the Hungry." *The Boston Globe*, August 22, 2015. Accessed April 22, 2017. <https://www.bostonglobe.com/ideas/2015/08/22/the-arab-spring-was-revolution-hungry/K15S1kGeO5Y6gsJwAYHeJl/story.html>.

Candamil, Juanita and Claudia María Mejía Duque. "The Role of Women Defenders of Human Rights in Colombia." *Forced Migration Review* 41 (2012): 33.

Chappell, Louise, Rosemary Grey, and Emily Waller. "The Gender Justice Shadow of Complementarity: Lessons from the International Criminal Court's Preliminary Examinations in Guinea and Colombia." *The International Journal of Transitional Justice* 7, no. 3 (2013): 455-475.

Charrad, Mounira M. "Tunisia at the Forefront of the Arab World: Two Waves of Gender Legislation." In *Women in the Middle East and North Africa*, edited by Fatima Sadiqi and Moha Ennaji, 105-113. Abingdon: Routledge, 2011.

Chernick, Marc W. *Insurgency and Negotiations: Defining the Boundaries of the Political Regime in Colombia*. Ann Arbor: University Microfilms, 1993.

Chomiak, Laryssa. "Five years after the Tunisian revolution political frustration doesn't diminish progress." *The Washington Post*, January 14, 2016. Accessed April 22, 2017. [https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/14/five-years-after-the-tunisian-revolution/?utm\\_term=.4aa450bae97a](https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/14/five-years-after-the-tunisian-revolution/?utm_term=.4aa450bae97a).

Cohen, Dara Kay, Amelia Hoover Green, and Elisabeth Jean Wood. *Wartime Sexual Violence: Misperceptions, Implications, and Ways Forward*. Washington: United States Institute of Peace, 2013.

"Colombia 2016/2017." *Amnesty International*. Accessed April 20, 2017. <https://www.amnesty.org/en/countries/americas/colombia/report-colombia/>.

Colonel, Manuel Vargas. "El Mecanismo No Judicial de Contribución a la Verdad y la Memoria Histórica." In *Desafíos para la Reintegración: Enfoques de Género, Edad y Etnia*, edited by Álvaro Villarraga, 549-586. Bogotá: Centro Nacional de Memoria Histórica, 2014.

Constitutional Court of Colombia. "Programa de la Prevención de la Violencia Sexual Sontra la Mujer Desplazada y la Atención Integral a sus Víctimas." Auto 92, 2008. Accessed April 22, 2017. <http://www.corteconstitucional.gov.co/RELATORIA/Autos/2008/A092-08.htm>.

Correa, Cristián, Julie Guillerot, and Lisa Magarrell. "Reparations and Victim Participation: A Look at the Truth Commission Experience." In *Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity*, edited by Carla Ferstman, Mariana Goetz, and Alan Stephens, 385-414. Leiden: Brill|Nijhoff, 2009.

Dal Secco, Alessandra. "Truth and Reconciliation Commission and Gender Justice." In *Gendered Peace: Women's Struggles for Post-War Justice and Reconciliation*, edited by Donna Pankhurst, 65-106. New York: Routledge, 2008.

Dar, Rashid and Shadi Hamid. "Islamism, Salafism, and jihadism: A primer." *Brookings Institution*, July 15, 2016. Accessed April 28, 2017. <https://www.brookings.edu/blog/markaz/2016/07/15/islamism-salafism-and-jihadism-a-primer/>.

Deane, Shelley. *Transforming Tunisia: The Role of Civil Society in Tunisia's Transition*. International Alert, February 2013.

Democratic Progress Institute. *Addressing Gender in Transitional Justice Mechanisms*. London: Democratic Progress Institute, 2015.

Dewhurst, Polly and Amrita Kapur. *The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women*. International Center for Transitional Justice and UN Women, March 2015.

Díaz, Catalina and Iris Marín. "Reparations in Colombia: Advancing the Women's Rights Agenda." In *Women and Transitional Justice: The Experience of Women as Participants*, edited by Lisa Yarwood, 157-183. Abingdon: Routledge, 2013.

Domingo, Pilar, Alina Rocha Menocal, and Verónica Hinestroza. *Progress Despite Adversity: Women's Empowerment and Conflict Inside Colombia*. London: Overseas Development Institute, 2015.

Duggan, Colleen. "Reparations for Sexual and Reproductive Violence: Gender Justice and Human Security Challenges in Guatemala and Peru." In *The Search for Lasting Peace: Critical Perspectives on Gender-responsive Human Security*, edited by Rosalind Boyd, 133-150. Farnham: Ashgate, 2014.

Duggan, Colleen and Ruth Jacobson. "Reparating for Sexual and Reproductive Violence: Moving from Codification to Implementation." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 121-161. Cambridge: Cambridge University Press, 2009.

Dudley, Steven. *Walking Ghosts: Murder and Guerrilla Politics in Colombia*. New York: Routledge, 2006.

"Dynamics of the Peace Talks." FARC-EP International. Accessed February 11, 2017. <http://farc-ep.org/peace-process/subcommissions.html>.

Easterday, Jennifer. "Deciding the Fate of Complementarity: A Colombian Case Study." *Arizona Journal of International and Comparative Law* 26, no. 1 (2009): 49-111.

Echavarría, Josefina A. *In/security in Colombia: Writing Political Identities in the Democratic Security Policy*. Manchester: Manchester University Press, 2010.

El Amrani, Issandr and Ursula Lindsey. "Tunisia Moves to the Next Stage." Middle East Research and Information Project, November 8, 2011. Accessed April 22, 2017. <http://www.merip.org/mero/mero110811>.

El Gantri, Rim. "Tunisia in Transition: One Year After the Creation of the Truth and Dignity Commission." The International Center for Transitional Justice, September 2015.

El Gantri, Salwa. "Our Voices Will Not Be Silenced: Charting Women's Struggle for Justice in Tunisia." International Center for Transitional Justice, June 21, 2016.

El-Masri, Samar. "Tunisian Women at a Crossroads: Cooptation or Autonomy?" *Middle East Policy* 22, no. 2 (2015): 125-144.

Esposito, John L. *The Islamic Threat: Myth or Reality?* Oxford: Oxford University Press, 1992.

Falcon, Julissa Mantilla. "The Peruvian Case: Gender and Transitional Justice." In *Women and Transitional Justice: The Experience of Women as Participants*, edited by Lisa Yarwood, 184-197. New York: Routledge, 2013.

Feldman, Jan. "Models of Feminism: Tunisia's Opportunity to Overcome the Secular/Islamist Binary." *Hawwa* 13, no. 1 (2015): 51-76.

Findley, Roger W. "Ten Years of Land Reform in Colombia." *Wisconsin Law Review* 3 (1972): 880.

Forero-Nino, Lina. "Colombia's Historic Victims and Land Restitution Law." *Law and Business Review of the Americas* 18, no. 1 (2012): 97.

Forsythe, David P. "Human Rights and Mass Atrocities: Revisiting Transitional Justice." *International Studies Review* 13 (2011): 85-95.

Franke, Katherine M. "Gendered Subjects of Transitional Justice." *Columbia Journal of Gender and the Law* 15 (2006): 813-828.

Gall, Carlotta. "Women in Tunisia Tell of Decades of Police Cruelty, Violence and Rape." *The New York Times*, May 28, 2015. Accessed April 22, 2017. [http://www.nytimes.com/2015/05/29/world/africa/women-in-tunisia-tell-of-decades-of-police-cruelty-violence-and-rape.html?\\_r=1](http://www.nytimes.com/2015/05/29/world/africa/women-in-tunisia-tell-of-decades-of-police-cruelty-violence-and-rape.html?_r=1).

García-Godos, Jemima. "Victims' Rights and Distributive Justice: In Search of Actors." *Human Rights Review* 14, no. 3 (2013): 241-255.

García-Godos, Jemima and Knut Andreas O. Lid. "Transitional Justice and Victims' Rights before the End of a Conflict: The Unusual Case of Colombia." *Journal of Latin American Studies* 42, no. 3 (2010): 487-516.

Gates, Scott, Håvard Mogleiv, and Esther Trappeniers. "Conflict Recurrence." *Conflict Trends*, vol. 2. Oslo: Peace Research Institute Oslo, 2016.

General Prosecutorial Office of the Nation, Government of Colombia. "Functions." Accessed February 8, 2017. <http://www.fiscalia.gov.co/colombia/la-entidad/funciones/>.

Goldblatt, Beth. "Evaluating the Gender Content of Reparations: Lessons From South Africa." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 48-91. New York: Social Science Research Council, 2006.

Gray, Doris H. and Terry Coonan. "Silence Kills! Women and the Transitional Justice Process in Post-Revolutionary Tunisia." *International Journal of Transitional Justice* 7, no. 2 (2013): 348-357.

Gready, Paul and Simon Robins. "From Transitional to Transformative Justice: A New Agenda for Practice." *International Journal of Transitional Justice* 8, no. 3 (2014): 339-361.

Guellali, Amna. *Flawed Accountability: Shortcomings of Tunisia's Trials for Killings During the Uprising*. New York: Human Rights Watch, 2015.

*Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*. United Nations, 2010.

Guillerot, Julie. "Linking Gender and Reparations in Peru: A Failed Opportunity." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 136-193. New York: Social Science Research Council, 2006.

Guillerot, Julie. *Morocco: Gender and the Transitional Justice Process*. International Center for Transitional Justice, 2011.

"Hable Mancuso [Mancuso Speaks]." *SEMANA*. Colombia, August 11, 2003, quoted in Romero, Mauricio. *Paramilitares Y Autodefensas, 1982-2003*. Temas de Hoy, 2003.

Hamber, Brandon and Ingrid Palmay. "Gender, Memorialization and Symbolic Reparations." In *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 324-380. Cambridge: Cambridge University Press, 2009.

Hamber, Brandon. "Masculinity and Transitional Justice: An Exploratory Essay." *International Journal of Transitional Justice* 1, no. 3 (2007): 375-390.

Hamber, Brandon. "There is a Crack in Everything: Problematising Masculinities, Peacebuilding and Transitional Justice." *Human Rights Review* 17, no. 1 (2016): 9-34.

Hawksley, Charles and Nichole Georgeou. "Transitional Justice as Police-Building in Solomon Islands: Tensions of State-Building and Implications for Gender." In *Current Issues in Transitional Justice: Towards a More Holistic Approach*, edited by Natalia Szablewska and Sascha-Domonik Bachmann, 133-160. Cham: Springer, 2015.

Hazan, Pierre. *Judging War, Judging History: Behind Truth and Reconciliation*. Stanford Studies in Human Rights, Stanford University Press, 2010.

Henderson, Jennifer and Pauline Wakeham. "Colonial Reckoning, National Reconciliation? Aboriginal Peoples and the Culture of Redress in Canada." *English Studies in Canada* 35, no. 1 (2009): 1-26.

Herbolzheimer, Kristian. *Innovations in the Colombian Peace Process*. Norwegian Peacebuilding Resource Center, 2016. [http://www.c-r.org/downloads/NOREF\\_CR\\_Report\\_Colombia%20Innovations\\_final.pdf](http://www.c-r.org/downloads/NOREF_CR_Report_Colombia%20Innovations_final.pdf).



Herman, Melissa. "Protagonists and Victims: Women Leading the Fight for a Democratic Colombia." *Feminist Review* 88 (2008): 122-127.

Hirschman, Albert O. *Journeys Toward Progress: Studies of Economic Policy-making in Latin America*. Twentieth Century Fund, 1963.

Hovil, Lucy. *Gender, Transitional Justice, and Displacement: Challenges in Africa's Great Lakes Region*. International Center for Transitional Justice and Brookings Institution, 2012.

Human Rights Watch. "Tunisia Amnesty Bill Would Set Back Transition, Would Replace Better Model For Handling Corruption." *Human Rights Watch*, July 14, 2016. Accessed April 22, 2017. <https://www.hrw.org/news/2016/07/14/tunisia-amnesty-bill-would-set-back-transition>.

Ibanez, Anna Maria. *Concentration of Rural Property in Colombia*. International Peace Research Institute, 2009. Accessed April 22, 2017. <https://www.prio.org/utility/DownloadFile.ashx?id=194&ctype=publicationfile>.

InSight Crime. "ELN." *InSight Crime*. Last modified March 3, 2017. Accessed April 22, 2017. <http://www.insightcrime.org/colombia-organized-crime-news/eln-profile>.

Inter-American Commission on Human Rights. *Access to Justice for Women Victims of Violence in the Americas*. Inter-American Commission on Human Rights, January 2007.

Inter-American Commission on Human Rights. *Access to Justice for Women Victims of Violence in Mesoamerica*. Washington: Organization for American States, 2011.

Inter-American Commission on Human Rights. *Violence and Discrimination Against Women in the Armed Conflict in Colombia*. Washington: Organization of American States, 2006.

International Center for Transitional Justice. "It Was a Way to Destroy our Lives': Tunisian Women Speak Out on Religious Discrimination." New York: International Center for Transitional Justice, June 14, 2016. Accessed April 22, 2017. <https://www.ictj.org/news/tunisia-women-speak-out-religious-discrimination-TDC>.

International Center for Transitional Justice. "What is Transitional Justice?" New York: International Center for Transitional Justice, 2009. Accessed February 10, 2017. <https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf>.

Irvine, Jill A. and Patrice C. McMahon. "From International Courts to Grassroots Organizing: Obstacles to Transitional Justice in the Balkans." In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simic and Zala Volcic, 217-238. New York: Springer, 2013.

Jaramillo, Sergio, Yaneth Giha, and Paula Torres. *Transitional Justice and DDR: The Case of Colombia*. International Center for Transitional Justice, 2009.

Jelin, Elizabeth. "Silences, Visibility, and Agency: Ethnicity, Class, and Gender in Public Memorialization." In *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, edited by Paige Arthur, 187-216. Cambridge: Cambridge University Press, 2011.

Jenkins, Robert and Anne-Marie Goetz. "Addressing Sexual Violence in Internationally Mediated Peace Agreements." *International Peacekeeping* 17, no. 2 (2010): 261-277.

Jones, Briony, Alex Jeffrey, and Michaelina Jakala. "The 'Transitional Citizen': Civil Society, Political Agency and Hopes for Transitional Justice in Bosnia-Herzegovina." In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simic and Zala Volcic, 87-104. New York: Springer, 2013.

Kallander, Amy A. *Women, Gender, and the Palace Households in Ottoman Tunisia*. Austin: University of Texas Press, 2013.

Karasapan, Omer. "The Tunisian Economy After the Arab Spring: Lagging Responses to Lagging Regions." *Brookings Institution*, February 3, 2016. Accessed April 22, 2017. <https://www.brookings.edu/blog/future-development/2016/02/03/the-tunisian-economy-after-the-arab-spring-lagging-responses-to-lagging-regions/>.

Kent, Lia. "After the Truth Commission: Gender and Citizenship in Timor-Leste." *Human Rights Review* 17, no. 1 (2016): 51-70.

Kerr, Rachel and Eirin Mobekk. *Peace and Justice: Seeking Accountability After War*. Cambridge: Polity Press, 2007.

Kfir, Isaac. "Security, Gender, and Post-Conflict Reconstruction: The Need for a 'Woman Question' When Engaging in Reconstruction." *Texas Journal of Women and the Law* 22 (2012): 71-112.

Khalil, Andrea. "Tunisia's Women: Partners in Revolution." *Journal of North African Studies* 19, no. 2 (2014): 186-199.

King, Jamesina. "Gender and Reparations in Sierra Leone: The Wounds of War Remain Open." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 246-283. New York: Social Science Research Council, 2006.

Kirkpatrick, David D. "Tunisia Leader Flees and Prime Minister Claims Power." *The New York Times*, January 14, 2011. Accessed April 22, 2017. <http://www.nytimes.com/2011/01/15/world/africa/15tunis.html?pagewanted=all>.

Koppell, Carla and Jonathan Talbot. *Strengthening Colombia's Transitional Justice Process by Engaging Women*. Washington: Institute for Inclusive Security, 2011.

Krog, Antjie. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. New York: Three Rivers Press, 1998.

"La Commission Bouderbala Présente son Rapport Final: Elle a Recensé 338 Morts et 2147 Blessés." *Leaders*, April 5, 2012. Accessed April 22, 2017. <http://www.leaders.com.tn/article/8359-la-commission-bouderbala-presente-son-rapport-final-elle-a-recense-338-morts-et-2147-blesses>.

Labidi, Lilia. "The Nature of Transnational Alliances in Women's Associations in the Maghreb: The Case of AFTURD and ATFD in Tunisia." *Journal of Middle Eastern Women's Studies* 3, no. 1 (2007): 6-34.

Lagarde, Dominique. "Ces femmes de la génération Bourguiba." *L'Express*, June 28, 2001. Accessed April 22, 2017. [http://www.lexpress.fr/actualite/monde/afrique/ces-femmes-de-la-generation-bourguiba\\_494840.html](http://www.lexpress.fr/actualite/monde/afrique/ces-femmes-de-la-generation-bourguiba_494840.html).

Lambourne, Wendy and Viviana Rodriguez Carreon. "Engendering Transitional Justice: a Transformative Approach to Building Peace and Attaining Human Rights for Women." *Human Rights Review* 17 (2016): 71-93.

Lamont, Christopher and Hela Boujneh. "Transitional Justice in Tunisia: Negotiating Justice during Transition." *Politička misao* 49, no. 5 (2012): 32-49.

Laplante, Lisa and Kimberly Theidon. "Transitional Justice in Times of Conflict: Colombia's *Ley de Justicia y Paz*." *Michigan Journal of International Law* 28 (2006): 49-108.

Laplante, Lisa and Kimberly Theidon. "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru." *Human Rights Quarterly* 29, no. 1 (February 2007): 228-250.

Laplante, Lisa. "Negotiating Reparation Rights: The Participatory and Symbolic Quotients." *Buffalo Human Rights Law Review* 19 (2012): 217-250.

Leebaw, Bronwyn Anne. "The Irreconcilable Goals of Transitional Justice." *Human Rights Quarterly* 30 (2008): 95-118.

Legg, Paul. "Ben Ali's smooth rise to power in Tunisia contrasts with sudden decline." *The Guardian*, January 15, 2011. Accessed April 22, 2017. <https://www.theguardian.com/world/2011/jan/15/ben-ali-power-tunisia>.

Lemaitre, Julieta and Kristin Sandvik. "Beyond Sexual Violence in Transitional Justice: Political Insecurity as a Gendered Harm." *Feminist Legal Studies* 22, no. 3 (2014): 243-261.

Lemaitre, Julieta and Kristin Bergtora Sandvik. "Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia." *Law & Society Review* 49, no. 1 (2015): 5-38.

"Les membres de l'IVD," Instance vérité et dignité. Accessed March 22, 2017. [http://www.ivd.tn/fr/?page\\_id=438](http://www.ivd.tn/fr/?page_id=438).

Lewis, Aidan. "Profile: Tunisia's Ennahda Party." *BBC News*, October 25, 2011. Accessed April 22, 2017. <http://www.bbc.com/news/world-africa-15442859>.

Louden, Sarah R. "Political Islamism in Tunisia: A History of Repression and a Complex Forum for Political Change." *Mathal* 4, no. 1 (2015).

MacLachlan, Alice. "Gender and Public Apology." *Transitional Justice Review* 1, no. 2 (2013): 126-147.

Maddox, Sarah. "Lessons from the Field: the inclusion of refugee women in transitional justice initiatives." In *Women and Transitional Justice: The Experience of Women as Participants*, edited by Lisa Yarwood, 75-96. New York: Routledge, 2013.

Mageza-Barthel, Rirhandu. "Asserting Their Presence! Women's Quest for Transitional Justice in Post-Genocide Rwanda." In *Gender and Transitional Justice*, edited by Susanne Buckley-Zistel and Magdalena Zolkos, 163-190. New York: Palgrave-Macmillan, 2012.

Mani, Rama. "Women, Art and Post-Conflict Justice." *International Criminal Law Review* 11, no. 3 (2011): 543-560.

"Mapping Militant Organizations: Revolutionary Armed Forces of Colombia – People's Army." Stanford University. Last modified August 15, 2015. Accessed April 22, 2017. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>.

- Marks, Monica. *Tunisia's Ennahda: Rethinking Islamism in the Context of ISIS and the Egyptian Coup*. Washington: Brookings Institution, 2015.
- Marks, Monica. "Women's Rights Before and After the Revolution." In *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, edited by Nouri Gana. Edinburgh: Edinburgh University Press, 2013.
- Matenge, Mavis. "Exploring Ways of Including Human Rights Narratives of Refugees in Transitional Justice and Peacebuilding Processes Through Storytelling: Narratives From Dukwi Refugee Camp." PhD diss., University of Manitoba, 2013.
- Mazurana, Dyan and Khristopher Carlson. "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." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 162-214. Cambridge: Cambridge University Press, 2009.
- McEvoy, Kieran and Kirsten McConnachie. "Victims and Transitional Justice: Voice, Agency and Blame." *Social and Legal Studies* 22, no. 4 (2013): 489-513.
- Meertens, Donny. *Forced Displacement and Gender Justice in Colombia: Between Disproportional Effects of Violence and Historical Injustice*. International Center for Transitional Justice and Brookings Institution Case Studies on Transitional Justice and Displacement, 2012.
- Meertens, Donny. "The Nostalgic Future: Terror, Displacement and Gender in Colombia." In *Victims, Perpetrators or Actors? : Gender, Armed Conflict and Political Violence*, edited by Caroline O.N. Moser and Fiona Clark, 133-148. London: Zed Books, 2001.
- Meertens, Donny and Margarita Zambrano. "Citizenship Deferred: The Politics of Victimhood, Land Restitution and Gender Justice in the Colombian (Post?) Conflict." *International Journal of Transitional Justice* 4 (2010): 189-206.
- Mekki, Nidhal. *Tunisia: Equality in Gender and Constitution*. Arab Forum for Citizenship in Transition, 2014.
- Méndez, Juan E. "In Defense of Transitional Justice." In *Transitional Justice and the Rule of Law in New Democracies*, edited by A. James McAdams, 1-26. Notre Dame: University of Notre Dame Press, 1997.
- Mesa de Conversaciones. "Comunicado Conjunto." June 7, 2014. Accessed April 22, 2017. <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-07-de-junio-de-2014>.
- Miller, Jennifer Lee. "Justice in Action: Assessing the Institutional Design and Implementation of Transitional Justice." PhD diss., The University of Arizona, 2014.
- Ministry of Justice, Government of Colombia. "Functions of the Ministry." Accessed February 11, 2017. <https://www.minjusticia.gov.co/Ministerio/NuestraEntidad/FuncionesdelMinisterio.aspx>.
- Minnesota Lawyers International Human Rights Committee. *Tunisia: Human Rights Crisis of 1987*. Minneapolis: Minnesota Lawyers International Human Rights Committee, 1988.
- Mohan, Sharanya Sai. "The Battle After the War: Gender Discrimination in Property Rights and Post-Conflict Property Restitution." *Yale Journal of International Law* 36 (2011): 461-495.
- Molano, Alfredo. "Violence and Land Colonization." In *Violence in Colombia: The Contemporary Crisis in Historical Perspective*, edited by Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez, 195-216. Wilmington: SR Books, 1992.
- Moreno, Liliana Rocío Chaparro. *Access to Justice for Women Victims of Sexual Violence*. Bogotá: The Working Group to Monitor Compliance with Constitutional Court Auto 092 and 009 and its Confidential Annexes, 2016.
- Morris, Meghan Brenna. "The Courage to Come Forward: Players Related to Rwandan Women taking Cases of Sexual Violence from the 1994 Genocide to Transitional Courts." PhD diss., University of California, Berkeley, 2014.
- Moyo, Khanyisela. "Feminism, Postcolonial Legal Theory and Transitional Justice: A Critique of Current Trends." *International Human Rights Law Review* 1, no. 2 (2012): 237-275.
- Murphy, Emma C. *Economic and Political Change in Tunisia: From Bourguiba to Ben Ali*. Palgrave MacMillan, 1999.
- Nagy, Rosemary. "The Scope and Bounds of Transitional Justice and the Canadian Truth and Reconciliation Commission." *International Journal of Transitional Justice* 7, no. 1 (2013): 52-73.

Narh, Nilufur. "Islamism, Women, and Political Participation: Comparative Perspectives." In *The Islamic World and the West: Managing Religious and Cultural Identities in the Age of Globalisation*, edited by Christoph Marcinkowski, 155-174. Piscataway: Transaction Publishers, 2009.

National Fact-Finding Commission to Investigate Abuses and Violations During the Recent Period. *Report from the National Fact-Finding Commission to Investigate Abuses and Violations*. Government of Tunisia, April 2012.

National Institute of Legal Medicine, Government of Portugal. *Working Women and Armed Conflict: VI Report on Sociopolitical Violence Against Women, Young Women and Girls in Colombia 2002-2006*. Coimbra: National Institute of Legal Medicine, 2006.

Nesiah, Vasuki. "Discussion Lines on Gender and Transitional Justice: An Introductory Essay Reflecting on the ICTJ Bellagio Workshop on Gender and Transitional Justice." *Columbia Journal of Gender and Law* 15 (2006): 799-812.

Nesiah, Vasuki, Mark Massoud, Elizabeth Webber, Jennifer McHugh, Bonita Meyersfield, et al. *Truth Commissions and Gender: Principles, Policies, and Procedures*. International Center for Transitional Justice, 2006.

Ng'weno, Bettina. "Autonomy, Self-governance and the Status of Afro-Colombian Collective Territories." Lecture, Meeting of the Latin American Studies Association, Las Vegas, Nevada, October 7, 2004. Accessed April 22, 2017. <http://oraloteca.unimagdalena.edu.co/wp-content/uploads/2013/01/Autonomy-Self-governance-and-the-Status-of-Afro-Colombian.pdf>.

Ní Aoláin, Fionnuala. "Advancing Feminist Positioning in the Field of Transitional Justice." *International Journal of Transitional Justice* 6, no. 2 (2012): 205-228.

Ní Aoláin, Fionnuala. "Gender Under-Enforcement in the Transitional Justice." In *Gender in Transitional Justice*, edited by Susanne Buckley-Zistel and Ruth Stanley, 59-87. New York: Palgrave Macmillan, 2012.

Ní Aoláin, Fionnuala. "Political Violence and Gender during times of Transition." *Columbia Journal of Gender and Law* 15 (2006): 829-849.

Ní Aoláin, Fionnuala. "Women, Security, and the Patriarchy of Internationalized Transitional Justice." *Human Rights Quarterly* 31, no. 4 (2009): 1055-1085.

Ní Aoláin, Fionnuala, Catherine O'Rourke, and Aisling Swaine. "Transforming Reparations for Conflict-Related Sexual Violence: Principles and Practice." *Harvard Human Rights Journal* 28 (2015): 97-146.

Ní Aoláin, Fionnuala and Catherine Turner. "Gender, Truth & Transition." *UCLA Women's Law Journal* 16 (2007): 229-279.

Ní Aoláin, Fionnuala, Dina Francesca Haynes, and Naomi Cahn. *On the Frontlines: Gender, War, and the Post-Conflict Process*. Oxford: Oxford University Press, 2011.

Ní Aoláin, Fionnuala and Eilish Rooney. "Underenforcement and Intersectionality: Gendered Aspects of Transition for Women." *International Journal of Transitional Justice* 1, no. 3 (2007): 338-354.

Ní Aoláin, Fionnuala and Michael Hamilton. "Gender and the Rule of Law in Transitional Societies." *Minnesota Journal of International Law* 18 (2009): 380-402.

Nieswiadomy, Marc S. "Land Reform and Conflict Resolution in Colombia." Master's Thesis, Naval Postgraduate School, 2012.

Nussio, Enzo, Angelika Rettberg, and Juan Ugarriza. "Victims, Nonvictims and Their Opinions on Transitional Justice: Findings from the Colombian Case." *International Journal of Transitional Justice* 9, no. 2 (2015): 336-354.

Office of the High Commissioner for Peace, Government of Colombia. "ABC: Special Jurisdiction for Peace." Accessed February 8, 2017. <https://www.law.yale.edu/system/files/abc-special-jurisdiction-for-peace.pdf>.

Office of the High Commissioner for Peace, Government of Colombia. "Commission for the Clarification of Truth, Coexistence and Non-Repetition." Accessed February 11, 2017. <http://www.altocomisionadoparalapaz.gov.co/Documents/informes-especiales/comision-verdad-proceso-paz/index.html>.

Office of the High Commissioner for Peace, Government of Colombia. "Delegation of the National Government." Accessed February 11, 2017. <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/delegacion-del-gobierno-nacional/Paginas/Delegacion-del-Gobierno-Nacional.aspx>.

Office of the High Commissioner for Peace, Government of Colombia. "Discussion Table with the FARC-EP." Accessed February 11, 2017. <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Paginas/mesa-de-conversaciones-con-las-farc-ep.aspx>.

Office of the High Commissioner for Peace, Government of Colombia. "Mechanism of Participation." Accessed February 11, 2017. <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/mecanismos-de-participacion/Paginas/Mecanismo-de-participacion.aspx>.

Office of the High Commissioner for Peace, Government of Colombia. "Office of the High Commissioner for Peace." Accessed February 8, 2017. <http://www.altocomisionadoparalapaz.gov.co/Paginas/OACP/Oficina-Alto-Comisionado-para-la-Paz.aspx>.

Office of the High Commissioner for Peace, Government of Colombia. "P&R: Sistema Integral de Verdad, Justicia, Reparación y no Repetición." Accessed February 8, 2017. <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/proceso-de-paz-con-las-farc-ep/Paginas/PR-Sistema-integral-de-Verdad-Justicia-Reparacion-y-no-Repeticion.aspx>.

Ogg, Kate and Natalia Szablewska. "A Feminist Legal Analysis of the Interface Between Refugee Law and the Mandates of Truth and Reconciliation Commissions." In *Current Issues in Transitional Justice: Towards a More Holistic Approach*, edited by Natalia Szablewska and Sascha-Dominik Bachmann, 209-234. Cham: Springer, 2015.

Ombudsman's Office, Government of Colombia. "Mission and Vision." Accessed February 8, 2017. <http://www.accessfacility.org/colombias-defensor%C3%ADa-del-pueblo>.

Oosterveld, Valerie. "The Special Court for Sierra Leone's Consideration of Gender-based Violence: Contributing to Transitional Justice?" *Human Rights Review* 10, no. 1 (2009): 73-98.

O'Rourke, Catherine. "Dealing with the Past in a Post-Conflict Society: Does the Participation of Women Matter? Insights from Northern Ireland." *William & Mary Journal of Women and the Law* 19 (2012): 35-68.

O'Rourke, Catherine. *Gender Politics in Transitional Justice*. New York: Routledge, 2013.

O'Rourke, Catherine. "International Law and Domestic Gender Justice, or Why Case Studies Matter." In *Feminist Perspectives on Transitional Justice: From International and Criminal to Alternative Forms of Justice*, edited by Martha Fineman and Estelle Zinsstag, 11-41. Cambridge: Intersentia Publishing Ltd., 2013.

O'Rourke, Catherine. "The Shifting Signifier of 'Community' in Transitional Justice: A Feminist Analysis." *Wisconsin Journal of Law, Gender & Society* 23 (2008): 269-291.

Ortega, Luisa. *Transitional Justice and Female Ex-Combatants: Lessons Learned from International Experience*. International Center for Transitional Justice, 2010.

Oxfam Intermón. *La Violencia Sexual en Colombia. Primera Encuesta de Prevalencia*. Barcelona: Oxfam Intermón, 2009.

Painter, Genevieve Renard. "Thinking Past Rights: Towards Feminist Theories of Reparations." *Windsor Yearbook of Access to Justice* 30, no. 1 (2012): 1-38.

Perkins, Kenneth. *A History of Modern Tunisia*. New York: Cambridge University Press, 2014.

Pillay, Anu. "Truth Seeking and Gender: The Liberian Experience: Views from the Field." *African Journal on Conflict Resolution* 9, no. 2 (2009): 91-99.

Porch, Douglas. "Revolutionary Social Change in Colombia. The Origin and Direction of the FARC-EP-by Brittain, James J." *Bulletin of Latin American Research* 30, no. 4 (2011): 515-516.

Porter, Elisabeth. "Gender-Inclusivity in Transitional Justice Strategies: Women in Timor-Leste." In *Gender in Transitional Justice*, edited by Susanne Buckley-Zistel and Ruth Stanley, 221-240. New York: Palgrave Macmillan, 2012.

Porter, Elisabeth. "Gendered Narratives: Stories and Silences in Transitional Justice." *Human Rights Review* 17, no. 1 (2016): 35-50.

Porter, Elisabeth. *Peacebuilding: Women in International Perspective*. London: Routledge, 2007.

Potter, Michael and Hedley Abernethy. "What About the Women? Transitional Justice and Gender in Bosnia and Herzegovina and Northern Ireland." In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simic and Zala Volcic, 163-180. New York: Springer, 2013.

Presidencia de la República. "Informe Conjunto de la Mesa de Conversaciones entre el Gobierno Nacional y las Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo." June 4, 2015. Accessed April 22, 2017. [http://wp.presidencia.gov.co/Noticias/2015/Junio/Paginas/20150604\\_04-Informe-conjunto-de-la-Mesa-de-Conversaciones-entre-el-Gobierno-Nacional-y-las-Fuerzas-Armadas-Revolucionarias-.aspx](http://wp.presidencia.gov.co/Noticias/2015/Junio/Paginas/20150604_04-Informe-conjunto-de-la-Mesa-de-Conversaciones-entre-el-Gobierno-Nacional-y-las-Fuerzas-Armadas-Revolucionarias-.aspx).

Preysing, Domenica. *Transitional Justice in Post-Revolutionary Tunisia (2011-2013): How the Past Shapes the Future*. Berlin: Springer VS, 2016.

Reilly, Niamh. "Seeking Gender Justice in Post-Conflict Transitions: Toward a Transformative Human Rights Approach." *International Journal of Law in Context* 3, no. 2 (June 2007): 155-172.

Renwick, Danielle and Claire Felter. "Colombia's Civil Conflict." Council on Foreign Relations. Last modified January 11, 2017. Accessed April 22, 2017. <http://www.cfr.org/colombia/colombias-civil-conflict/p9272>.

"Reparations." In *The SAGE Glossary of the Social and Behavioral Sciences*, edited by Larry E. Sullivan. Thousand Oaks: Sage Publications, 2009.

*Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff*. Human Rights Council, United Nations, 2015.

Republic of Colombia. *Colombia's Constitution of 1991 with Amendments through 2013*. Translated by Max Planck Institute. Accessed April 22, 2017. [https://www.constituteproject.org/constitution/Colombia\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2013.pdf?lang=en).

Republic of Tunisia. *Code for Personal Status*. Translated by George N. Sfeir. Republic of Tunisia, 1957. Accessed April 22, 2017. <http://www.jstor.org/stable/4322925>.

Republic of Tunisia. Organic Law on Establishing and Organizing Transitional Justice. Translated by International Center for Transitional Justice. Republic of Tunisia, 2013. Accessed April 22, 2017. <http://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>.

"Restorative Justice." In *The SAGE Glossary of the Social and Behavioral Sciences*, edited by Larry E. Sullivan. Thousand Oaks: Sage Publications, 2009.

"Retributive Justice." In *The SAGE Glossary of the Social and Behavioral Sciences*, edited by Larry E. Sullivan. Thousand Oaks: Sage Publications, 2009.

Rijkers, Bob, Caroline Freund, and Antonio Nucifora. "All in the Family: State Capture in Tunisia." Policy Research Working Paper 6810, The World Bank, 2014.

Rimmer, Susan Harris. *Gender and Transitional Justice: The Women of East Timor*. New York: Routledge, 2010.

Robb, Carley Jayne. "Engendering Peace and Truth: Women's Participation in Reconciliation Processes in Africa." Master's Thesis, University of Guelph, 2009.

Rodriguez, Diana Esther Guzmán and Rodrigo Uprimny. *Justicia Transicional Desde Abajo y con Perspectiva de Género*. Bogotá: UNIFEM, 2010.

Rodriguez, Diana Esther Guzmán and Rodrigo Uprimny. *Restitución de Tierras para las Mujeres Víctimas del Conflicto Armado*. Bogotá: UNIFEM, 2010.

Rombouts, Heidy. "Women and Reparations in Rwanda: A Long Path to Travel." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 194-245. New York: Social Science Research Council, 2006.

Romero, Alicia Cebada. "La Violencia Sexual en el Conflicto de Mali: La Mujer como Víctima y como Protagonista de la Lucha contra la Impunidad." *Anuario Español de Derecho Internacional* 30 (2014): 47-86.

Romero, Gabriel R. "Voices Around Us: Memory and Community Empowerment in Reconstruction Efforts in Colombia." *The International Journal of Transitional Justice* 6, no. 3 (2012): 547-557.

Romero, Mauricio. *Paramilitares y Autodefensas, 1982-2003*. Bogotá: Temas de Hoy, 2003.

Rooney, Eilish. "Engendering Transitional Justice: Questions of Absence and Silence." *International Journal of Law in Context* 3, no. 2 (2007): 173-187.

Roost, Laura. "Justice without care: reconceptualizing transitional justice through feminist theoretical analysis and ethical debate." PhD diss., The University of Nebraska-Lincoln, 2014.

Ross, Fiona. "An Acknowledged Failure: Women, Voice, Violence, and the South African Truth and Reconciliation Commission." In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*, edited by Rosalind Shaw, Lars Waldorf, and Pierre Hazan, 69-91. Stanford: Stanford University Press, 2010.

Ross, Fiona. *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa*. London: Pluto Press, 2002.

Rowen, Jamie. "Truth in the Shadow of Justice." In *Transitional Justice and Civil Society in the Balkans*, edited by Olivera Simic and Zala Volcic, 123-140. New York: Springer, 2013.

- Rubio, Mauricio. "Colombia: Coexistence, Legal Confrontation, and War with Illegal Armed Groups." In *Dangerous Liaisons*, edited by Kevin Casas Zamo-  
ra, 76-106. Washington: Brookings Institution Press, 2013.
- Rubio-Marín, Ruth. "Introduction: A Gender and Reparations Taxonomy." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 1-17. Cambridge: Cambridge University Press, 2009.
- Rubio-Marín, Ruth. "Reparations for Conflict-Related Sexual and Reproductive Violence: A Decalogue." *William and Mary Journal of Women and the Law* 19 (2012): 69-104.
- Rubio-Marín, Ruth. "The Gender of Reparations: Setting the Agenda." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 20-47. New York: Social Science Research Council, 2006.
- Rubio-Marín, Ruth. "The Gender of Reparations in Transitional Societies." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 63-120. Cambridge: Cambridge University Press, 2009.
- Rubio-Marín, Ruth, Clara Sandoval, and Catalina Diaz. "Repairing Family Members: Gross Human Rights Violations and Communities of Harm." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 215-290. Cambridge: Cambridge University Press, 2009.
- Rubio-Marín, Ruth and Pablo de Greiff. "Women and Reparations." *International Journal of Transitional Justice* 1, no. 3 (2007): 318-337.
- Salem, Lilia Ben. "Tunisia." In *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, edited by Sanja Kelly and Julia Breslin, 487-516. Lanham: Rowman & Littlefield, 2010.
- Samti, Farah and Declan Walsh. "Tunisian Clash Spreads Fear That Libyan War is Spilling Over." *The New York Times*, March 7, 2016. Accessed April 22, 2017. <https://www.nytimes.com/2016/03/08/world/africa/attack-tunisia-libya-border.html>.
- Sanchez, Gabriel Gomez. "Between Reconciliation and Justice: The Struggles for Justice and Reconciliation in Colombia." PhD diss., Arizona State University, 2011.
- San Pedro, Paula. *Sexual Violence in Colombia*. Oxford, United Kingdom: Oxfam, 2009.
- Santos, Juan Manuel. "Peace in Colombia: From the Impossible to the Possible." Nobel lecture, Oslo, Norway, December 10, 2016. Accessed April 22, 2017. [https://www.nobelprize.org/nobel\\_prizes/peace/laureates/2016/santos-lecture\\_en.html](https://www.nobelprize.org/nobel_prizes/peace/laureates/2016/santos-lecture_en.html).
- Schemo, Diana J. "Colombia in Crisis as Drugs Tar Chief." *The New York Times*, August 13, 1995. Accessed April 22, 2017. <http://www.nytimes.com/1995/08/13/world/colombia-in-crisis-as-drugs-tar-chief.html?pagewanted=all>.
- Schemo, Diana J. "Colombia's Death-Strewn Democracy." *The New York Times*, July 24, 1997. Accessed April 22, 2017. <http://www.nytimes.com/1997/07/24/world/colombia-s-death-strewn-democracy.html>.
- Schkolne, Maya. *Practitioner Perspectives on Transitional Justice: Tunisia*. Cape Town: Centre for the Study of Violence and Reconciliation, 2015.
- Schmid, Evelyn and Aoife Nolan. "Do No Harm? Exploring the Scope of Economic and Social Rights in Transitional Justice." *International Journal of Transitional Justice* 8, no. 3 (2014): 362-382.
- Schoening, Max. *The Risk of Returning Home: Violence and Threats against Displaced People Reclaiming Land in Colombia*. Human Rights Watch, 2013.
- Shalaby, Abdallah, Salah al-Din al-Jurshi, Mostafa El-Nabarawy, Moheb Zaki, Qays Jawad Azzawi, and Antoine Nasri Messarra. *Towards a Better Life: How to Improve the State of Democracy in the Middle East and North Africa*. Istanbul: Istanbul Kültür University, 2010.
- Short, Damien. "Reconciliation and the Problem of Internal Colonialism." *Journal of Intercultural Studies* 26, no. 3 (2006): 267-282.
- Siegel, Richard Lewis. "Transitional Justice: A Decade of Debate and Experience." *Human Rights Quarterly* 20 (1998): 431-454.
- Simic, Olivera. "What Remains of Srebrenica? Motherhood, Transitional Justice and Yearning for the Truth." *Journal of International Women's Studies* 10, no. 4 (2009): 220-236.
- Stahn, Carsten. "The Geometry of Transitional Justice: Choices of Institutional Design." *Leiden Journal of International Law* 18, no. 3 (2005): 425-466.
- Stephen, Chris. "Tunisia gunman trained in Libya at same time as Bardo museum attackers." *The Guardian*, June 30, 2015. Accessed April 22, 2017. <https://www.theguardian.com/world/2015/jun/30/tunisia-beach-attack-seifeddine-rezgui-libya-bardo-museum-attackers>.

Stockwell, Jill. *Reframing the Transitional Justice Paradigm: Women's Affective Memories in Post-Dictatorial Argentina*. Cham: Springer, 2014.

Subotic, Jelena. "Expanding the Scope of Post-Conflict Justice: Individual, State and Societal Responsibility for Mass Atrocity." *Journal of Peace Research* 48, no. 2 (2011): 157-169.

Suchkova, Maria. *The Importance of a Participatory Reparations Process and its Relationship to the Principles of Reparation*. Essex Transitional Justice Network, Briefing Paper No. 5, 2011.

Swaine, Aisling. "Varying the Variations: An Expanded Spectrum of Conflict-time Violence Against Women and the Problem of Law's Response." Paper presented at the Feminism and Legal Theory Project at 30: A Workshop on Geographies of Violence: Place, Forum, and Time, Emory Law School, Atlanta, Georgia, January 24-25, 2014.

Szakhhal, Vanessa. "More than security, human rights are threatened in Tunisia." *Nawaat*. November 30, 2015. Accessed April 22, 2017. <http://nawaat.org/portail/2015/11/30/more-than-security-human-rights-are-threatened-in-tunisia/>.

Szoke-Burke, Sam. "Not Only 'Context': Why Transitional Justice Programs Can No Longer Ignore Violations of Economic and Social Rights." *Texas International Law Journal* 50, no. 3 (2015): 465-494.

Tabak, Shana. "False Dichotomies of Transitional Justice: Gender, Conflict and Combatants in Colombia." *NYU Journal of International Law & Politics* 44 (2011): 103-163.

Tate, Winifred. "From Greed to Grievance: The Shifting Political Profile of Colombian Paramilitaries." In *Colombia: Building Peace in a Time of War*, edited by Virginia Bouvier, 111-132. Washington: USIP Press, 2009.

Tchaïcha, Jane and Khedija Arfaoui. "Tunisian Women in the Twenty-First Century: Past Achievements and Present Uncertainties in the Wake of the Jasmine Revolution." *The Journal of North African Studies* 17, no. 2 (2012): 215-238.

Teitel, Ruti. "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16 (2003): 69-94.

Theidon, Kimberly. "Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia." *Human Rights Quarterly* 31, no. 1 (2009): 10.

Theidon, Kimberly. "Transitional Subjects: The Disarmament, Demobilization and Reintegration of Former Combatants in Colombia." *International Journal of Transitional Justice* 1, no. 1 (2007): 66-90.

Tovar-Restrepo, Marcela and Clara Irazabal. "Indigenous Women and Violence in Colombia: Agency, Autonomy and Territoriality." *Latin American Perspectives* 41, no. 1 (2013): 39-58.

"Tunisia declares Ansar al-Sharia a terrorist group." *BBC News*, August 27, 2013. Accessed April 22, 2017. <http://www.bbc.com/news/world-africa-23853241>.

Turano, Laura. "The Gender Dimension of Transitional Justice Mechanisms." *New York University Journal of International Law & Politics* 43 (2011): 1045-1086.

Unger, Thomas and Marieke Wierda. "Pursuing Justice in Ongoing Conflict: A Discussion of Current Practice." In *Building a Future on Peace and Justice*, edited by Kai Ambos, Judith Large, and Marieke Wierda, 263-302. Berlin: Springer, 2008.

Unit for Attention and Integral Reparations for Victims, Government of Colombia. "Mission and Vision." Accessed March 20, 2017. <http://www.unidadvictimas.gov.co/en/misión-y-visión-1/misión-and-vision/28231>.

United Nations Children's Fund. *Tunisia: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa*. Amman, UNICEF, 2011.

United Nations Development Fund for Women. *La Reparación en la Voz de las Mujeres Desde las Regiones*. Bogotá: UNIFEM, 2010.

United Nations Development Programme. "Human Development Reports: Colombia." UNDP, 2015. Accessed April 22, 2017. <http://hdr.undp.org/en/countries/profiles/COL>.

United Nations High Commission for Refugees. "El ACNUR y la Protección de los Desplazados Internos." UNHCR, 2016. Accessed April 22, 2017. <http://www.acnur.org/a-quien-ayuda/desplazados-internos/>.

United Nations Secretary-General. "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies." UN Doc S/2004/616, 23 August 2004. Accessed February 10, 2017. <http://www.ipu.org/splz-e/unga07/law.pdf>.



Uprimny, Rodrigo. "Transitional Justice Without Transition? Possible Lessons from the Use (and Misuse) of Transitional Justice Discourse in Colombia." Paper presented at Building a Future on Peace and Justice conference in Nuremberg, Germany, 25-27 June 2007.

Valji, Nahla. "Gender, Justice and Reconciliation." *Dialogue on Globalization Occasional Paper Series* 35 (November, 2007): 3-23.

Valji, Nahla. *A Window of Opportunity: Making Transitional Justice Work for Women*. New York: UN Women, 2012.

Van der Merwe, Hugo. "The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualizations." PhD diss., George Mason University, 1999.

Waldorf, Lars. "Anticipating the Past: Transitional Justice and Socio-Economic Wrongs." *Social and Legal Studies* 21, no. 2 (2012): 171-186.

Walker, Margaret Urban. "Gender and Violence in Focus: A Background for Gender Justice in Reparations." In *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, edited by Ruth Rubio-Marín, 18-62. Cambridge: Cambridge University Press, 2009.

Wandita, Galuh, Karen Campbell-Nelson, and Manuela Leong Pereira. "Learning to Engender Reparations in Timor-Leste: Reaching Out to Female Victims." In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, edited by Ruth Rubio-Marín, 284-335. New York: Social Science Research Council, 2006.

Watts, Susan. "The Impact on Women of Changes in Personal Status Law in Tunisia." Paper prepared for the Women and Gender Equity Knowledge Network of the World Health Organization Commission on Social Determinants of Health, Cairo, Egypt, June 2007.

Wood, Elisabeth Jean. "Variation in Sexual Violence During War." *Politics & Society* 34, no. 3 (2006): 307-341.

Yarwood, Lisa. "Women, Transitional Justice and Indigenous Conflict: The Role of Women in Addressing New Zealand's Colonial Past." In *Women and Transitional Justice: The Experience of Women as Participants*, edited by Lisa Yarwood, 8-33. New York: Routledge, 2013.

Zaki, Hind Ahmed. "Tunisia uncovered a history of state sexual violence. Can it do anything?" *Washington Post*, April 11, 2016. Accessed April 22, 2017. [https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/11/tunisia-uncovered-a-history-of-state-sexual-violence-can-it-do-anything/?utm\\_term=.e0f5cba0b2a1](https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/11/tunisia-uncovered-a-history-of-state-sexual-violence-can-it-do-anything/?utm_term=.e0f5cba0b2a1).

Zuloaga, Patricia Palacios. "The Path to Gender Justice in the Inter-American Court of Human Rights." *Texas Journal of Women and the Law* 17 (2008): 227-295.

# ENDNOTES

## A LITERATURE REVIEW ON WOMEN AND TRANSITIONAL JUSTICE

<sup>1</sup> International Center for Transitional Justice, "What is Transitional Justice?" International Center for Transitional Justice (2009), 1.

<sup>2</sup> Catherine O'Rourke, *Gender Politics in Transitional Justice* (New York: Routledge, 2013), 3.

<sup>3</sup> Among others, see Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31 (2009): 321-367; Juan E. Méndez, "In Defense of Transitional Justice," in *Transitional Justice and the Rule of Law in New Democracies*, ed. A. James McAdams (Notre Dame: University of Notre Dame Press, 1997).

<sup>4</sup> Pascha Bueno-Hansen, *Feminist and Human Rights Struggles in Peru: Decolonizing Transitional Justice* (Urbana: University of Illinois Press, 2015), 16.

<sup>5</sup> *Report of the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence*, Pablo de Greiff (Human Rights Council, United Nations, 2015), 10-14.

<sup>6</sup> Among others, Jelena Subotic, "Expanding the Scope of Post-Conflict Justice: Individual, State and Societal Responsibility for Mass Atrocity," *Journal of Peace Research* 48, no. 2 (2011): 157-169.

<sup>7</sup> "Retributive Justice," in *The SAGE Glossary of the Social and Behavioral Sciences*, ed. Larry E. Sullivan (Thousand Oaks: Sage Publications, 2009).

<sup>8</sup> "Restorative Justice," in *The SAGE Glossary of the Social and Behavioral Sciences*, ed. Larry E. Sullivan (Thousand Oaks: Sage Publications, 2009).

<sup>9</sup> "Reparations," in *The SAGE Glossary of the Social and Behavioral Sciences*, ed. Larry E. Sullivan (Thousand Oaks: Sage Publications, 2009).

<sup>10</sup> *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice* (United Nations, 2010), 7-10.

<sup>11</sup> *Report of the Special Rapporteur*, 8-9.

<sup>12</sup> Among others, Mayesha Alam, *Women and Transitional Justice: Progress and Persistent Challenges in Retributive and Restorative Processes* (Basingstoke: Palgrave Macmillan, 2014); Tamara Banjeglav, "Dealing with the Past in Post-war Croatia: Perceptions, Problems, and Perspectives," in *Transitional Justice and Civil Society in the Balkans*, ed. Olivera Simic and Zala Volcic (New York: Springer, 2013); Fionnuala Ní Aoláin, Catherine O'Rourke, and Aisling Swaine, "Transforming Reparations for Conflict-Related Sexual Violence: Principles and Practice," *Harvard Human Rights Journal* 28 (2015): 97-146; Ruth Rubio-Marín, "Reparations for Conflict-Related Sexual and Reproductive Violence: A Decalogue," *William and Mary Journal of Women and the Law* 19, no. 1 (2012): 69-104; Laura Turano, "The Gender Dimension of Transitional Justice Mechanisms," *New York University Journal of International Law & Politics* 43 (2011): 1045-1086.

<sup>13</sup> Among others, Daniel Aguirre and Irene Pietropaoli, "Gender Equality, Development and Transitional Justice: The Case of Nepal," *The International Journal of Transitional Justice* 2, no. 3 (2008): 356-377; Pascha Bueno-Hansen, "Engendering Transitional Justice: Reflections on the Case of Peru," *Journal of Peacebuilding & Development* 5, no. 3 (2010): 61-74; Sarah Maddox, "Lessons from the Field: the Inclusion of Refugee Women in Transitional Justice Initiatives," in *Women and Transitional Justice: The Experience of Women as Participants*, ed. Lisa Yarwood (New York: Routledge, 2013).

<sup>14</sup> Among others, David Backer, "Civil Society and Transitional Justice: Possibilities, Patterns and Prospects," *Journal of Human Rights* 2, no. 3 (2003): 297-313; Eric Brahm, "Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-Conflict Societies," *International Journal of Not-for-Profit Law* 9, no. 4 (2007): 62-72; Niamh Reilly, "Seeking Gender Jus-

stice in Post-Conflict Transitions: Toward a Transformative Human Rights Approach," *International Journal of Law in Context* 3, no. 2 (2007): 155-172; Jamie Rowen, "Truth in the Shadow of Justice," in *Transitional Justice and Civil Society in the Balkans*, ed. Olivera Simic and Zala Volcic (New York: Springer, 2013).

<sup>15</sup> Among others, Aguirre and Pietropaoli, "Gender Equality, Development and Transitional Justice"; Wendy Lambourne and Viviana Rodriguez Carreon, "Engendering Transitional Justice: A Transformative Approach to Building Peace and Attaining Human Rights for Women," *Human Rights Review* 17, no.1 (2016): 71-93; Fionnuala Ní Aoláin, "Advancing Feminist Positioning in the Field of Transitional Justice," *International Journal of Transitional Justice* 6, no. 2 (2012): 205-228; Ruth Rubio-Marín, "Introduction: A Gender and Reparations Taxonomy," in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge University Press, 2009); Nahla Valji, "Gender, Justice and Reconciliation," *Dialogue on Globalization Occasional Paper Series* 35 (2007): 3-23.

<sup>16</sup> Among others, Rodrigo Uprimny, "Transitional Justice Without Transition? Possible Lessons from the Use (and Misuse) of Transitional Justice Discourse in Colombia" (Paper presented at Building a Future on Peace and Justice conference in Nuremberg, Germany, 25-27 June 2007); Thomas Unger and Marieke Wierda, "Pursuing Justice in Ongoing Conflict: A Discussion of Current Practice," in *Building a Future on Peace and Justice*, ed. Kai Ambos, Judith Large, and Marieke Wierda (Berlin: Springer, 2008).

<sup>17</sup> Transitional justice has also been used by democratic states to address colonial and settler legacies. See Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; Fiona Ross, "An Acknowledged Failure: Women, Voice, Violence, and the South African Truth and Reconciliation Commission," in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*, ed. Rosalind Shaw, Lars Waldorf, and Pierre Hazan (Stanford: Stanford University Press, 2010); Lisa Yarwood, "Women, Transitional Justice and Indigenous Conflict: The Role of Women in Addressing New Zealand's Colonial Past," in *Women and Transitional Justice: The Experience of Women as Participants*, ed. Lisa Yarwood (New York: Routledge, 2013); Rosemary Nagy, "The Scope and Bounds of Transitional Justice and the Canadian Truth and Reconciliation Commission," *International Journal of Transitional Justice* 7, no. 1 (2013): 52-73; Jennifer Henderson and Pauline Wakeham, "Colonial Reckoning, National Reconciliation? Aboriginal Peoples and the Culture of Redress in Canada," *English Studies in Canada* 35, no. 1 (2009): 1-26; Damien Short, "Reconciliation and the Problem of Internal Colonialism," *Journal of Intercultural Studies* 26, no. 3 (2006): 267-282.

<sup>18</sup> Lucy Hovil, *Gender, Transitional Justice, and Displacement: Challenges in Africa's Great Lakes Region* (Washington: International Center for Transitional Justice; Brookings-LSE Project on International Displacement, 2012), 5.

<sup>19</sup> Evelyn Schmid and Aoife Nolan, "Do No Harm? Exploring the Scope of Economic and Social Rights in Transitional Justice," *International Journal of Transitional Justice* 8 no. 3 (2014): 362-382; Sam Szoke-Burke, "Not Only 'Context': Why Transitional Justice Programs Can No Longer Ignore Violations of Economic and Social Rights," *Texas International Law Journal* 50, no. 3 (2015): 465-494; Lars Waldorf, "Anticipating the Past: Transitional Justice and Socio-Economic Wrongs," *Social and Legal Studies* 21, no. 2 (2012): 171-186; Rirhandu Mageza-Barthel, "Asserting Their Presence! Women's Quest for Transitional Justice in Post-Genocide Rwanda," in *Gender and Transitional Justice*, eds. Susanne Buckley-Zistel and Magdalena Zolkos (Basingstoke: Palgrave-Macmillan, 2012), 179; Elisabeth Porter, "Gender-Inclusivity in Transitional Justice Strategies: Women in Timor-Leste," in *Gender in Transitional Justice*, eds. Susanne Buckley-Zistel and Ruth Stanley (New York: Palgrave Macmillan, 2012); Reilly, "Seeking Gender Justice

in Post-Conflict Transitions: Toward a Transformative Human Rights Approach,” 167-169; Susan Harris Rimmer, *Gender and Transitional Justice: The Women of East Timor* (New York: Routledge, 2010), 3; Sharanya Sai Mohan, “The Battle After the War: Gender Discrimination in Property Rights and Post-Conflict Property Restitution,” *Yale Journal of International Law* 36 (2011): 461-495; Fionnuala Ní Aoláin, “Gender Under-Enforcement in the Transitional Justice,” in *Gender in Transitional Justice*, eds. Susanne Buckley-Zistel and Ruth Stanley (New York: Palgrave Macmillan, 2012), 64; Anita Bernstein and Hans Dieter Seibel, “Reparations, Microfinance, and Gender: A Plan, with Strategies for Implementation,” *Cornell International Law Journal* 44 (2011): 75-113; Brandon Hamber, “There is a Crack in Everything: Problematising Masculinities, Peacebuilding and Transitional Justice,” *Human Rights Review* 17, no. 1 (2016): 9-34.

<sup>20</sup> Paul Gready and Simon Robins, “From Transitional to Transformative Justice: A New Agenda for Practice,” *International Journal of Transitional Justice* 8, no. 3 (2014): 339-361.

<sup>21</sup> Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin, “Returning Home: Women in Post-Conflict Societies,” *University of Baltimore Law Review* 39 (2010): 340; Jill A. Irvine and Patrice C. McMahon, “From International Courts to Grassroots Organizing: Obstacles to Transitional Justice in the Balkans,” in *Transitional Justice and Civil Society in the Balkans*, eds. Olivera Simic and Zala Volcic (New York: Springer, 2013), 218-219; *Addressing Gender in Transitional Justice Mechanisms* (London: Democratic Progress Institute, 2015), 26-28, 63-65; Jamesina King, “Gender and Reparations in Sierra Leone: The Wounds of War Remain Open,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006), 252-256, 259; Brandon Hamber, “Masculinity and Transitional Justice: An Exploratory Essay,” *International Journal of Transitional Justice* 1, no. 3 (2007): 375-390.

<sup>22</sup> Lambourne and Carreon, “Engendering Transitional Justice,” 85.

<sup>23</sup> Nahla Valji, *A Window of Opportunity: Making Transitional Justice Work for Women* (UN Women, 2012), 4.

<sup>24</sup> Fionnuala Ní Aoláin, Dina Francesca Haynes, and Naomi Cahn, *On the Frontlines: Gender, War, and the Post-Conflict Process* (Oxford: Oxford University Press, 2011); Cahn, Haynes, and Ní Aoláin, “Returning Home,” 340.

<sup>25</sup> Catherine O’Rourke, “Dealing with the Past in a Post-Conflict Society: Does the Participation of Women Matter? Insights from Northern Ireland,” *William & Mary Journal of Women and the Law* 19 (2012): 42-43.

<sup>26</sup> *Ibid.*, 46.

<sup>27</sup> Aguirre and Pietropaoli, “Gender Equality, Development and Transitional Justice,” 356-377; Alam, *Women and Transitional Justice: A Land Title is Not Enough: Ensuring Sustainable Land Restitution in Colombia*, (Amnesty International, 2014); Jessica Anderson, “Gender, Local Justice, and Ownership: Confronting Masculinities and Femininities in Northern Uganda,” *Peace Research* 41, no. 2 (2009): 59-83; Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin, “Gender, Masculinities and Transition in Conflicted Societies,” *New England Law Review* 44, no. 1 (2010): 101-123; Catalina Díaz and Iris Marín, “Reparations in Colombia: Advancing the Women’s Rights Agenda,” in *Women and Transitional Justice: The Experience of Women as Participants*, ed. Lisa Yarwood (Abingdon: Routledge, 2013); Beth Goldblatt, “Evaluating the Gender Content of Reparations: Lessons From South Africa,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006); Brandon Hamber and Ingrid Palmay, “Gender, Memorialization and Symbolic Reparations,” in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge

University Press, 2009); Hovil, *Gender, Transitional Justice, and Displacement*; Isaac Kfir, “Security, Gender, and Post-Conflict Reconstruction: The Need for a ‘Woman Question’ When Engaging in Reconstruction,” *Texas Journal of Women and the Law* 22 (2012): 71-112; King, “Gender and Reparations in Sierra Leone”; Carla Koppell and Jonathan Talbot, *Strengthening Colombia’s Transitional Justice Process by Engaging Women* (Washington: Institute for Inclusive Security, 2011); Lisa Laplante, “Negotiating Reparation Rights: The Participatory and Symbolic Quotients,” *Buffalo Human Rights Law Review* 19 (2012): 217-250; Mageza-Barthel, “Asserting Their Presence!”; Monica Marks, “Women’s Rights Before and After the Revolution,” in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. Nouri Gana (Edinburgh: Edinburgh University Press, 2013); Fionnuala Ní Aoláin and Catherine Turner, “Gender, Truth & Transition,” *UCLA Women’s Law Journal* 16 (2007): 229-279; Ní Aoláin, O’Rourke, and Swaine, “Transforming Reparations for Conflict-Related Sexual Violence”; Fionnuala Ní Aoláin and Eilish Rooney, “Underenforcement and Intersectionality: Gendered Aspects of Transition for Women,” *International Journal of Transitional Justice* 1, no. 3 (2007): 338-354; Enzo Nussio, Angelika Rettberg, and Juan Ugarriza, “Victims, Nonvictims and Their Opinions on Transitional Justice: Findings from the Colombian Case,” *International Journal of Transitional Justice* 9, no. 2 (2015): 336-354; Porter, “Gender-Inclusivity in Transitional Justice Strategies”; Carley Jayne Robb, “Engendering Peace and Truth: Women’s Participation in Reconciliation Processes in Africa,” (Master’s Thesis, University of Guelph, 2009); Valji, “Gender, Justice and Reconciliation.”

<sup>28</sup> Chrisje Brants and Katrien Klep, “Transitional Justice: History-Telling, Collective Memory, and the Victim-Witness,” *International Journal of Conflict and Violence* 7, no. 1 (2013): 37-49; Alessandra Dal Secco, “Truth and Reconciliation Commission and Gender Justice,” in *Gendered Peace*, ed. Donna Pankhurst (New York: Routledge, 2008); Julissa Mantilla Falcon, “The Peruvian Case: Gender and Transitional Justice,” in *Women and Transitional Justice: The Experience of Women as Participants*, ed. Lisa Yarwood (New York: Routledge, 2013); Katherine Franke, “Gendered Subjects of Transitional Justice,” *Columbia Journal of Gender and the Law* 15 (2006): 813-828; Amna Guellali, *Flawed Accountability: Shortcomings of Tunisia’s Trials for Killings During the Uprising* (New York: Human Rights Watch, 2015); Lia Kent, “After the Truth Commission: Gender and Citizenship in Timor-Leste,” *Human Rights Review* 17, no. 1 (2016): 51-70; King, “Gender and Reparations”; Lisa Laplante and Kimberly Theidon, “Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru,” *Human Rights Quarterly* 29, no. 1 (Feb 2007): 228-250; Mageza-Barthel, “Asserting Their Presence!”; Mavis Matenge, “Exploring Ways of Including Human Rights Narratives of Refugees in Transitional Justice and Peacebuilding Processes Through Storytelling: Narratives from Dukwi Refugee Camp,” (PhD diss., University of Manitoba, Canada, 2013); Dyan Mazurana and Christopher Carlson, “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,” in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín, (Cambridge: Cambridge University Press, 2009); Meghan Brenna Morris, “The Courage to Come Forward: Factors Related to Rwandan Women Taking Cases of Sexual Violence from the 1994 Genocide to Transitional Courts,” (PhD diss., University of California, Berkeley, 2014); Vasuki Nesiah, “Discussion Lines on Gender and Transitional Justice: An Introductory Essay on Reflecting on the ICTJ Bellagio Workshop on Gender and Transitional Justice,” *Columbia Journal of Gender and Law* 15 (2006): 799-812; Anu Pillay, “Truth Seeking and Gender: The Liberian Experience: Views from the Field,” *African Journal on Conflict Resolution* 9, no. 2 (2009): 91-99; Ross, “An Acknowledged

Failure”; Jill Stockwell, *Reframing the Transitional Justice Paradigm: Women’s Affective Memories in Post-Dictatorial Argentina* (Cham, Switzerland: Springer, 2014).

<sup>29</sup> Juanita Candamil and Claudia María Mejía Duque, “The Role of Women Defenders of Human Rights in Colombia,” *Forced Migration Review* 41 (2012): 33; Diaz and Marin, *Women and Transitional Justice*; Polly Dewhurst and Amrita Kapur, *The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women* (International Center for Transitional Justice and UN Women, 2015); Jan Feldman, “Models of Feminism: Tunisia’s Opportunity to Overcome the Secular/Islamist Binary,” *Hawwa* 13, no. 1 (2015): 51-76; Gabriel Gomez Sanchez, “Between Reconciliation and Justice: The Struggles for Justice and Reconciliation in Colombia,” (PhD diss., Arizona State University, 2011); Inter-American Commission on Human Rights, *Violence and Discrimination Against Women in the Armed Conflict in Colombia* (Washington: Organization of American States, 2006); Irvine and McMahon, “From International Courts to Grassroots Organizing”; Lisa Laplante and Kimberly Theidon, “Transitional Justice in Times of Conflict: Colombia’s *Ley de Justicia y Paz*,” *Michigan Journal of International Law* 28 (2006): 49-108; Julieta Lemaitre and Kristin Bergtora Sandvik, “Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia,” *Law & Society Review* 49, no. 1 (2015): 5-38; Mageza-Barthel, “Asserting Their Presence!”; Donny Meertens, *Forced Displacement and Gender Justice in Colombia: Between Disproportional Effects of Violence and Historical Injustice*, (International Center for Transitional Justice and Brookings Case Studies on Transitional Justice and Displacement, 2012); Sharanya Sai Mohan, “The Battle After the War,” *Yale Journal of International Law* 36 (2011): 461-495; Heidy Rombouts, “Women and Reparations in Rwanda: A Long Path to Travel,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006); Ruth Rubio-Marín, “Reparations for Conflict-Related Sexual and Reproductive Violence: A Decalogue,” *William and Mary Journal of Women and the Law* 19 (2012): 69-104; Ruth Rubio-Marín and Pablo de Greiff, “Women and Reparations,” *International Journal of Transitional Justice* 1, no. 3 (2007): 318-337; Stockwell, *Reframing the Transitional Justice Paradigm*.

<sup>30</sup> Alam, *Women and Transitional Justice*; Kelly Askin, “Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status,” *American Journal of International Law* 93, no. 1 (1999): 97-123; Hamber and Palmay, “Gender, Memorialization, and Symbolic Reparations”; King, “Gender and Reparations”; Elisabeth Porter, “Gendered Narratives: Stories and Silences in Transitional Justice,” *Human Rights Review* 17, no. 1 (2016): 35-50; Eilish Rooney, “Engendering Transitional Justice: Questions of Absence and Silence,” *International Journal of Law in Context* 3, no. 2 (2007): 173-187; Galuh Wandita, Karen Campbell-Nelson, and Manuela Leong Pereira, “Learning to Engender Reparations in Timor-Leste: Reaching Out to Female Victims,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006); Patricia Palacios Zuloaga, “The Path to Gender Justice in the Inter-American Court of Human Rights,” *Texas Journal of Women and the Law* 17 (2008): 227-295; Feldman, “Models of Feminism”; Andrea Khalil, “Tunisia’s Women: Partners in Revolution,” *Journal of North African Studies* 19, no. 2 (2014): 186-199; Marks, “Women’s Rights”; Diaz and Marin, “Reparations in Colombia”; Koppell and Talbot, “Strengthening Colombia”; Donny Meertens and Margarita Zambrano, “Citizenship Deferred: The Politics of Victimhood, Land Restitution and Gender Justice in the Colombian (Post?) Conflict,” *The International Journal of Transitional Justice* 4, no. 2 (2010): 189-206.

<sup>31</sup> Christine Bell and Catherine O’Rourke, “Does Feminism Need a Theory of Transitional Justice? An Introductory Essay,” *The International Journal of Transitional Justice* 1, no. 1 (2007): 23-44; Megan Bradley, “Gender Dimensions of Redress for the Palestinian Refugees,” in *Compensation to Palestinian Refugees and the Search for Palestinian-Israeli Peace*, eds. Rex Brynen and Roula El-Rifai (London: Pluto Press, 2013); Falcon, “The Peruvian Case”; Lambourne and Carreon, “Engendering Transitional Justice”; Ní Aoláin, “Gender Under-Enforcement”; Fionnuala Ní Aoláin, “Women, Security, and the Patriarchy of Internationalized Transitional Justice,” *Human Rights Quarterly* 31, no. 4 (2009): 1055-1085; Ní Aoláin and Rooney, “Underenforcement and Intersectionality”; Catherine O’Rourke, “The Shifting Signifier of ‘Community’ in Transitional Justice: A Feminist Analysis,” *Wisconsin Journal of Law, Gender & Society* 23 (2008): 269-291; Valji, “Gender, Justice and Reconciliation.”

<sup>32</sup> Alam, *Women and Transitional Justice*; Annika Björkdahl and Johanna M. Selimovic, “Advancing Women Agency in Transitional Justice,” (Working paper 1, Swedish Institute of International Affairs, Lund University, 2013); Briony Jones, Alex Jeffrey, and Michaelina Jakala, “The ‘Transitional Citizen’: Civil Society, Political Agency and Hopes for Transitional Justice in Bosnia-Herzegovina,” in *Transitional Justice and Civil Society in the Balkans*, eds. Olivera Simic and Zala Volcic (New York: Springer, 2013); Lambourne and Carreon, “Engendering Transitional Justice.”

<sup>33</sup> Alam, *Women and Transitional Justice*; Anderson, “Gender, Local Justice, and Ownership”; Erin Baines, “Gender, Responsibility, and the Grey Zone: Considerations for Transitional Justice,” *Journal of Human Rights* 10, no. 4 (2011): 477-493; Bernstein and Seibel, “Reparations, Microfinance, and Gender”; Björkdahl and Selimovic, “Advancing Women Agency”; Bueno-Hansen, “Feminist and Human Rights Struggles”; Dewhurst and Kapur, *The Disappeared and Invisible*; Feldman, “Models of Feminism”; Franke, “Gendered Subjects”; Doris Gray and Terry Coonan, “Silence Kills! Women and the Transitional Justice Process in Post-Revolutionary Tunisia,” *The International Journal of Transitional Justice* 7, no. 2 (2013): 348-357; Julie Guillerot, “Linking Gender and Reparations in Peru: A Failed Opportunity,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006); IACHR, “Violence and Discrimination”; Kent, “After the Truth”; Khalil, “Tunisia’s Women”; Lambourne and Carreon, “Engendering Transitional Justice”; Lemaitre and Sandvik, “Shifting Frames”; Alice MacLachlan, “Gender and Public Apology,” *Transitional Justice Review* 1, no. 2 (2013): 126-147; Julieta Lemaitre and Kristin Sandvik, “Beyond Sexual Violence in Transitional Justice: Political Insecurity as a Gendered Harm,” *Feminist Legal Studies* 22, no. 3 (2014): 243-261; Rama Mani, “Women, Art and Post-Conflict Justice,” *International Criminal Law Review* 11, no. 3 (2011): 543-560; Meertens, *Forced Displacement and Gender Justice in Colombia*; Meertens and Zambrano, “Citizenship Deferred”; Ní Aoláin, “Advancing Feminist Positioning”; Ní Aoláin, “Women, Security, and the Patriarchy”; Ní Aoláin, O’Rourke, and Swaine, “Transforming Reparations”; Ní Aoláin and Rooney, “Underenforcement and Intersectionality”; O’Rourke, “Dealing with the Past”; Luisa Ortega, *Transitional Justice and Female Ex-Combatants: Lessons Learned from International Experience* (International Center for Transitional Justice, 2010); Porter, “Gendered Narratives”; Elisabeth Porter, *Peacebuilding: Women in International Perspective* (London: Routledge, 2007); Susan Harris Rimmer, *Gender and Transitional Justice: The Women of East Timor* (London: Routledge, 2010); Robb, “Engendering Peace”; Rooney, “Engendering Transitional Justice”; Laura Roost, “Justice Without Care: Reconceptualizing Transitional Justice Through Feminist Theoretical Analysis and Ethical Debate,” (PhD diss., The University of Nebraska-Lincoln, 2014); Stockwell, “Reframing the Transitional Justice Paradigm”; Maria

Suchkova, *The Importance of a Participatory Reparations Process and its Relationship to the Principles of Reparation* (Essex Transitional Justice Network, Briefing Paper No. 5, 2011); Jane Tchaïcha and Khadija Arfaoui, "Tunisian Women in the Twenty-First Century: Past Achievements and Present Uncertainties in the Wake of the Jasmine Revolution," *The Journal of North African Studies* 17, no. 2 (2012): 215-238; Turano, "The Gender Dimension"; Valji, "Gender, Justice and Reconciliation"; Zuloaga, "The Path to Gender Justice."

<sup>34</sup> Bell and O'Rourke, "Does Feminism Need a Theory of Transitional Justice?"; Kent, "After the Truth Commission," Ní Aoláin, "Women, Security, and the Patriarchy"; Ní Aoláin and Rooney, "Underenforcement and Intersectionality"; Maddox, "Lessons from the Field"; Valji, "Gender, Justice and Reconciliation."

<sup>35</sup> Alam, *Women and Transitional Justice*, 3.

<sup>36</sup> Bell and O'Rourke, "Does Feminism Need a Theory of Transitional Justice?"; Khanyisela Moyo, "Feminism, Postcolonial Legal Theory and Transitional Justice: A Critique of Current Trends," *International Human Rights Law Review* 1, no. 2 (2012): 251; Kate Ogg and Natalia Szablewska, "A Feminist Legal Analysis of the Interface Between Refugee Law and the Mandates of Truth and Reconciliation Commissions," in *Current Issues in Transitional Justice: Towards a More Holistic Approach*, eds. Natalia Szablewska and Sascha-Dominik Bachmann (Cham, Switzerland: Springer, 2015), 213; Rooney, "Engendering Transitional Justice," 176.

<sup>37</sup> Alam, *Women and Transitional Justice*; Kora Andrieu et al., "To Participate is to Have Hope": *Victim Participation in Tunisia's Transitional Justice Process* (Tunis: Transitional Justice Barometer, 2015); *This is What We Demand. Justice: Impunity for Sexual Violence Against Women in Colombia's Armed Conflict* (Amnesty International, 2011); Bernstein and Seibel, "Reparations, Microfinance, and Gender"; Jennifer Easterday, "Deciding the Fate of Complementarity: A Colombian Case Study," *Arizona Journal of International and Comparative Law* 26, no. 1 (2009): 49-111; Falcon, "The Peruvian Case"; Jemima García-Godos, "Victims' Rights and Distributive Justice: In Search of Actors," *Human Rights Review* 14, no. 3 (2013): 241-255; Goldblatt, "Evaluating the Gender Content"; Guillerot, "Linking Gender and Reparations"; Hovil, "Gender, Transitional Justice, and Displacement"; IACHR, "Violence and Discrimination"; Irvine and McMahon, "From International Courts to Grassroots Organizing"; Jones, Jeffrey, and Jakala, "The 'Transitional Citizen'"; Kent, "After the Truth"; Laplante, "Negotiating Reparation Rights"; Maddox, "Lessons from the Field"; Mazurana and Carlson, "Reparations as a Means"; Diana Esther Guzmán Rodríguez and Rodrigo Uprimny, *Restitución de Tierras para las Mujeres Víctimas del Conflicto Armado*, (Bogotá: UNIFEM, 2010); Ross, "An Acknowledged Failure"; Rowen, "Truth in the Shadow of Justice"; Suchkova, *The Importance of a Participatory Reparations Process*; Wandita, Campbell-Nelson, and Pereira, "Learning to Engender Reparations"; UNIFEM, *La Reparación en la Voz de las Mujeres Desde las Regiones* (Bogotá: UNIFEM, 2010); Manuel Vargas Colonel, "El Mecanismo No Judicial de Contribución a la Verdad y la Memoria Histórica," in *Desafíos para la Reintegración: Enfoques de Género, Edad y Etnia*, ed. Álvaro Villarraga (Bogotá: Centro Nacional de Memoria Histórica, 2014).

<sup>38</sup> Alam, *Women and Transitional Justice*; Goldblatt, "Evaluating the Gender Content"; Sanchez, "Between Reconciliation and Justice"; Matenge, "Exploring Ways of Including Human Rights"; Michael Potter and Hedley Abernethy, "What About the Women? Transitional Justice and Gender in Bosnia and Herzegovina and Northern Ireland," in *Transitional Justice and Civil Society in the Balkans*, eds. Olivera Simic and Zala Volcic (New York: Springer, 2013); Rubín-Marín, "Reparations for Conflict"; Suchkova, *The Importance of a Participatory Reparations Process*; Björkdahl and Selimovic, "Advancing Women Agency"; Kent, "After the Truth"; Porter,

*Peacebuilding: Women in International Perspective*; Robb, "Engendering Peace."

<sup>39</sup> Matenge, "Exploring Ways of Including Human Rights."

<sup>40</sup> Rubio-Marín and de Greiff, "Women and Reparations"; Goldblatt, "Evaluating the Gender Content"; Maddox, "Lessons from the Field"; Mazurana and Carlson, "Reparations as a Means."

<sup>41</sup> Goldblatt, "Evaluating the Gender Content."

<sup>42</sup> Alam, *Women and Transitional Justice*; Anderson, "Gender, Local Justice, and Ownership"; Bernstein and Seibel, "Reparations, Microfinance, and Gender"; Björkdahl and Selimovic, "Advancing Women Agency"; Louise Chappell, Rosemary Grey, and Emily Waller, "The Gender Justice Shadow of Complementarity: Lessons from the International Criminal Court's Preliminary Examinations in Guinea and Colombia," *The International Journal of Transitional Justice* 7, no. 3 (2013): 455-475; Dewhurst and Kapur, *The Disappeared and Invisible*; Colleen Duggan and Ruth Jacobson, "Reparation of Sexual and Reproductive Violence: Moving from Codification to Implementation," in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge University Press, 2009); Hamber and Palmary, "Gender, Memorialization, and Symbolic Reparations"; Hamber, "Masculinity and Transitional Justice"; Kent, "After the Truth"; Khalil, "Tunisia's Women"; Lemaitre and Sandvick, "Shifting Frames"; Maddox, "Lessons from the Field"; Mageza-Barthel, "Asserting Their Presence!"; Meertens, "Forced Displacement and Gender Justice"; Morris, "The Courage to Come Forward"; Nesiiah, "Discussion Lines"; Ní Aoláin, "Gender Under-Enforcement"; Fionnuala Ní Aoláin and Michael Hamilton, "Gender and the Rule of Law in Transitional Societies," *Minnesota Journal of International Law* 18 (2009): 380-402; O'Rourke, "The Shifting Signifier"; Ortega, *Transitional Justice*; Porter, "Gendered Narratives"; Robb, "Engendering Peace"; Alicia Cebada Romero, "La Violencia Sexual en el Conflicto de Mali: La Mujer como Víctima y como Protagonista de la Lucha contra la Impunidad," *Anuario Español de Derecho Internacional* 30 (2014): 47-86; Valji, "Gender, Justice, and Reconciliation"; Wandita, Campbell-Nelson, and Pereira, "Learning to Engender Reparations"; Yarwood, "Women, Transitional Justice and Indigenous Conflict."

<sup>43</sup> Kent, "After the Truth."

<sup>44</sup> Alam, *Women and Transitional Justice*; Amnesty International, *A Land Title is Not Enough*; Candamil and Duque, "The Role of Women Defenders"; Diaz and Marin, *Women and Transitional Justice*; Colleen Duggan, "Reparations for Sexual and Reproductive Violence: Gender Justice and Human Security Challenges in Guatemala and Peru," in *The Search for Lasting Peace: Critical Perspectives on Gender-responsive Human Security*, ed. Rosalind Boyd (Farnham: Ashgate, 2014); Max Schoening, *The Risk of Returning Home: Violence and Threats against Displaced People Reclaiming Land in Colombia* (Human Rights Watch, 2013); Laplante and Theidon, "Transitional Justice in Times of Conflict"; Lemaitre and Sandvick, "Shifting Frames"; Maddox, "Lessons from the Field"; Matenge, "Exploring Ways of Including Human Rights"; Morris, "The Courage to Come Forward"; Ní Aoláin, "Women, Security, and the Patriarchy"; Romero, "La Violencia Sexual en el Conflicto de Mali"; Ross, "An Acknowledged Failure"; Margaret Urban Walker, "Gender and Violence in Focus: A Background for Gender Justice in Reparations," in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge University Press, 2009).

<sup>45</sup> Björkdahl and Selimovic, "Advancing Women Agency."

<sup>46</sup> Andrieu et al., “*To Participate is to Have Hope*”; Falcon, “The Peruvian Case”; Goldblatt, “Evaluating the Gender Content”; Guillerot, “Linking Gender and Reparations”; Morris, “The Courage to Come Forward”; Ortega, *Transitional Justice*; Porter, “Gendered Narratives”; Robb, “Engendering Peace”; Rubio-Marín, “Reparations for Conflict”; Ruth Rubio-Marín, “The Gender of Reparations: Setting the Agenda,” in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín (New York: Social Science Research Council, 2006); Turano, “The Gender Dimension”; Valji, “Gender, Justice, and Reconciliation”; Walker, “Gender and Violence in Focus.”

<sup>47</sup> Falcon, “The Peruvian Case.”

<sup>48</sup> Alam, *Women and Transitional Justice*; Goldblatt, “Evaluating the Gender Content”; Lambourne and Carreon, “Engendering Transitional Justice”; Robb, “Engendering Peace”; Zuloaga, “The Path to Gender Justice.”

<sup>49</sup> Goldblatt, “Evaluating the Gender Content”; Ross, “An Acknowledged Failure”; Fiona Ross, *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa* (London: Pluto Press, 2002); Antjie Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa* (New York: Three Rivers Press, 1998).

<sup>50</sup> Andrieu et al., “*To Participate is to Have Hope*”; Amnesty International, *A Land Title is Not Enough*; Cristián Correa, Julie Guillerot, and Lisa Magarrell, “Reparations and Victim Participation: A Look at the Truth Commission Experience,” in *Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity*, eds. Carla Ferstman, Mariana Goetz, and Alan Stephens (Leiden: Brill/Nijhoff, 2009); Falcon, “The Peruvian Case”; Feldman, “Models of Feminism”; Jemima García-Godos and Knut Andreas O. Lid, “Transitional Justice and Victims’ Rights before the End of a Conflict: The Unusual Case of Colombia,” *Journal of Latin American Studies* 42, no. 3 (2010): 487-516; Guillerot, “Linking Gender and Reparations”; Guellali, *Flawed Accountability*; IACHR, “Violence and Discrimination”; Irvine and McMahon, “From International Courts to Grassroots Organizing”; Sergio Jaramillo, Yaneth Giha, and Paula Torres, *Transitional Justice and DDR: The Case of Colombia* (International Center for Transitional Justice, 2009); Kfir, “Security, Gender, and Post-Conflict Reconstruction”; Laplante and Theidon, “Truth with Consequences”; Marks, “Women’s Rights”; Donny Meertens, “The Nostalgic Future: Terror, Displacement and Gender in Colombia” in *Victims, Perpetrators or Actors? Gender, Armed Conflict, and Political Violence*, eds. Caroline O.N. Moser and Fiona Clark (London: Zed Books, 2001); Nussio, Rettberg, and Ugarriza, “Victims, Nonvictims and Their Opinions”; Romero, “La Violencia Sexual en el Conflicto de Mali”; Maya Schkolne, *Practitioner Perspectives on Transitional Justice: Tunisia* (Cape Town: Centre for the Study of Violence and Reconciliation, 2015); Szoke-Burke, “Not Only ‘Context.’”

<sup>51</sup> Romero, “La Violencia Sexual en el Conflicto de Mali.”

<sup>52</sup> Among others, Askin, “Sexual Violence in Decisions and Indictments”; Dewhirst and Kapur, *The Disappeared and Invisible*; Franke, “Gendered Subjects”; Ogg and Szablewska, “A Feminist Legal Analysis,” 213; Rooney, “Engendering Transitional Justice,” 176.

<sup>53</sup> Among others, Bell and O’Rourke, “Does Feminism Need a Theory of Transitional Justice?”; Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; Ruth Rubio-Marín, “The Gender of Reparations in Transitional Societies,” in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge University Press, 2009); Schmid and Nolan, “Do No Harm?”; Szoke-Burke, “Not Only ‘Context’”; Waldorf, “Anticipating the Past”; Mageza-Barthel, “Asserting Their Presence!”; Porter, “Gender-Inclusivity in Transitional Justice Strategies”; Reilly, “Seeking Gender Justice in Post-Conflict Transitions”; Rimmer, *Gender and Transitional*

*Justice*; Mohan, “The Battle After the War”; Ní Aoláin, “Gender Under-Enforcement in Transitional Justice”; Bernstein and Seibel, “Reparations, Microfinance, and Gender”; Hamber, “There is a Crack in Everything”.

<sup>54</sup> Among others, Bell and O’Rourke, “Does Feminism Need a Theory of Transitional Justice?”; Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; Rubio-Marín, “The Gender of Reparations in Transitional Societies.”

<sup>55</sup> Catherine O’Rourke, “International Law and Domestic Gender Justice, or Why Case Studies Matter,” in *Feminist Perspectives on Transitional Justice: From International and Criminal to Alternative Forms of Justice*, eds. Martha Fineman and Estelle Zinsstag (Cambridge: Intersentia Publishing Ltd., 2013), 17.

<sup>56</sup> Aisling Swaine, “Varying the Variations: An Expanded Spectrum of Conflict-time Violence and the Problem of Law’s Response” (Paper presented at the Feminism and Legal Theory Project at 30: A Workshop on Geographies of Violence: Place, Space, and Time, Emory Law School, Atlanta, GA, January 24-25, 2014); Dara Kay Cohen, Amelia Hoover Green, and Elisabeth Jean Wood, *War-time Sexual Violence Misconceptions, Implications, and Ways Forward* (Washington: United States Institute of Peace, 2013); O’Rourke, *Gender Politics*, 58. Valji, “Gender, Justice and Reconciliation,” *Dialogue on Globalization Occasional Paper Series* 35 (2007): 11; Elisabeth Jean Wood, “Variation in Sexual Violence During War,” *Politics & Society* 34, no. 3 (2006): 307-341.

<sup>57</sup> Rubio-Marín, “The Gender of Reparations: Setting the Agenda,” 29.

<sup>58</sup> Lambourne and Carreon, “Engendering Transitional Justice,” 72.

<sup>59</sup> Alam, *Women and Transitional Justice*; Anderson, “Gender, Local Justice, and Ownership”; Baines, “Gender, Responsibility, and the Grey Zone”; Bernstein and Seibel, “Reparations, Microfinance, and Gender”; Björkdahl and Selimovic, “Advancing Women Agency”; Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; Bueno-Hansen, “Engendering Transitional Justice”; Dewhirst and Kapur, *The Disappeared and Invisible*; Feldman, “Models of Feminism”; Franke, “Gendered Subjects”; Doris Gray and Terry Coonan, “Silence Kills! Women and the Transitional Justice Process in Post-Revolutionary Tunisia,” *The International Journal of Transitional Justice* 7, no. 2 (2013): 348-357; Guillerot, “Linking Gender and Reparations”; IACHR, “Violence and Discrimination”; Kent, “After the Truth”; Khalil, “Tunisia’s Women”; Lemaitre and Sandvick, “Shifting Frames”; Lemaitre and Sandvik, “Beyond Sexual Violence”; MacLachlan, “Gender and Public Apology”; Mani, “Women, Art and Post-Conflict Justice”; Meertens, “Forced Displacement and Gender Justice”; Meertens and Zambrano, “Citizenship Deferred”; Ní Aoláin, “Advancing Feminist Positioning”; Ní Aoláin, “Women, Security, and the Patriarchy”; Ní Aoláin, O’Rourke, and Swaine, “Transforming Reparations”; Ní Aoláin and Rooney, “Underenforcement and Intersectionality”; O’Rourke, “Dealing with the Past”; Ortega, *Transitional Justice*; Porter, *Peacebuilding*; Porter, “Gendered Narratives”; Rimmer, *Gender and Transitional Justice*; Robb, “Engendering Peace”; Rooney, “Engendering Transitional Justice”; Roost, “Justice Without Care”; Stockwell, *Reframing the Transitional Justice Paradigm*; Suchkova, *The Importance of a Participatory Reparations Process*; Tchaïcha and Arfaoui, “Tunisian Women”; Turano, “The Gender Dimension”; Valji, “Gender, Justice, and Reconciliation”; Zuloaga, “The Path to Gender Justice.”

<sup>60</sup> Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; O’Rourke, *Gender Politics*; O’Rourke, “Dealing with the Past”; Gabriel R. Romero, “Voices Around Us: Memory and Community Empowerment in Reconstruction Efforts in Colombia,” *The International Journal of Transitional Justice* 6, no. 3 (2012): 547-557.

<sup>61</sup> Valji, “Gender, Justice and Reconciliation,” 7.

<sup>62</sup> Björkdahl and Selimovic, “Advancing Women Agency,” 30.

<sup>63</sup> Rubio-Marín, "Introduction," 17.

<sup>64</sup> Genevieve Renard Painter, "Thinking Past Rights: Towards Feminist Theories of Reparations," *Windsor Yearbook of Access to Justice* 30, no. 1 (2012): 1-38.

<sup>65</sup> Aguirre and Pietropaoli, "Gender Equality, Development and Transitional Justice," 363.

<sup>66</sup> Valji, *A Window of Opportunity*, 1.

<sup>67</sup> Alam, *Women and Transitional Justice*; Björkdahl and Selimovic, "Advancing Women Agency"; Laplante and Theidon, "Truth with Consequences"; Ní Aoláin and Turner, "Gender, Truth & Transition"; O'Rourke, *Gender Politics*; O'Rourke, "Dealing with the Past"; Valerie Oosterveld, "The Special Court for Sierra Leone's Consideration of Gender-based Violence: Contributing to Transitional Justice?" *Human Rights Review* 10, no. 1 (2009): 73-98; Pillay, "Truth Seeking and Gender"; Porter, "Gender-Inclusivity in Transitional Justice"; Rimmer, *Gender and Transitional Justice*; Hugo van der Merwe, "The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualizations," (PhD diss., George Mason University, 1999); Laplante, "Negotiating Reparation Rights"; Hamber, "Masculinity and Transitional Justice"; Bueno-Hansen, "Engendering Transitional Justice"; Ní Aoláin, O'Rourke, and Swaine, "Transforming Reparations"; Olivera Simic, "What Remains of Srebrenica? Motherhood, Transitional Justice and Yearning for the Truth," *Journal of International Women's Studies* 10, no. 4 (2009): 220-236.

<sup>68</sup> Anderson, "Gender, Local Justice, and Ownership"; Kieran McEvoy and Kirsten McConnachie, "Victims and Transitional Justice: Voice, Agency and Blame," *Social and Legal Studies* 22, no. 4 (2013): 489-513; Van der Merwe, "The Truth and Reconciliation Commission and Community Reconciliation"; Ní Aoláin, O'Rourke, and Swaine, "Transforming Reparations."

<sup>69</sup> Banjeglav, "Dealing with the Past in Post-war Croatia"; Jennifer Lee Miller, "Justice in Action: Assessing the Institutional Design and Implementation of Transitional Justice" (PhD diss., The University of Arizona, 2014); Diaz and Marín, "Reparations in Colombia"; Irvine and McMahon, "From International Courts to Grassroots Organizing"; Morris, "The Courage to Come Forward"; Simic, "What Remains of Srebrenica?"; Charles Hawksley and Nichole Georgeou, "Transitional Justice as Police-Building in Solomon Islands: Tensions of State-Building and Implications for Gender," in *Current Issues in Transitional Justice: Towards a More Holistic Approach*, eds. Natalia Szablewska and Sascha-Domonik Bachmann (Cham: Springer, 2015).

<sup>70</sup> Bell and O'Rourke, "Does Feminism Need a Theory of Transitional Justice?"; Hamber and Palmay, "Gender, Memorialization, and Symbolic Reparations"; Porter, *Peacebuilding*; Rubio-Marín, "Reparations for Conflict"; Suchkova, *The Importance of a Participatory Reparations Process*; Szoke-Burke, "Not Only 'Context'"; Valji, "Gender, Justice, and Reconciliation"; Walker, "Gender and Violence in Focus"; Brahm, "Transitional Justice"; Cahn, Haynes, and Ní Aoláin, "Gender, Masculinities and Transition."

<sup>71</sup> Among others, Aguirre and Pietropaoli, "Gender Equality, Development and Transitional Justice"; Björkdahl and Selimovic, "Advancing Women Agency"; Laplante, "Negotiating Reparation Rights"; Ní Aoláin and Turner, "Gender, Truth & Transition"; O'Rourke, "Dealing with the Past"; Oosterveld, "The Special Court"; Dal Secco, "Truth and Reconciliation Commission"; Elizabeth Jelin, "Silences, Visibility, and Agency: Ethnicity, Class, and Gender in Public Memorialization," in *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, ed. Paige Arthur (Cambridge: Cambridge University Press, 2011); Pillay, "Truth Seeking and Gender"; Porter, "Gender-Inclusivity in Transitional Justice"; Rimmer, *Gender and Transitional Justice*; Robb, "Engendering Peace"; Simic, "What Remains of Srebrenica?";

Mani, "Women, Art and Post-Conflict Justice"; Kent, "After the Truth"; Bradley, "Gender Dimensions of Redress"; Hamber, "Masculinity and Transitional Justice"; Guillerot, "Linking Gender and Reparations"; Bueno-Hansen, "Engendering Transitional Justice"; O'Rourke, *Gender Politics*.

<sup>72</sup> Among others, Mazurana and Carlson, "Reparations as a Means"; Mohan, "The Battle After the War"; Ní Aoláin, "Women, Security, and the Patriarchy"; Fionnuala Ní Aoláin, "Political Violence and Gender During Times of Transition," *Columbia Journal of Gender and Law* 15 (2006): 829-849; Ní Aoláin and Turner, "Gender, Truth & Transition"; Ní Aoláin and Hamilton, "Gender and the Rule of Law"; O'Rourke, *Gender Politics*; Oosterveld, "The Special Court"; Painter, "Thinking Past Rights"; Rimmer, *Gender and Transitional Justice*; Ruth Rubio-Marín, Clara Sandoval, and Catalina Díaz, "Repairing Family Members: Gross Human Rights Violations and Communities of Harm," in *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*, ed. Ruth Rubio-Marín (Cambridge: Cambridge University Press, 2009); Rubio-Marín, "The Gender of Reparations"; Turano, "The Gender Dimension"; Zuloaga, "The Path to Gender Justice."

<sup>73</sup> Alam, *Women and Transitional Justice*; Askin, "Sexual Violence in Decisions and Indictments"; Bell and O'Rourke, "Does Feminism Need a Theory of Transitional Justice?"; Hovil, "Gender, Transitional Justice, and Displacement"; Laplante, "Negotiating Reparation Rights"; Rubio-Marín and de Greiff, "Women and Reparations"; Rubio-Marín, Sandoval, and Diaz, "Repairing Family Members"; Carsten Stahn, "The Geometry of Transitional Justice: Choices of Institutional Design," *Leiden Journal of International Law* 18, no. 3 (2005): 425-466; Suchkova, *The Importance of a Participatory Reparations Process*; Turano, "The Gender Dimension"; Zuloaga, "The Path to Gender Justice"; Szoke-Burke, "Not Only 'Context'"; Bradley, "Gender Dimensions of Redress"; Rubio-Marín, "Reparations for Conflict."

<sup>74</sup> Vasuki Nesiah et al., *Truth Commissions and Gender: Principles, Policies, and Procedures* (International Center for Transitional Justice, 2006); Pillay, "Truth Seeking and Gender"; Porter, *Peacebuilding: Women in International Perspective*; Wandita, Campbell-Nelson, and Pereira, "Learning to Engender Reparations"; Duggan, "Reparations for Sexual and Reproductive Violence."

<sup>75</sup> Duggan, "Reparations for Sexual and Reproductive Violence"; Roost, "Justice Without Care"; Goldblatt, "Evaluating the Gender Content"; Simic, "What Remains of Srebrenica?"

<sup>76</sup> Goldblatt, "Evaluating the Gender Content"; Kent, "After the Truth"; Lambourne and Carreon, "Engendering Transitional Justice"; Mageza-Barthel, "Asserting Their Presence!"; Porter, "Gender-Inclusivity in Transitional Justice"; Roost, "Justice Without Care"; Yarwood, "Women, Transitional Justice and Indigenous Conflict"; Mani, "Women, Art and Post-Conflict Justice"; Guillerot, "Linking Gender and Reparations"; Mohan, "The Battle After the War"; Mazurana and Carlson, "Reparations as a Means"; Ross, "An Acknowledged Failure"; Julie Guillerot, *Morocco: Gender and the Transitional Justice Process* (International Center for Transitional Justice, 2011); King, "Gender and Reparations"; Wandita, Campbell-Nelson, and Pereira, "Learning to Engender Reparations"; O'Rourke, *Gender Politics*.

<sup>77</sup> Dewhirst and Kapur, *The Disappeared and Invisible*.

<sup>78</sup> Mageza-Barthel, "Asserting Their Presence!"

<sup>79</sup> Rubio-Marín, Sandoval, and Diaz, "Repairing Family Members"; King, "Gender and Reparations"; Wandita, Campbell-Nelson, and Pereira, "Learning to Engender Reparations."

<sup>80</sup> Díaz and Marín, "Reparations in Colombia"; Falcon, "The Peruvian Case"; Nesiah et al., *Truth Commissions and Gender*; Pillay, "Truth Seeking and Gender"; Porter, *Peacebuilding: Women in International Perspective*; Wandita, Campbell-Nelson, and Pereira,

“Learning to Engender Reparations.”

<sup>81</sup> Backer, “Civil Society and Transitional Justice.”

<sup>82</sup> Díaz and Marín, “Reparations in Colombia”; Bueno-Hansen, “Engendering Transitional Justice”; Simic, “What Remains of Srebrenica?”

<sup>83</sup> Aguirre and Pietropaoli, “Gender Equality, Development and Transitional Justice”; Alam, *Women and Transitional Justice*; Anderson, “Gender, Local Justice, and Ownership”; Askin, “Sexual Violence in Decisions”; Baines, “Gender, Responsibility, and the Grey Zone”; Dal Secco, “Truth and Reconciliation Commission”; Duggan, “Reparations for Sexual and Reproductive Violence”; Duggan and Jacobson, “Reparation of Sexual and Reproductive Violence”; Goldblatt, “Evaluating the Gender Content of Reparations”; Hawksley and Georgeou, “Transitional Justice as Police-Building”; Hovil, *Gender, Transitional Justice, and Displacement*. Publications about transitional justice by authors from or living in the Global South are far less numerous – most focus on South Africa or Peru and are by South African or Peruvian authors. See Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; Bueno-Hansen, “Engendering Transitional Justice”; Correa, Guillerot, and Magarrell, “Reparations and Victim Participation”; Falcon, “The Peruvian Case”; Guillerot, “Linking Gender and Reparations in Peru”; King, “Gender and Reparations in Sierra Leone”; Guillerot, *Morocco: Gender and the Transitional Justice Process*.

<sup>84</sup> Among others, Karima Bennouna, “Système Dégagé? Women and Transitional Justice in the Wake of the Arab Spring,” *American Society of International Law Proceedings* 106 (2012): 502-505; Björkdahl and Selimovic, “Advancing Women Agency”; Bueno-Hansen, *Feminist and Human Rights Struggles*; Bueno-Hansen, “Engendering Transitional Justice”; Candamil and Duque, “The Role of Women Defenders”; Feldman, “Models of Feminism”; Gray and Coonan, “Silence Kills!”; Guillerot, “Linking Gender and Reparations”; IACHR, “Violence and Discrimination”; Meertens, “Forced Displacement and Gender Justice”; Meertens and Zambrano, “Citizenship Deferred”; Meertens, “The Nostalgic Future”; Oosterveld, “The Special Court”; Pillay, “Truth Seeking and Gender”; Porter, “Gender-Inclusivity in Transitional Justice”; Rimmer, *Gender and Transitional Justice*; Robb, “Engendering Peace”; Diana Esther Guzmán Rodríguez and Rodrigo Uprimny, *Justicia Transicional Desde Abajo y con Perspectiva de Género* (Bogotá: UNIFEM, 2010); Rodríguez and Uprimny, “Restitución de Tierras para las Mujeres Víctimas del Conflicto Armado”; Romero, “La Violencia Sexual en el Conflicto de Mali”; Roost, “Justice Without Care”; Simic, “What Remains of Srebrenica?”; Shana Tabak, “False Dichotomies of Transitional Justice: Gender, Conflict and Combatants in Colombia,” *NYU Journal of International Law & Politics* 44 (2011): 103-163; Tchaicha and Arfaoui, “Tunisian Women”; Marcela Tovar-Restrepo and Clara Irazabal, “Indigenous Women and Violence in Colombia: Agency, Autonomy and Territoriality,” *Latin American Perspectives* 41, no. 1 (2013): 39-58; UNIFEM, *La Reparación en la Voz de las Mujeres*; Yarwood, “Women, Transitional Justice and Indigenous Conflict.”

<sup>85</sup> Bueno-Hansen, *Feminist and Human Rights Struggles*; Bueno-Hansen, “Engendering Transitional Justice”; Correa, Guillerot, and Magarrell, “Reparations and Victim Participation”; Dal Secco, “Truth and Reconciliation Commission”; Duggan, “Reparations for Sexual and Reproductive Violence”; Duggan and Jacobson, “Reparation of Sexual and Reproductive Violence”; Falcon, “The Peruvian Case”; Guillerot, “Linking Gender and Reparation”; Jelin, “Silences, Visibility, and Agency”; Laplante, “Negotiating Reparation Rights”; Laplante and Theidon, “Truth With Consequences.”

<sup>86</sup> Among others, O’Rourke, *Gender Politics*; O’Rourke, “Dealing with the Past in a Post-Conflict Society”; O’Rourke, “The Shifting Signifier of ‘Community’ in Transitional Justice”; Potter and Abernethy, “What About the Women?”; Rooney, “Engendering Transitional Justice.”

<sup>87</sup> Askin, “Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals”; Mageza-Barthel, “Asserting Their Presence!”; Morris, “The Courage to Come Forward”; Robb, “Engendering Peace”; Rombouts, “Women and Reparations in Rwanda”; Roost, “Justice Without Care.”

<sup>88</sup> Björkdahl and Selimovic, “Advancing Women Agency”; Irvine and McMahon, “From International Courts to Grassroots Organizing”; Jones, Jeffrey, and Jakala, “The ‘Transitional Citizen’”; Potter and Abernethy, “What About Women?”; Rowen, “Truth in the Shadow of Justice”; Simic, “What Remains of Srebrenica?”; Roost, “Justice Without Care.”

<sup>89</sup> Dal Secco, “Truth and Reconciliation Commission”; Kent, “After the Truth”; Porter, “Gender-Inclusivity in Transitional Justice”; Wandita, Campbell-Nelson, and Pereira, “Learning to Engender Reparations.”

<sup>90</sup> Duggan and Jacobson, “Reparations of Sexual and Reproductive Violence”; Goldblatt, “Evaluating the Gender Content”; Robb, “Engendering Peace”; Ross, “An Acknowledged Failure”; Van der Merwe, “The Truth and Reconciliation Commission and Community Reconciliation.”

<sup>91</sup> Dal Secco, “Truth and Reconciliation Commission”; Duggan and Jacobson, “Reparations of Sexual and Reproductive Violence”; King, “Gender and Reparations”; Ogg and Szablewska, “A Feminist Legal Analysis of the Interface Between Refugee Law and the Mandates of Truth and Reconciliation Commissions”; Oosterveld, “The Special Court”; Robb, “Engendering Peace.”

<sup>92</sup> Amnesty International, *A Land Title is Not Enough*; Amnesty International, *This is What We Demand*; Díaz and Marín, “Reparations in Colombia”; García-Godos, “Victims’ Rights and Distributive Justice”; García-Godos and Lid, “Transitional Justice and Victims’ Rights”; Schoening, *The Risk of Returning Home*; Koppell and Talbot, “Strengthening Colombia”; Laplante and Theidon, “Transitional Justice in Times of Conflict”; Lemaître and Sandvik, “Shifting Frames”; Meertens, “The Nostalgic Future”; Nussio et al., “Victims, Nonvictims and Their Opinions on Transitional Justice”; Romero, “Voices Around Us”; Tovar-Restrepo and Irazabal, “Indigenous Women and Violence in Colombia.”

<sup>93</sup> Candamil and Duque, “The Role of Women Defenders”; Díaz and Marín, “Reparations in Colombia”; Jaramillo et al., “Transitional Justice and DDR”; Lemaître and Sandvik, “Shifting Frames”; Tabak, “False Dichotomies of Transitional Justice”; Rodríguez and Uprimny, “Restitución de Tierras.”

<sup>94</sup> Díaz and Marín, “Reparations in Colombia”; Meertens, “Forced Displacement and Gender Justice”; Meertens, “The Nostalgic Future”; Díaz and Marín “Reparations in Colombia”; Koppell and Talbot, “Strengthening Colombia”; Meertens and Zambrano, “Citizenship Deferred”; Tovar-Restrepo and Irazabal, “Indigenous Women and Violence in Colombia.”

<sup>95</sup> Amnesty International, *A Land Title is Not Enough*; Schoening, *The Risk of Returning Home*; Meertens and Zambrano, “Citizenship Deferred”; Rodríguez and Uprimny, “Restitución de Tierras.”

<sup>96</sup> Lemaître and Sandvik, “Shifting Frames”; Meertens, “Forced Displacement and Gender Justice”; Meertens and Zambrano, “Citizenship Deferred”; Meertens, “The Nostalgic Future.”

<sup>97</sup> Amnesty International, *This is What We Demand*; Candamil and Duque, “The Role of Women Defenders”; Chappell, Grey, and Waller, “The Gender Justice Shadow of Complementarity.”

<sup>98</sup> Easterday, “Deciding the Fate of Complementarity”; García-Godos and Lid, “Transitional Justice and Victims’ Rights”; Laplante and Theidon, “Transitional Justice in Times of Conflict”; Meertens and Zambrano, “Citizenship Deferred.”



---

<sup>99</sup> Christopher Lamont and Hela Boujneh, “Transitional Justice in Tunisia: Negotiating Justice During Transition,” *Politicka misao* 49, no. 5 (2012): 32-49; Schkolne, *Practitioner Perspectives on Transitional Justice: Tunisia*.

<sup>100</sup> Andrieu et al., “To Participate is to Have Hope”; Gray and Coonan, “Silence Kills!”; Khalil, “Tunisia’s Women: Partners in Revolution.”

<sup>101</sup> Bennoune, “Système Dégagé?”

<sup>102</sup> Bueno-Hansen, *Feminist and Human Rights Struggles in Peru*; O’Rourke, *Gender Politics*; O’Rourke, “Dealing with the Past in a Post-Conflict Society”; Romero, “Voices Around Us.”

## TUNISIA: REDEFINING VICTIMHOOD

- <sup>1</sup> Mohamad Bechri and Sonia Naccache, *The Political Economy of Development in Tunisia* (Tunis: University of Tunis, 2003), 7.
- <sup>2</sup> Ibid.
- <sup>3</sup> Kenneth Perkins, *A History of Modern Tunisia* (New York: Cambridge University Press, 2014), 163.
- <sup>4</sup> Perkins, *A History of Modern Tunisia*, 164-165.
- <sup>5</sup> Sarah R. Loudon, "Political Islamism in Tunisia: A History of Repression and a Complex Forum for Political Change," *Mathal* 4, no. 1 (2015): 1-23.
- <sup>6</sup> John L. Esposito, *The Islamic Threat: Myth or Reality?* (Oxford: Oxford University Press, 1992), 67.
- <sup>7</sup> Loudon, "Political Islamism in Tunisia," 6.
- <sup>8</sup> Ben Salem, "Tunisia," 7.
- <sup>9</sup> Ibid.
- <sup>10</sup> Perkins, *A History of Modern Tunisia*, 189.
- <sup>11</sup> Christopher Alexander, *Tunisia: From Stability to Revolution in the Maghreb* (London: Routledge, 2016), 50.
- <sup>12</sup> Amy A. Kallander, *Women, Gender, and the Palace Households in Ottoman Tunisia* (Austin: University of Texas Press, 2013), 172.
- <sup>13</sup> Alexander, *Tunisia*, 52-53.
- <sup>14</sup> Perkins, *A History of Modern Tunisia*, 194-195, 198.
- <sup>15</sup> Amnesty International, *Annual Report: Tunisia 2010* (London: Amnesty International, 2010).
- <sup>16</sup> Christopher Alexander, "Authoritarianism and Civil Society in Tunisia: Back from the Democratic Brink." Middle East Report 205 (1997): 36.
- <sup>17</sup> Charlotte Boitiaux, "Le Statut de la femme tunisienne ou l'héritage de Bourguiba menacé," *France 24* (August 14, 2012), accessed April 22, 2017. <http://www.france24.com/fr/20120813-tunisie-statut-femme-tunisienne-heritage-menace-code-statut-personnel-feminisme-bourguiba-ben-ali-reformes-progres>; Dominique Lagarde, "Ces femmes de la génération Bourguiba," *L'Express* (June 28, 2001), accessed April 22, 2017. [http://www.lexpress.fr/actualite/monde/afrique/ces-femmes-de-la-generation-bourguiba\\_494840.html](http://www.lexpress.fr/actualite/monde/afrique/ces-femmes-de-la-generation-bourguiba_494840.html).
- <sup>18</sup> Susan Watts, "The Impact on Women of Changes in Personal Status Law in Tunisia" (paper prepared for the Women and Gender Equity Knowledge Network of the World Health Organization Commission on Social Determinants of Health, Cairo, Egypt, June 2007), accessed April 22, 2017. [http://www.who.int/social\\_determinants/resources/changes\\_personal\\_status\\_tunisia\\_wgkn\\_2007.pdf](http://www.who.int/social_determinants/resources/changes_personal_status_tunisia_wgkn_2007.pdf).
- <sup>19</sup> United Nations Children's Fund, *Tunisia: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa* (Amman: UNICEF, 2011).
- <sup>20</sup> Noura Borsali, Former Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD), May 24, 2016; Ahlem Belhadj, Former President, *Association tunisienne des femmes démocrates* (Tunisian Association of Democratic Women, or ATFD), May 23, 2016.
- <sup>21</sup> Republic of Tunisia, *Code for Personal Status* §103, trans. George N. Sfeir, (Republic of Tunisia, 1957), accessed April 22, 2017, <http://www.jstor.org/stable/4322925>.
- <sup>22</sup> UNICEF, *Tunisia*.
- <sup>23</sup> Monica Marks, "Women's Rights Before and After the Revolution," in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. Nouri Gana (Edinburgh: Edinburgh University Press, 2013); Samar El-Masri, "Tunisian Women at a Crossroads: Cooptation or Autonomy?" *Middle East Policy Council Journal* 22, no. 2 (2015): 125-144.
- <sup>24</sup> El-Masri, "Tunisian Women at a Crossroads," 125-144.
- <sup>25</sup> Mounira M. Charrad, "Tunisia at the Forefront of the Arab World," in *Women in the Middle East and North Africa: Agents of Change*, eds. Fatima Sadiqi and Moha Ennaji (Abingdon: Routledge, 2011), 1513-1527.
- <sup>26</sup> Nilufur Narh, "Islamism, Women, and Political Participation: Comparative Perspectives," in *The Islamic World and the West: Managing Religious and Cultural Identities in the Age of Globalisation*, ed. Christoph Marcinkowski (Piscataway: Transaction Publishers, 2009), 163.
- <sup>27</sup> Gray and Coonan, "Silence Kills!" 352.
- <sup>28</sup> Gray and Coonan, "Silence Kills!" 354-355; Carlotta Gall, "Women in Tunisia Tell of Decades of Police Cruelty, Violence and Rape," *The New York Times* (May 28, 2015), accessed April 22, 2017. <https://www.nytimes.com/2015/05/29/world/africa/women-in-tunisia-tell-of-decades-of-police-cruelty-violence-and-rape.html>.
- <sup>29</sup> Gall, "Women in Tunisia Tell of Decades of Police Cruelty, Violence and Rape."
- <sup>30</sup> Gray and Coonan, "Silence Kills!" 352.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid.
- <sup>33</sup> For more information on Ben Ali's kleptocracy and state capture in Tunisia, see Bob Rijkers, Caroline Freund, and Antonio Nucifora, "All in the Family: State Capture in Tunisia" (Policy Research Working Paper 6810, World Bank, March 2014).
- <sup>34</sup> David D. Kirkpatrick, "Tunisia Leader Flees and Prime Minister Claims Power," *The New York Times* (January 14, 2011), accessed April 22, 2017. <http://www.nytimes.com/2011/01/15/world/africa/15tunisia.html?pagewanted=all&r=0>.
- <sup>35</sup> Andrieu et al., "To Participate is to Have Hope": Victim Participation in Tunisia's Transitional Justice Process (Tunis: Transitional Justice Barometer, 2015); 15.
- <sup>36</sup> Domenica Preysing, *Transitional Justice in Post-Revolutionary Tunisia (2011-2013): How the Past Shapes the Future* (Berlin: Springer VS, 2016), 96.
- <sup>37</sup> Ibid., 104.
- <sup>38</sup> Ibid., 109.
- <sup>39</sup> Andrieu et al., "To Participate is to Have Hope," 19.
- <sup>40</sup> *Organic Law on Establishing and Organizing Transitional Justice*, art. 10, trans. International Center for Transitional Justice (ICTJ), (Tunis: Republic of Tunisia, 2013), accessed April 22, 2017. <http://www.ohchr.org/Documents/Countries/TN/Transitional-JusticeTunisia.pdf>.
- <sup>41</sup> Ibid., art. 3.
- <sup>42</sup> Ibid., art. 10.
- <sup>43</sup> Hend Bouziri, President, *Tounissiet*, May 19, 2016; Ahlem Nsiri, President, *Centre Tunisien Méditerranéen* (Tunisian Mediterranean Center or TU-MED), May 20, 2017; Amine Ghali, Program Director, Al-Kawakibi Democracy Transition Center (KADEM), May 23, 2016; Salwa El Gantri, Head of Office, Tunisia, International Center for Transitional Justice (ICTJ), May 23, 2016; Habib Nassar, Director for Policy and Research, Impunity Watch, June 3, 2016; Mohamed Kamel Gharbi, President, *Réseau Tunisien de Justice Transitionnelle* (Tunisian Transitional Justice Network), May 20, 2016.
- <sup>44</sup> Amna Guellali, Senior Tunisia Researcher, Human Rights Watch, May 26, 2016.
- <sup>45</sup> "Tunisia: Amnesty Bill Would Set Back Transition," *Human Rights Watch* (July 14, 2016), accessed April 22, 2017, <https://www.hrw.org/news/2016/07/14/tunisia-amnesty-bill-would-set-back-transition>.

- <sup>46</sup> Lamia Farhani, President, *L'Association des Familles des Martyrs et les Blessés* (Association of Families of Martyrs and the Wounded), May 26, 2016; Andrieu et al., "To Participate is to Have Hope," 20; Kora Andrieu, "Confronting the Dictatorial Past in Tunisia: The Politicization of Transitional Justice," *Justiceinfo.net* (August 31, 2015), accessed April 22, 2017, <http://www.justiceinfo.net/en/component/k2/1818-confronting-the-dictatorial-past-in-tunisia-the-politicization-of-transitional-justice.html>.
- <sup>47</sup> Amna Guellali, May 26, 2016.
- <sup>48</sup> Amine Ghali, May 23, 2016; Andrieu et al., "To Participate is to Have Hope," 26; Andrieu, "Confronting the Dictatorial Past."
- <sup>49</sup> Ferida Labidi, Member of Parliament, Ennahda Party, May 26, 2016.
- <sup>50</sup> Mounia Bouali, Member, *Tounissiet*, May 25, 2016; Ferida Labidi, May 26, 2016; Samira Merai, Minister, Ministry for Women, Families, and Children (*Ministère de la femme, de la famille et de l'enfance*), May 27, 2016; Ahlem Belhadj, May 23, 2016; Mohamed Kamel Gharbi, May 20, 2016; Ahlem Nsiri, May 20, 2017; Noura Borsali, May 24, 2016.
- <sup>51</sup> "Les membres de l'IVD," *Instance vérité et dignité*, accessed March 22, 2017. [http://www.ivd.tn/fr/?page\\_id=438#](http://www.ivd.tn/fr/?page_id=438#).
- <sup>52</sup> Ibtihel Abdellatif, Founder, Nisa' Tounsiat and Chair, Women's Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD), May 23, 2016.
- <sup>53</sup> "La Commission Bouderbala présente son rapport final: elle a recensé 338 morts et 2147 blessés," *Leaders*, April 5, 2012, accessed April 22, 2017. <http://www.leaders.com.tn/article/8359-la-commission-bouderbala-presente-son-rapport-final-elle-a-recense-338-morts-et-2147-blessees>; Taoufik Bouderbala, President, High Committee for Human Rights and Fundamental Freedoms (*Comité supérieur des droits de l'homme et des libertés fondamentales*), May 26, 2016.
- <sup>54</sup> Samir Dilou, Former Minister, Ministry of Human Rights and Transitional Justice (*Ministère des Droits l'homme et de la Justice transitionnelle*), May 27, 2016; Mohamed Kamel Gharbi, May 20, 2016; Preysing, *Transitional Justice*, 109.
- <sup>55</sup> Majdoulina Cherni, President, General Authority for Martyrs and Wounded of the Revolution (*Commission des Martyrs et des Blessés de la Révolution*), May 25, 2016; Oula Ben Nejma, Chair, Inquest and Investigation Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD), June 28, 2016; Ibtihel Abdellatif, May 23, 2016.
- <sup>56</sup> Majdoulina Cherni, May 25, 2016.
- <sup>57</sup> Nidhal Mekki, *Tunisia: Equality in Gender and Constitution* (Arab Forum for Citizenship in Transition, 2014).
- <sup>58</sup> Samir Dilou, May 27, 2016.
- <sup>59</sup> Taoufik Bouderbala, May 26, 2016; Hayet Ouertani, Chair, Reparations and Rehabilitation Commission, Truth and Dignity Commission (*Instance vérité et dignité*, or IVD), May 19, 2016.
- <sup>60</sup> Noura Borsali, May 24, 2016.; Salwa El Gantri, May 23, 2016; Hend Bouziri, May 19, 2016; Hayet Ouertani, May 19, 2016; Najoua Bettaieb, Former President, *Tounissiet*, May 19, 2016.
- <sup>61</sup> Hayet Ouertani, May 19, 2016; The National Fact-Finding Commission to Investigate Abuses and Violations During the Recent Period, *Report from the National Fact-Finding Commission to Investigate Abuses and Violations* (Government of Tunisia, April 2012), accessed April 22, 2017. [http://www.leaders.com.tn/uploads/FCK\\_files/Rapport%20Bouderbala.pdf](http://www.leaders.com.tn/uploads/FCK_files/Rapport%20Bouderbala.pdf).
- <sup>62</sup> Amine Ghali, May 23, 2016; Habib Nassar, June 3, 2016.
- <sup>63</sup> Hayet Ouertani, May 19, 2016.
- <sup>64</sup> Hend Bouziri, May 19, 2016; Salwa El Gantri, May 23, 2016; Ibtihel Abdellatif, May 23, 2016.
- <sup>65</sup> Hend Bouziri, May 19, 2016; Salwa El Gantri, May 23, 2016; Ahlem Nsiri, May 20, 2016; Khadija Arfaoui, activist, May 24, 2016; Habib Nassar, June 3, 2016.
- <sup>66</sup> Amine Ghali, May 23, 2016.
- <sup>67</sup> Hend Bouziri, May 19, 2016.
- <sup>68</sup> Najoua Bettaieb, May 19, 2016; Salwa El Gantri, May 23, 2016.
- <sup>69</sup> Habib Nassar, June 3, 2016.
- <sup>70</sup> Noura Borsali, May 24, 2016; Ibtihel Abdellatif, May 23, 2016; Habib Nassar, June 3, 2016; Mounia Bouali, May 25, 2016; Samira Merai, May 27, 2016.
- <sup>71</sup> Hayet Ouertani, May 19, 2016.
- <sup>72</sup> Amine Ghali, May 23, 2016; Habib Nassar, June 3, 2016; *Organic Law on Establishing and Organizing Transitional Justice*.
- <sup>73</sup> Habib Nassar, June 3, 2016.
- <sup>74</sup> Salwa El Gantri, May 23, 2016.
- <sup>75</sup> Habib Nassar, June 3, 2016; Noura Borsali, May 24, 2016; Hayet Ouertani, May 19, 2016; Amine Ghali, May 23, 2016.
- <sup>76</sup> Salwa El Gantri, May 23, 2016; Hayet Ouertani, May 19, 2016; Habib Nassar, June 3, 2016.
- <sup>77</sup> Hend Bouziri, May 19, 2016; Najoua Bettaieb, May 19, 2016; Ibtihel Abdellatif, May 23, 2016.
- <sup>78</sup> Majdoulina Cherni, May 25, 2016; Samir Dilou, May 27, 2016; Noura Borsali, May 24, 2016.
- <sup>79</sup> Interview with government official, May 25, 2016.
- <sup>80</sup> Habib Nassar, June 3, 2016; Hayet Ouertani, May 19, 2016; Ibtihel Abdellatif, May 23, 2016; Salwa El Gantri, May 23, 2016; Amine Ghali, May 23, 2016; Najoua Bettaieb, May 19, 2016.
- <sup>81</sup> Salwa El Gantri, May 23, 2016; Najoua Bettaieb, May 19, 2016; Hend Bouziri, May 19, 2016; Mounia Bouali, May 25, 2016; Camille Henry, Program Coordinator, *Organisation mondiale contre la torture* (World Organization Against Torture, or OMCT), May 24, 2016.
- <sup>82</sup> Hend Bouziri, May 19, 2016; Camille Henry, May 24, 2016; Salwa El Gantri, May 23, 2016; Mounia Bouali, May 25, 2016; Hejer Bettaieb, Member, *Nisa' Tounsiat*, May 24, 2016.
- <sup>83</sup> Interview with civil society source, May 25, 2016.
- <sup>84</sup> Interview with civil society source, May 26, 2016; Interview with civil society source, May 24, 2016.
- <sup>85</sup> Habib Nassar, June 3, 2016.
- <sup>86</sup> Mohamed Kamel Gharbi, May 20, 2016.
- <sup>87</sup> Mohamed Kamel Gharbi, May 20, 2016; Amine Ghali, May 23, 2016; Noura Borsali, May 24, 2016.
- <sup>88</sup> Hayet Ouertani, May 19, 2016.
- <sup>89</sup> Najoua Bettaieb, May 19, 2016; Samia Letaief, Treasurer, *Association des femmes tunisiennes pour la recherche sur le développement* (*Association of Tunisian Women for Research on Development*, or AFTURD), May 19/24, 2016; Ahlem Nsiri, May 20, 2017; Mohamed Kamel Gharbi, May 20, 2016.
- <sup>90</sup> Ibtihel Abdellatif, May 23, 2016; Ahlem Belhadj, May 26, 2016; Salwa El Gantri, May 23, 2016; Noura Borsali, May 24, 2016; Ferida Labidi, May 26, 2016.

- <sup>91</sup> Samia Letaief, May 24, 2016; Hend Bouziri, May 19, 2016; Majdouline Cherni, May 25, 2015.
- <sup>92</sup> Andrieu et al., “*To Participate is to Have Hope*,” 46.
- <sup>93</sup> Hend Bouziri, May 19, 2016; Mohamed Kamel Gharbi, May 20, 2016; Salwa El Gantri, May 23, 2016; Amine Ghali, May 23, 2016; Khadija Arfaoui, May 24, 2016; Ibtihel Abdellatif, May 23, 2016; Lamia Farhani, May 26, 2016.
- <sup>94</sup> Amine Ghali, May 23, 2016.
- <sup>95</sup> Samia Letaief, May 24, 2016.
- <sup>96</sup> Ahlem Nsiri, May 20, 2016; Hejer Bettaieb, May 24, 2016; Salwa El Gantri, May 23, 2016.
- <sup>97</sup> Samia Letaief, May 24, 2016; Ahlem Nsiri, May 20, 2016; Hend Bouziri, May 19, 2016; Camille Henry, May 24, 2016.
- <sup>98</sup> Wahid Ferchichi, Law Professor, University of Tunis, June 28, 2016.
- <sup>99</sup> Wahid Ferchichi, June 28, 2016; Salwa El Gantri, May 23, 2016; Samia Letaief, May 19/24, 2016; Ahlem Nsiri, May 20, 2016; Hend Bouziri, May 19, 2016.
- <sup>100</sup> Samia Letaief, May 24, 2016.
- <sup>101</sup> Samia Letaief, May 24, 2016.
- <sup>102</sup> Najoua Bettaieb, May 19, 2016.
- <sup>103</sup> Hejer Bettaieb, May 24, 2016; Salwa El Gantri, May 23, 2016.
- <sup>104</sup> Ahlem Nsiri, May 20, 2016.
- <sup>105</sup> Hayet Ouertani, May 19, 2016.
- <sup>106</sup> Ibtihel Abdellatif, May 23, 2016.
- <sup>107</sup> Ahlem Nsiri, May 20, 2016; Camille Henry, May 24, 2016; Hend Bouziri, May 19, 2016; Salwa El Gantri, May 23, 2016.
- <sup>108</sup> Salwa El Gantri, May 23, 2016.
- <sup>109</sup> Samia Letaief, May 24, 2016; Hend Bouziri, May 19, 2016; Majdouline Cherni, May 25, 2016.
- <sup>110</sup> Ahlem Nsiri, May 20, 2016.
- <sup>111</sup> Ferida Labidi, May 26, 2016; Hejer Bettaieb, May 24, 2016; Mounia Bouali, May 25, 2016.
- <sup>112</sup> Habib Nassar, June 3, 2016; Salwa El Gantri, May 23, 2016.
- <sup>113</sup> Interview with civil society source, May 26, 2016; Interview with civil society source, May 25, 2016; Interview with civil society source, May 24, 2016.
- <sup>114</sup> Hend Bouziri, May 19, 2016.
- <sup>115</sup> Oula Ben Nejma, June 28, 2016; Ahlem Nsiri, May 20, 2016; Ibtihel Abdellatif, May 23, 2016.
- <sup>116</sup> Ibtihel Abdellatif, May 23, 2016; Hend Bouziri, May 19, 2016.
- <sup>117</sup> Ahlem Nsiri, May 20, 2016; Salwa El Gantri, May 23, 2016.
- <sup>118</sup> Ibtihel Abdellatif, May 23, 2016; Salwa El Gantri, May 23, 2016; Hend Bouziri, May 19, 2016.
- <sup>119</sup> Ibtihel Abdellatif, May 23, 2016.
- <sup>120</sup> Hend Bouziri, May 19, 2016.
- <sup>121</sup> Hayet Ouertani, May 19, 2016; Ibtihel Abdellatif, May 23, 2016.
- <sup>122</sup> Hend Bouziri, May 19, 2016; Oula Ben Nejma, June 28, 2016; Samira Merai, May 27, 2016.
- <sup>123</sup> Hayet Ouertani, May 19, 2016.
- <sup>124</sup> Majdouline Cherni, May 25, 2015; Hayet Ouertani, May 19, 2016.
- <sup>125</sup> Mohamed Kamel Gharbi, May 20, 2016.
- <sup>126</sup> Hend Bouziri, May 19, 2016; Samia Letaief, May 24, 2016; Camille Henry, May 24, 2016; Amine Ghali, May 23, 2016; Mounia Bouali, May 25, 2016; Ferida Labidi, May 26, 2016.
- <sup>127</sup> Hend Bouziri, May 19, 2016; Samia Letaief, May 24, 2016; Camille Henry, May 24, 2016; Amine Ghali, May 23, 2016; Mounia Bouali, May 25, 2016; Ferida Labidi, May 26, 2016.
- <sup>128</sup> Lamia Farhani, May 26, 2016; Najoua Bettaieb, May 19, 2016; Samia Letaief, May 24, 2016; Ahlem Nsiri, May 20, 2016; Ahlem Belhadj, May 26, 2016; Hejer Bettaieb, May 24, 2016; Amna Guelali, May 26, 2016; Noura Borsali, May 24, 2016; Oula Ben Nejma, June 28, 2016; Ferida Labidi, May 26, 2016.
- <sup>129</sup> Preysing, *Transitional Justice*.
- <sup>130</sup> Hejer Bettaieb, May 24, 2016; Ahlem Nsiri, May 20, 2016; Noura Borsali, May 24, 2016.
- <sup>131</sup> Salwa El Gantri, May 23, 2016; Oula Ben Nejma, June 28, 2016; Mohamed Kamel Gharbi, May 20, 2016; Hend Bouziri, May 19, 2016; Mounia Bouali, May 25, 2016.
- <sup>132</sup> Andrieu et al., “*To Participate is to Have Hope*.”
- <sup>133</sup> *Report from the National Fact-Finding Commission to Investigate Abuse*, 508-512.
- <sup>134</sup> *Ibid.*, 507.
- <sup>135</sup> Hayet Ouertani, May 19, 2016.
- <sup>136</sup> Hayet Ouertani, May 19, 2016.
- <sup>137</sup> Mohamed Kamel Gharbi, May 20, 2016.
- <sup>138</sup> Samira Merai, May 27, 2016.
- <sup>139</sup> *Organic Law on Establishing and Organizing Transitional Justice*.
- <sup>140</sup> Noura Borsali, May 24, 2016; Hend Bouziri, May 19, 2016.
- <sup>141</sup> Habib Nassar, June 3, 2016; Salwa El Gantri, May 23, 2016; Hind Ahmed Zaki, “Tunisia Uncovered a History of State Sexual Violence. Can it Do Anything?” *Washington Post* (April 11, 2016), accessed April 22, 2017. [https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/11/tunisia-uncovered-a-history-of-state-sexual-violence-can-it-do-anything/?utm\\_term=.f0f5ebbb58cd](https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/11/tunisia-uncovered-a-history-of-state-sexual-violence-can-it-do-anything/?utm_term=.f0f5ebbb58cd).
- <sup>142</sup> Salwa El Gantri, May 23, 2016.
- <sup>143</sup> Hend Bouziri, May 19, 2016.
- <sup>144</sup> Interview with civil society source, May 25, 2016.
- <sup>145</sup> Salwa El Gantri, “Our Voices Will Not Be Silenced: Charting Women’s Struggle for Justice in Tunisia,” International Center for Transitional Justice (June 21, 2016), accessed April 22, 2017. <https://www.ictj.org/news/women-struggle-justice-tunisia>.
- <sup>146</sup> Salwa El Gantri, May 23, 2016.
- <sup>147</sup> Salwa El Gantri, May 23, 2016.

<sup>148</sup> Olfa Belhassine, “Women Victims Step Up As Tunisia Truth Commission Deadline Nears,” *Justiceinfo.net* (September 6, 2016), accessed April 22, 2017. <http://www.justiceinfo.net/en/tribunals/national-tribunals/27798-women-victims-step-up-as-tunisia-truth-commission-deadline-nears.html>.

<sup>149</sup> Hend Bouziri, May 19, 2016; Hayet Ouertani, May 19, 2016; Ibtihel Abdellatif, May 23, 2016; Samira Merai, May 27, 2016.

<sup>150</sup> Hend Bouziri, May 19, 2016.

<sup>151</sup> Hayet Ouertani, May 19, 2016.

<sup>152</sup> Majdouline Cherni, May 25, 2016; Hejer Bettaieb, May 24, 2016; Lamia Farhani, May 26, 2016; Hayet Ouertani, May 19, 2016.

<sup>153</sup> Majdouline Cherni, May 25, 2016; Oula Ben Nejma, June 28, 2016; Ibtihel Abdellatif, May 23, 2016; Ahlem Nsiri, May 20, 2016.

<sup>154</sup> Ibtihel Abdellatif, May 23, 2016; Mounia Bouali, May 25, 2016; Majdouline Cherni, May 25, 2016; Oula Ben Nejma, June 28, 2016; Ahlem Nsiri, May 20, 2016.

<sup>155</sup> Interview with civil society source, May 26, 2016; Interview with civil society source, May 25, 2016; Interview with civil society source, May 24, 2016.

<sup>156</sup> Hejer Bettaieb, May 24, 2016; Ibtihel Abdellatif, May 23, 2016; Habib Nassar, June 3, 2016; Ahlem Belhadj, May 26, 2016; Oula Ben Nejma, June 28, 2016.

<sup>157</sup> Ahlem Belhadj, May 26, 2016; Ibtihel Abdellatif, May 23, 2016.

## COLOMBIA: CREATING SPACE FOR WOMEN IN PEACE

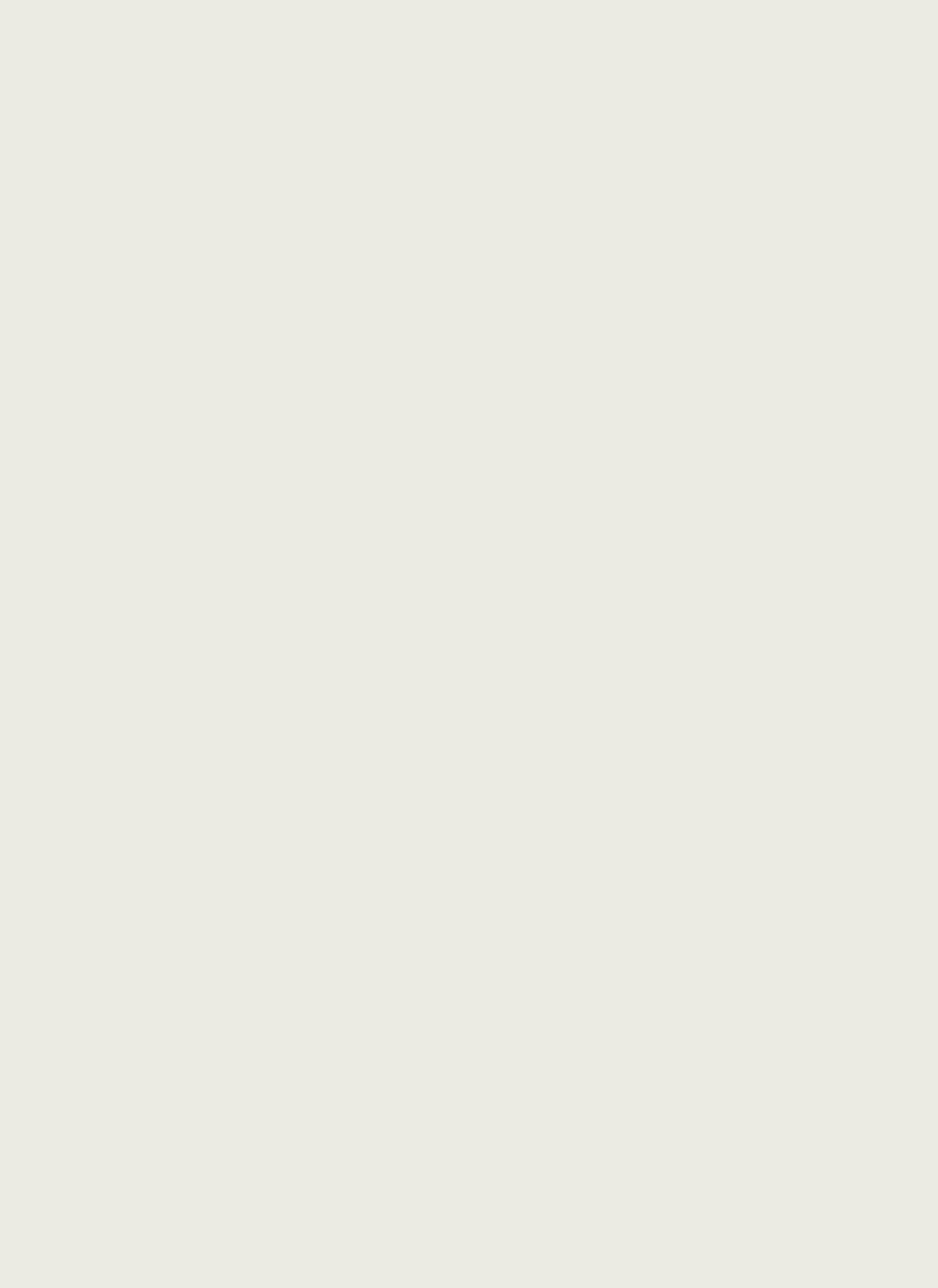
- <sup>1</sup> José E Arvelo, "International Law and Conflict Resolution in Colombia: Balancing Peace and Justice in the Paramilitary Demobilization Process," *Georgetown Journal of International Law* 37 (2005): 411; Roger W. Findley, "Ten Years of Land Reform in Colombia," *Wisconsin Law Review* (1972): 880.
- <sup>2</sup> Josefina A. Echavarría, *In/security in Colombia: Writing Political Identities in the Democratic Security Policy* (Manchester: Manchester University Press, 2010).
- <sup>3</sup> Douglas Porch, "Revolutionary Social Change in Colombia: The Origin and Direction of the FARC-EP," *Bulletin of Latin American Research* 30, no. 4 (2011): 515-516.
- <sup>4</sup> *Mapping Militant Organizations: Revolutionary Armed Forces of Colombia – People's Army*, Stanford University, accessed April 22, 2017. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>.
- <sup>5</sup> Danielle Renwick and Claire Felter, *Colombia's Civil Conflict*, Council on Foreign Relations, accessed April 22, 2017. <http://www.cfr.org/colombia/colombias-civil-conflict/p9272>.
- <sup>6</sup> Alfredo Molano, "Violence and Land Colonization," in *Violence in Colombia: The Contemporary Crisis in Historical Perspective*, eds. Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez (Wilmington: SR Books, 1992), 195-216.
- <sup>7</sup> Virginia Bouvier, "Formal Talks with ELN Set to Begin in Quito," *Colombia Calls* blog, October 12, 2016, accessed April 22, 2017. <https://vbouvier.wordpress.com/2016/10/12/formal-talks-with-eln-set-to-begin-in-quito/>.
- <sup>8</sup> InSight Crime, "ELN," *InSight Crime*, accessed April 22, 2017. <http://www.insightcrime.org/colombia-organized-crime-news/eln-profile>.
- <sup>9</sup> *Ibid.* Ceasefire agreements were signed with the FARC, M-19, EPL, and ADO. The ELN, which at the time was led by revolutionary priests, never signed an agreement despite the fact that they were in contact with the Peace Commission.
- <sup>10</sup> Kimberly Theidon, "Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia," *Human Rights Quarterly* 31, no. 1 (2009): 10; Steven Dudley, *Walking Ghosts: Murder and Guerrilla Politics in Colombia* (New York: Routledge, 2006).
- <sup>11</sup> Marc Chermick, *Insurgency and Negotiations: Defining the Boundaries of the Political Regime in Colombia* (Ann Arbor: University Microfilms, 1993).
- <sup>12</sup> Over one million hectares of productive farmland were purchased with drug money during the 1980s. Marc S. Nieswiadomy, "Land Reform and Conflict Resolution in Colombia" (Master's Thesis, Naval Postgraduate School, 2012), accessed April 22, 2017. [http://calhoun.nps.edu/bitstream/handle/10945/6158/03Dec\\_Nieswiadomy.pdf?sequence=1&isAllowed=y](http://calhoun.nps.edu/bitstream/handle/10945/6158/03Dec_Nieswiadomy.pdf?sequence=1&isAllowed=y).
- <sup>13</sup> Diana J. Schemo, "Colombia in Crisis as Drugs Tar Chief," *The New York Times* (August 13, 1995), accessed April 22, 2017. <http://www.nytimes.com/1995/08/13/world/colombia-in-crisis-as-drugs-tar-chief.html?pagewanted=all>.
- <sup>14</sup> The exact nature of the paramilitary's relationship to the state is contested. For a thorough overview of the paramilitaries and their relationship to the state, see Mauricio Romero, *Paramilitares y Autodefensas, 1982-2003* (Bogotá: Temas de Hoy, 2003), 34-39, 150-151.
- <sup>15</sup> Winifred Tate, "From Greed to Grievance: The Shifting Political Profile of Colombian Paramilitaries," in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington: USIP Press, 2009), 111-132.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> *Ibid.*
- <sup>18</sup> For more information on the use of sexual violence as a weapon of war in Colombia, see Inter-American Commission on Human Rights, *Violence and Discrimination Against Women in the Armed Conflict in Colombia* (Washington: Organization of American States, 2006).
- <sup>19</sup> *La Violencia Sexual en Colombia: Primera Encuesta de Prevalencia* (Barcelona: Oxfam Intermón, 2009).
- <sup>20</sup> Melissa Herman, "Protagonists and Victims: Women Leading the Fight for a Democratic Colombia," *Feminist Review* 88 (2008): 122-127.
- <sup>21</sup> Bettina Ng'weno, "Autonomy, Self-governance and the Status of Afro-Colombian Collective Territories" (Lecture, Meeting of the Latin American Studies Association, Las Vegas, Nevada, October 7, 2004), accessed April 22, 2017. <http://oraloteca.unimagdalen.edu.co/wp-content/uploads/2013/01/Autonomy-Self-governance-and-the-Status-of-Afro-Colombian.pdf>.
- <sup>22</sup> Virginia Bouvier, "Gender and the Role of Women in the Colombian Peace Process," UN Women Background Paper, prepared for the United Nations Global Study on 15 Years of Implementation of UN Security Council Resolution 1325 (New York: UN Women, 2016), accessed April 22, 2017. <https://www.usip.org/publications/2016/11/gender-and-role-women-colombias-peace-process>; Inter-American Commission on Human Rights, *Violence and Discrimination Against Women*.
- <sup>23</sup> Inter-American Commission on Human Rights, *Access to Justice for Women Victims of Violence in Mesoamerica* (Washington: Organization for American States, 2011); Bouvier, "Gender and the Role of Women in the Colombian Peace Process."
- <sup>24</sup> *Ibid.*
- <sup>25</sup> *El ACNUR y la Protección de los Desplazados Internos*, United Nations High Commission for Refugees, 2016.
- <sup>26</sup> "Colombia 2016/2017," *Amnesty International*, accessed April 20, 2017. <https://www.amnesty.org/en/countries/americas/colombia/report-colombia/>.
- <sup>27</sup> *Ibid.*
- <sup>28</sup> *Ibid.*
- <sup>29</sup> For more on this subject, see Paula San Pedro, *Sexual Violence in Colombia* (Oxford: Oxfam, 2009), 16, accessed April 22, 2017. [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/bp-sexual-violence-colombia\\_4.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-sexual-violence-colombia_4.pdf).
- <sup>30</sup> Theidon, "Reconstructing Masculinities," 17. According to Theidon, most joined leftist militias because they lived in areas where, with the presence of the Colombian state virtually invisible, the guerrilla group was more or less in charge and its presence was normalized, or because an acquaintance who was already in the group convinced them to join.
- <sup>31</sup> *Ibid.*, 17.
- <sup>32</sup> Dyan Mazurana, "Women, Girls and Non-State Armed Opposition Groups," in *Women and Wars: Contested Histories, Uncertain Futures*, ed. Carol Cohn (Cambridge: Policy Press, 2013), 155.
- <sup>33</sup> Theidon, "Reconstructing Masculinities," 29.
- <sup>34</sup> Herman, "Protagonists and Victims."
- <sup>35</sup> *Ibid.*
- <sup>36</sup> Republic of Colombia. *Colombia's Constitution of 1991 with Amendments through 2013*. Trans. Max Planck Institute, accessed April 22, 2017. [https://www.constituteproject.org/constitution/Colombia\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2013.pdf?lang=en).
- <sup>37</sup> *Ibid.*

- <sup>38</sup> Isabella Bueno and Andrea Diaz Rozas, "Which Approach to Justice in Colombia under the Era of the ICC," *International Criminal Law Review* 13 (2013): 1-36.
- <sup>39</sup> Lisa J. Laplante and Kimberly Theidon, "Transitional Justice in Times of Conflict: Colombia's *Ley de Justicia y Paz*," *Michigan Journal of International Law* 49 (2006): 49-108.
- <sup>40</sup> *Ibid.*, 102-106.
- <sup>41</sup> Constitutional Court of Colombia, "Programa de la Prevención de la Violencia Sexual Sontra la Mujer Desplazada y la Atención Integral a sus Víctimas," Auto 92 (2008), accessed April 22, 2017. <http://www.corteconstitucional.gov.co/RELATORIA/Autos/2008/A092-08.htm>.
- <sup>42</sup> Pilar Domingo, Alina Rocha Menocal, and Verónica Hinestroza, *Progress Despite Adversity: Women's Empowerment and Conflict Inside Colombia* (London: Overseas Development Institute, 2015), 18, accessed April 22, 2017. <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9743.pdf>.
- <sup>43</sup> *A Land Title is Not Enough*, 48.
- <sup>44</sup> *Ibid.*
- <sup>45</sup> Adriaan Alsema, "Colombia's 2012-2016 Peace Talks: Fact Sheet," *Colombia Reports* (September 25, 2016), accessed April 22, 2017. <http://colombiareports.com/colombia-peace-talks-fact-sheet/>.
- <sup>46</sup> "Delegation of the National Government," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 11, 2017. <http://www.altocomisionadoparalopez.gov.co/procesos-y-conversaciones/delegacion-del-gobierno-nacional/Paginas/Delegacion-del-Gobierno-Nacional.aspx>.
- <sup>47</sup> "Office of the High Commissioner for Peace," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 8, 2017. <http://www.altocomisionadoparalopez.gov.co/Paginas/OACP/Oficina-Alto-Comisionado-para-la-Paz.aspx>.
- <sup>48</sup> Alsema, "Colombia's 2012-2016 Peace Talks."
- <sup>49</sup> "Discussion Table with the FARC-EP," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 11, 2017. <http://www.altocomisionadoparalopez.gov.co/procesos-y-conversaciones/Paginas/mesa-de-conversaciones-con-las-farc-ep.aspx>.
- <sup>50</sup> "Dynamics of the Peace Talks," FARC-EP International, accessed February 11, 2017. <http://farc-eppeace.org/peace-process/subcommissions.html>.
- <sup>51</sup> "Mechanism of Participation," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 11, 2017. <http://www.altocomisionadoparalopez.gov.co/procesos-y-conversaciones/mecanismos-de-participacion/Paginas/Mecanismo-de-participacion.aspx>.
- <sup>52</sup> "P&R: Sistema Integral de Verdad, Justicia, Reparación y no Repetición," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 8, 2017. <http://www.altocomisionadoparalopez.gov.co/procesos-y-conversaciones/proceso-de-paz-con-las-farc-ep/Paginas/PR-Sistema-integral-de-Verdad-Justicia-Reparacion-y-no-Repeticion.aspx>.
- <sup>53</sup> "ABC: Special Jurisdiction for Peace," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 8, 2017. <https://law.yale.edu/system/files/abc-special-jurisdiction-for-peace.pdf>.
- <sup>54</sup> "Commission for the Clarification of Truth, Coexistence and Non-Repetition," Office of the High Commissioner for Peace (*Oficina del Alto Comisionado para la Paz*), Government of Colombia, accessed February 11, 2017. <http://www.altocomisionadoparalopez.gov.co/Documents/informes-especiales/comision-verdad-proceso-paz/index.html>.
- <sup>55</sup> Iris Marín Ortiz, Sub-Director, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit), June 13, 2016.
- <sup>56</sup> Paula Gaviria, Presidential Advisor for Human Rights, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit), June 17, 2016.
- <sup>57</sup> Iris Marín Ortiz, June 13, 2016; Paula Gaviria, June 17, 2016.
- <sup>58</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>59</sup> María Eugenia Morales Castro, National Director of Reparations, Unit for Comprehensive Care and Reparations for Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*, or Victims Unit), June 22, 2016.
- <sup>60</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>61</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>62</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>63</sup> Carlos Fidel Villamil Ruiz, National Director of Transitional Justice, Office of the Attorney General (*Fiscalía General de la Nación*), June 17, 2016.
- <sup>64</sup> Carlos Fidel Villamil Ruiz, June 17, 2016.
- <sup>65</sup> Juanita Candamil, Gender Coordinator, Office of Transitional Justice, Ministry of Justice (*Ministerio de Justicia y del Derecho*), June 14, 2017.
- <sup>66</sup> Catalina Díaz Gómez, Director of Transitional Justice, Ministry of Justice (*Ministerio de Justicia y del Derecho*), June 22, 2016.
- <sup>67</sup> Catalina Díaz Gómez, June 22, 2016.
- <sup>68</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>69</sup> Iris Marín Ortiz, June 13, 2016; María Eugenia Morales Castro, June 22, 2016.
- <sup>70</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>71</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>72</sup> Juanita Candamil, June 14, 2017; Iris Marín Ortiz, June 13, 2016; Ana Teresa Bernal Montañes, Commissioner, National Commission for Reparations and Reconciliation (*Comisión Nacional de Reparación y Reconciliación*, or CNRR), June 15, 2016; Carlos Fidel Villamil Ruiz, June 17, 2016.
- <sup>73</sup> María Eugenia Morales, June 22, 2016.
- <sup>74</sup> María Eugenia Morales, June 22, 2016.
- <sup>75</sup> Carlos Fidel Villamil Ruiz, June 17, 2016.
- <sup>76</sup> Interview, June 14, 2016.
- <sup>77</sup> Juanita Candamil, June 14, 2017.
- <sup>78</sup> Liliana Rocío Chaparro Moreno, *Access to Justice for Women Victims of Sexual Violence* (Bogotá: The Working Group to Monitor Compliance with Constitutional Court Auto 092 and 009 and its Confidential Annexes, 2016), accessed April 22, 2017. <http://www.sismamujer.org/wp-content/uploads/2016/07/Access-to-justice-for-women-victims-of-sexual-violence.pdf>.
- <sup>79</sup> *Ibid.*
- <sup>80</sup> Interview, June 14, 2016.
- <sup>81</sup> Interview, June 14, 2016.

- <sup>82</sup> Catalina Díaz Gómez, June 22, 2016.
- <sup>83</sup> Interview, June 14, 2016.
- <sup>84</sup> Interview, June 14, 2016.
- <sup>85</sup> Katherine Ronderos, Political Committee Representative, *Liga Internacional de Mujeres por la Paz y la Libertad*, (Women's International League for Peace and Freedom, or LIMPAL), June 16, 2016.
- <sup>86</sup> Katherine Ronderos, June 16, 2016.
- <sup>87</sup> Iris Marín Ortiz, June 13, 2016; Julia Eva Cogollo Cabarcas, Member, *Movimiento por la Paz* (Movement for Peace, or MPDL) and Member, *Proceso de Comunidades Negras* (Group of Black Communities, or PCN), June 21, 2016; Interview, June 14, 2016; Rubiela Valderrama, Member, *Corporación Red de Empoderamiento de Mujeres de Cartagena de Indias y Bolívar* (Women's Empowerment Network of Cartagena and Bolívar), June 20, 2016; Inilse Mercado, Technical Secretary, *Mesa del Movimiento Social* (Table of Social Movements), June 21, 2016; Teresa Cassiani, Member, *Proceso de Comunidades Negras* (Group of Black Communities, or PCN), June 21, 2016; Interview, June 20, 2016.
- <sup>88</sup> Iris Marín Ortiz, June 13, 2016.
- <sup>89</sup> Julia Eva Cogollo Cabarcas, June 21, 2016.
- <sup>90</sup> María Eugenia Morales, June 22, 2016.
- <sup>91</sup> Interview, June 14, 2016.
- <sup>92</sup> Iris Marín Ortiz, June 13, 2017.
- <sup>93</sup> "Comunicado Conjunto," *Mesa de Conversaciones*, June 7, 2014, accessed April 22, 2017. <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-07-de-junio-de-2014>.
- <sup>94</sup> María Paulina Riveros Dueñas, Co-Chair, Gender Sub-Commission (*La Subcomisión de Género*); Plenipotentiary, government delegation to the peace process; Director of Human Rights, Ministry of the Interior (*Ministerio del Interior*), June 17, 2016.
- <sup>95</sup> Virginia Bouvier, "Breaking News from Havana: Joint Declaration of Principles on Victims," *Colombia Calls* blog, June 7, 2014, accessed April 22, 2017. <https://vbouvier.wordpress.com/2014/06/07/breaking-news-from-havana-joint-declaration-of-principles-on-victims/>.
- <sup>96</sup> Interview with government official, June 16, 2016c.
- <sup>97</sup> Alejo Vargas, Director, Thought Center for Following the Peace Dialogue (*Centro de Pensamiento y Seguimiento al Diálogo de Paz*), National University, June 22, 2016; María Paulina Riveros Dueñas, June 17, 2016.
- <sup>98</sup> Alejo Vargas, June 22, 2016.
- <sup>99</sup> Alejo Vargas, June 22, 2016.
- <sup>100</sup> Alejo Vargas, June 22, 2016; María Paulina Riveros Dueñas, June 17, 2016.
- <sup>101</sup> Marina Gallego, Director, *La Ruta Pacífica de las Mujeres* (Peaceful Route of Women), June 13, 2016.
- <sup>102</sup> Marina Gallego, June 13, 2016.
- <sup>103</sup> Interview, June 14, 2016; Julia Eva Cogollo Cabarcas, June 21, 2016.
- <sup>104</sup> Marina Gallego, June 13, 2016.
- <sup>105</sup> *Casa de la Mujer, Ruta Pacífica, Red Nacional de las Mujeres, Iniciativa de Mujeres por la Paz* (IMP), *Colectivo de Pensamiento y Acción Mujeres, Paz y Seguridad*, Coalition 1325, *Mujeres por la Paz, Conferencia Nacional de Organizaciones Afrocolombianas* (CNOA), *Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia* (ANMUCIC).
- <sup>106</sup> Bouvier, "Gender and the Role of Women in the Colombian Peace Process."
- <sup>107</sup> Katherine Ronderos, June 16, 2016.
- <sup>108</sup> Rubiela Valderrama, June 20, 2016.
- <sup>109</sup> Interview with Alicia, June 20, 2016.
- <sup>110</sup> Inilse Mercado, June 21, 2016.
- <sup>111</sup> Julia Eva Cogollo Cabarcas, June 21, 2016; Angélica Ortiz, June 23, 2016.
- <sup>112</sup> Inilse Mercado, June 21, 2016.
- <sup>113</sup> Norma Inés Bernal Vélez, Member, *Grupo Ecueménico de Mujeres Constructoras de Paz* (Ecumenical Group of Women Peacemakers, or GEMPAZ), June 14, 2016.
- <sup>114</sup> Marina Gallego, June 13, 2016.
- <sup>115</sup> Bouvier, "Gender and the Role of Women in the Colombian Peace Process."
- <sup>116</sup> Katherine Ronderos, June 16, 2016.
- <sup>117</sup> Interview with government official, June 16, 2016a.
- <sup>118</sup> Linda Cabrera, Sub-Director, *Sisma Mujer* (Sisma Woman), June 15, 2016; Interview with government official, June 16, 2016a.
- <sup>119</sup> Marina Gallego, June 13, 2016.
- <sup>120</sup> Interview with government official, June 16, 2016a.
- <sup>121</sup> Interview with government official, June 16, 2016a; Interview with government official, June 16, 2016b.
- <sup>122</sup> Interview with government official, June 16, 2016a.
- <sup>123</sup> Katherine Ronderos, June 16, 2016.
- <sup>124</sup> Interview with government official, June 16, 2016a.
- <sup>125</sup> Interview with government official, June 16, 2016a.
- <sup>126</sup> Hilde Salvesen, 1325 Focal Point, Ministry of Foreign Affairs, Government of Norway, November 30, 2016.
- <sup>127</sup> Interview with UN Women Colombia, June 23, 2016.
- <sup>128</sup> Interview with government official, June 16, 2016b.
- <sup>129</sup> Hilde Salvesen, November 30, 2016.
- <sup>130</sup> Hilde Salvesen, November 30, 2016.
- <sup>131</sup> María Paulina Riveros Dueñas, June 17, 2016.
- <sup>132</sup> Kristian Herbolzheimer, *Innovations in the Colombian Peace Process* (Norwegian Peacebuilding Resource Center, 2016).
- <sup>133</sup> Virginia Bouvier, "Gender on the Havana Agenda," *Colombia Calls* blog, July 26, 2016, accessed April 22, 2017. <https://vbouvier.wordpress.com/2016/07/26/gender-on-the-havana-agenda/>.
- <sup>134</sup> Beatriz Quintero García, Technical Secretary, *Red Nacional de Mujeres* (National Network of Women), June 15, 2016; Katherine Ronderos, June 16, 2016.
- <sup>135</sup> Linda Cabrera, June 15, 2016.
- <sup>136</sup> María Paulina Riveros Dueñas, June 17, 2016; Marina Gallego, June 13, 2016.
- <sup>137</sup> Linda Cabrera, June 15, 2016.
- <sup>138</sup> Marina Gallego, June 13, 2017.
- <sup>139</sup> María Paulina Riveros Dueñas, June 17, 2016.
- <sup>140</sup> Interview with government official, June 16, 2016b.
- <sup>141</sup> Julia Eva Cogollo Cabarcas, June 21, 2016; Teresa Cassiani, June 21, 2016; Angélica Ortiz, June 23, 2016.
- <sup>142</sup> Julia Eva Cogollo Cabarcas, June 21, 2016.
- <sup>143</sup> Angélica Ortiz, June 23, 2016.



- <sup>144</sup> María Paulina Riveros Dueñas, June 17, 2016.
- <sup>145</sup> Hilde Salvesen, November 30, 2016.
- <sup>146</sup> Katherine Ronderos, June 16, 2016.
- <sup>147</sup> Adriana Maria Benjumea Rúa, Director, *Corporación Humanas, Centro Regional de Derechos Humanos y Justicia de Género* (Human Corporation, Regional Center of Human Rights and Gender Justice, or *Corporación Humanas*), June 23, 2016.
- <sup>148</sup> Adriana Maria Benjumea Rúa, June 23, 2016.
- <sup>149</sup> Interview with government official, June 16, 2016a; Interview with government official, June 16, 2016c.
- <sup>150</sup> Interview with government official, June 16, 2016a.
- <sup>151</sup> Beatriz Quintero García, June 15, 2016.
- <sup>152</sup> Adriana Maria Benjumea Rúa, June 23, 2016.
- <sup>153</sup> Interview, June 14, 2016.
- <sup>154</sup> Alejo Vargas, June 17, 2016.
- <sup>155</sup> Marina Gallego, June 13, 2016.
- <sup>156</sup> “Informe Conjunto de la Mesa de Conversaciones entre el Gobierno Nacional y las Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo,” *Presidencia de la República*, June 4, 2015, accessed April 22, 2017. [http://wp.presidencia.gov.co/Noticias/2015/Junio/Paginas/20150604\\_04-Informe-conjunto-de-la-Mesa-de-Conversaciones-entre-el-Gobierno-Nacional-y-las-Fuerzas-Armadas-Revolucionarias-.aspx](http://wp.presidencia.gov.co/Noticias/2015/Junio/Paginas/20150604_04-Informe-conjunto-de-la-Mesa-de-Conversaciones-entre-el-Gobierno-Nacional-y-las-Fuerzas-Armadas-Revolucionarias-.aspx).
- <sup>157</sup> Interview, June 14, 2016.
- <sup>158</sup> Julia Eva Cogollo Cabarcas, June 21, 2016.
- <sup>159</sup> Juan Manuel Santos, “Peace in Colombia: From the Impossible to the Possible” (Nobel lecture, Oslo, Norway, December 10, 2016), accessed April 22, 2017. [https://www.nobelprize.org/nobel\\_prizes/peace/laureates/2016/santos-lecture\\_en.html](https://www.nobelprize.org/nobel_prizes/peace/laureates/2016/santos-lecture_en.html).







To learn more about the Georgetown Institute for Women, Peace and Security, visit [giwps.georgetown.edu](http://giwps.georgetown.edu).