Durham E-Theses

Everyday Transformative Gender Justice: Photo-Voices from Colombia

OTALORA GALLEGO, GERMAN,ANDRES

Academic Support Office, The Palatine Centre, Durham University, Stockton Road, Durham, DH1 3LE
e-mail: e-theses.admin@durham.ac.uk Tel: +44 0191 334 6107
http://etheses.dur.ac.uk

Everyday Transformative Gender Justice:
Photo-Voices from Colombia

Germán Otálora-Gallego

Thesis presented for the degree of Doctor of Philosophy

School of Government and International Affairs

Durham University

Autumn 2024

Statement of Copyright

The copyright of this thesis rests with the author. No quotation from it should be published without the author's prior written consent and information derived from it should be acknowledged.

Declaration

This thesis is the result of my own work. Material from the published or unpublished work of others which is used in the thesis is credited to the author in question in the text.

Abstract

Transitional justice, as a field of scholarship and practice, aims to address past wrongdoings of authoritarian regimes and armed conflicts. However, critical scholarship has convincingly pointed to problematic aspects of the field, including its legalistic bias and one-size-fits-all interventions. Transformative justice has emerged as an alternative to mainstream transitional justice. This proposal prioritises local needs and agency while addressing unequal power relations that underpin violent conflicts. Yet, the transformative model remains largely normative without sufficient empirical grounding.

To address this gap, my PhD thesis proposes an *everyday transformative gender justice* framework that centres on the needs and demands of so-called ordinary people living in transitional and conflict-affected contexts. To develop the framework, I draw on the transformative justice literature, but also from radical feminist scholars and the everyday peace literature. Further, the framework is empirically informed by data from two participatory photography projects in Cauca, Colombia, as well as documents and interviews with representatives from Colombia's transitional justice institutions.

Based on the empirical data of my research in Colombia, I make three main arguments on how transitional justice can be more transformative. First, it needs to address violence as a *continuum* of direct and structural violence that affects people's lives. Second, a transformative view of transitional justice must tackle gender-based violence as a *continuum* of violence that manifests in both violent and 'peaceful' times, while taking issues of care, masculinities and femininities seriously. Third, transformative justice needs to provide redress for economic, social, and cultural rights through *redistribution* and *recognition* measures.

By contrasting how everyday voices and institutional actors frame the transformative potential of transitional justice, I contribute to an understanding of how exactly transitional justice can be more transformative for the people who need it the most.

Key words: *transitional justice, transformative justice, gender, Colombia, everyday*

Table of Contents

Acknowledgements

Acronyms

AUC	United Self-Defense Forces of Colombia - *Autodefensas Unidas de Colombia*
CEV	Truth Commission – *Comisión para el Esclarecimiento de la Verdad*
CJA	Centre for Justice & Accountability
ELN	National Liberation Army - *Ejército de Liberación Nacional*
ESC	Economic, Social, and Culural
FARC	Revolutionary Armed Forces of Colombia - *Fuerzas Armadas Revolucionarias de Colombia*
ICC	International Criminal Court
ICTJ	International Centre for Transitional Justice
JEP	Special Jurisdiction for Peace – *Jurisdicción Especial para la Paz*
LGBTIQ+	Lesbian, Gay, Bisexual, Transexual, Intersex, Queer, and other gender or sexual diverse people
NGO	Non-Governmental Organisation
OA	Organisation of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDET	Development Programmes with a Territorial Focus – *Programas de Desarrollo con Enfoque Territorial*
PNIS	Comprehensive National Plan for Substitution of Illicit Crops - *Plan Nacional Integral de Sustitución de Cultivos Ilícitos*
PTSD	Post-Traumatic Stress Disorder
SAAD	Autonomous System for Legal Advice and Defence - *Sistema Autónomo de Asesoría y Defensa*
TOAR	Works and Activities with Restorative Content - *Trabajos, Obras, o Actividades con Contenido Reparador*
TRC	Truth and Reconciliation Commission (South Africa)
UBPD	Unit for the Search of Disappeared Persons – *Unidad de Búsqueda de Personas Dadas por Desaparecidas*
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council

Chapter 1: Introduction

You have to find a way to approach justice, knowing that you'll never achieve it

Elizabeth Dauphinee (2013, p. 204)

The scene was set up just outside the International Convention Centre in Cartagena, a city in the Colombian Caribbean coast. I watched from Bogotá, live on TV, with watery eyes and a lump in my throat, the grand but minimally decorated stage. It was all white, with two big screens on the sides, and a drawing of a dove carrying in its beak an olive branch and a ribbon with the colours of the Colombian flag. In the centre of the stage, a table, where the 2016 peace agreement between the Revolutionary Armed Forces of Colombia (FARC) and the Colombian government lay. Before the likes of the United Nations Secretary General and heads of government from around the world, the Colombian president, Juan Manuel Santos, and the last commander of the FARC, Rodrigo Londoño, signed the peace accord. They did so with rifle bullets that had been transformed to pens, and officially put to an end what was then the oldest armed conflict in the Western Hemisphere. What I was watching had been unthinkable for most of my life, and most of my parents' generation's lives.

The agreement that was signed in September 2016, after four years of negotiations, had to be modified shortly after. The referendum that took place in October to ask the Colombian population if they approved the terms of the accord gave the NO a slim majority of 50.2% against 49.7% who voted YES to the accord. A second accord, which gave some concessions to the right-wing opposition that drove the NO campaign, was then signed in November 2016, in a much smaller ceremony at the Colón Theatre in Bogotá, a few metres away from where I worked at the time. The core of the agreement signed in Cartagena in September survived, however. It contained far-reaching measures like the historically neglected rural land reform. The accord also included provisions aimed to tackle structural issues, while applying cross-cutting gender and ethnic approaches throughout its text. Development plans tailored to the needs of the historically excluded regions that had been hit hardest by violence and plans to provide peasants with alternatives to coca leaf cultivation were some of the far-reaching measures contained in the agreement.

The Nobel Peace Prize was awarded to president Santos for his role driving forward the peace negotiations. And, as the official narrative went, the peace accord opened a new era for Colombia. I joined the enthusiasm coming from government and international actors who started to talk about a post-conflict scenario. In this new era, the peace accord, by some accounts the most comprehensive peace agreement in history, would drive the country forward after more than five decades of violent conflict that had left more than 200,000 deaths and a total of nine million victims, most of them being civilians.

Paramount to the peace architecture of the agreement was a transitional justice framework designed to guarantee the rights of victims to justice, truth, reparations, and non-repetition. With much international and transitional justice experts acclaim, the agreement set up a transitional tribunal called Special Jurisdiction for Peace (*Justicia Especial para la Paz —JEP*), a Truth Commission (*Comisión para el Esclarecimiento de la Verdad —*CEV), and the Unit for the Search of Disappeared Persons[1] (*Unidad para la Búsqueda de Personas Dadas por Desaparecidas —*UBPD), in charge of searching for more than 100,000 people deemed as disappeared due to the armed conflict.

I left Colombia and my government job in 2018 to pursue a postgraduate taught degree in peace and conflict studies in the United Kingdom, which later led to enrolling in a PhD to study transitional justice issues in the post-2016 Colombian context. I carried out fieldwork for data collection for this thesis in 2023. I went to the Cauca department in Southwestern Colombia, one of the regions that has suffered most from the armed conflict (and continues to do so) to implement two participatory photography projects to explore so-called ordinary people's perspectives on the transformative potential of transitional justice.

Once I got there, I could see tangible evidence of what I had known for the past years of following developments in the country: there was no such thing as a post-conflict scenario in many places of Colombia. Graffiti was an unexpected way in which these issues came to me. While going out for a bicycle ride or riding a bus to the location of a participatory photography workshop, I saw graffiti on road signs with the names of dissident FARC groups (spinoffs of FARC factions that did not sign the peace accord) and the last guerrilla remaining in the country, the National Liberation Army (ELN). Those graffiti were mentioned by some of the

---

[1] The name of the UBPD has been translated in different ways into English. A literal translation from Spanish would read 'Search for the Search of Persons Deemed as Disappeared'. To reflect the more common use of the name of the institution in Colombia, I prefer to translate the name to Unit for the Search of Disappeared Persons in this thesis.

participants of the participatory photography projects as reminders that armed groups can be just around the corner. They are also reminders that Colombia, eight years after making global headlines for its 2016 peace agreement, is grappling with at least eight internal armed conflicts (International Committee of the Red Cross, 2024). Those conflicts continue to produce civilian victims and cause humanitarian crises in regions like Cauca, where three major armed groups operate. We are experiencing what some call a third cycle of war in the country (Gutiérrez Sanín, 2020).

The peace accord did bring a reduction of violence throughout the country. It effectively demobilised around 13,500 FARC guerrilla members, of which the vast majority has respected the terms of the agreement despite the fact that 433 of them have been assassinated since 2016[2] (Indepaz, 2025). The armed group also became a political party. Importantly, the transitional justice institutions set up by the agreement have worked independently from the government, even in the face of political backlash and challenges to secure appropriate funding. The CEV published its final report in 2022 and set a high standard for truth commissions in the future. The JEP, on its part, has faced criticism for the lack of sanctions eight years after the peace agreement, but is applying an innovative approach to transitional justice tribunals by combining retributive justice (prison time for perpetrators) with restorative justice approaches. The UBPD has received critiques for failing to guarantee participation of wide sectors of society and centralising its work in Bogotá to the detriment of the regions where the missing persons are in fact located, but nonetheless is the first official effort to search for tens of thousands of people deemed as disappeared, a task that has been until now been caried out by the victim's relatives.

What I heard from people in Cauca led me to question my perceptions about the suitability of transitional justice as we know it to bring about justice in times of transition. To be sure, I would still contend that the 2016 peace accord and its transitional justice framework represent a major step forward towards peace in Colombia. But some of the people living in contexts where the armed conflict has been experienced more acutely, like EL Tambo and Cauca more broadly, have not even heard about those institutions or their work. Others do know those institutions and value what they are doing to some extent, but seriously question the kind of justice they can bring about, if any.

Admittedly, any quest for justice in conflict-affected context like Colombia, where the lives of millions have been marked by violence and marginalisation will be imperfect. But as the

---

[2] Figures reported by NGO Indepaz up to 27 October 2024.

epigraph of this introduction suggests, that does not mean that we should stop the quest for making justice meaningful for the people who need it the most. The contribution I make to the transitional and transformative justice literatures with this thesis seeks to answer questions like: What does justice in times of transition mean for some of people living in a conflict-affected context? What transformations are needed to transition to peace from their own perspectives? To what extent do institutional perspectives intersect with those bottom-up 'everyday' visions? What my research sought to address was the apparent disconnection between the expressed needs of people living in conflict-affected contexts in terms of transitional justice and what state institutions created for that purpose can deliver.

Transitional and Transformative Justice

Transitional justice as a field of scholarship and practice has its origins in the democratic transitions in South America and Southern Europe in the 1970s and 1980s (Arthur, 2009). What was coined 'transitional justice' in the early 1990s was understood as the set of judicial and extrajudicial measures that societies transitioning from authoritarian regimes towards democratic systems had at its disposal to facilitate that transition towards democracy while providing accountability for widespread human rights abuses by those regimes (Teitel, 2003). Since the emergence of transitional justice, the field has expanded to include transitions from war to peace and, more recently, to provide redress for colonial wrongdoings.

Some of the tools that societies in those transitional contexts have used to account for wrongdoings and facilitate a transition to a more peaceful future include transitional criminal tribunals, the most famous of them being the International Criminal Tribunals for Rwanda and the Former Yugoslavia. Truth Commissions have also been used as transitional justice tools, perhaps the most famous one being the one established in post-apartheid South Africa. The 'toolbox' of transitional justice also includes symbolic and material reparations for victims and communities, memorialisation initiatives, vetting in security forces associated with widespread abuses, as well as amnesties.

The field of transitional justice is now consolidated. It counts an international network of experts that write about and advise on how to implement justice in times of transition in several contexts (Subotić, 2012), specialised organisations and think tanks like the International Centre on Transitional Justice, and academic journals like the International Journal of Transitional Justice. But with the consolidation of the field came a body of critical scholarship that pointed

to problematic practices of transitional justice. Key among those critiques was the legalistic bias of the field, which tends to reduce the complex needs of societies in transition to legal responses; as well as the absorption of transitional justice by the liberal peace paradigm, which led to a blueprint or 'cookie cutter' approach (de Greiff, 2020) where a predetermined set of institutional interventions was thought to be suitable for a variety of contexts with little to no attention to their particularities (Betts, 2005; Roht-Arriaza, 2006). Among key issues that have been sidelined by the mainstream transitional justice are structural drivers of armed conflicts, the gendered effects of conflicts and transitions, as well as social, economic, and cultural rights.

As an alternative to the 'paradigmatic' transitional justice (Sharp, 2015), some have proposed to shift to a transformative justice model. This proposal pushes the field to address the root causes of conflict, and not just its symptoms, by addressing structural violence, prioritising local ownership of the process, departing from legalistic and retributive notions of justice, and challenging intersecting unequal power relations at societal level (Lambourne, 2009; Gready and Robins, 2019b). There has been some critiques to the transformative justice proposal, including those who advocate for 'good enough' transitional justice, who claim that there is a risk of overstretching the scope of the field and creating expectations about deep transformations that transitional justice cannot fulfil (Waldorf, 2019). Those risks should be taken seriously. But the inclusion of the transformative justice language by the latest Guidance Note of the United Nations on transitional justice suggest that it is no longer a question *if* transitional justice should be transformative, but rather *how* exactly it can be more transformative. One of the five key features of the UN's understanding of transitional justice, as set up in the Guidance Note, is that it should be transformative, meaning that it should support 'a broader transformative project that seeks to address the structural causes of and contributors to conflict and violations, and to make a tangible difference in people's lives' (United Nations, 2010, p. 11).

I sympathize with the transformative justice proposal. It represents a serious scholarly effort to make the field more emancipatory and meaningful for the people affected by armed conflicts. I also draw from the contributions from radical feminist scholarship in transitional and their call for a transformative gender justice; and from the everyday peace literature, which provides a lens through which local and hyper-local dynamics of peace and conflict can be analysed. Further, I draw from Nancy Fraser's work (1995, 2007) that argues for *redistribution* as a remedy for socioeconomic injustices and *recognition* as remedy for cultural injustices, which helps to comprehend the demands for the fulfilment of social, economic, and cultural rights in

conflict-affected contexts. Based on those theoretical pillars, I propose an *everyday transformative gender justice* framework as a way to capture the complex needs of societies going through transitional justice processes. I then use this framework to analyse the empirical findings of my research in Colombia and the needs of communities in terms of direct and structural violence, gender-based violence, and social, economic, and cultural rights.

Photo-voices from Colombia: Lessons for a More Transformative Justice

The question, hence, is how exactly transitional justice can be more transformative to make it work for the people who need it the most. My research in Colombia aimed to contribute to the efforts of answering that main research question. Through a participatory photography method called photovoice, I sought to explore the perspectives of so-called ordinary people living in conflict-affected contexts about the transformative potential of transitional justice. I implemented two photovoice projects in Cauca department, in Southern Colombia, one of the regions that have suffered the most from the armed conflict. One of the projects took place in Popayán, the capital city of the department, while the other one took place in El Tambo, a largely rural municipality. Then, to contrast bottom-up and top-down visions, I interviewed representatives of the three transitional justice institutions created by the 2016 peace accord and analysed official documents published by those institutions. I conducted most of the interviews in Bogotá, where the headquarters of the institutions are located.

Implementing the photovoice projects was a rewarding, if challenging, experience. As I hope to convey over the chapters of this thesis, using photovoice involved much more than relying on photographs as data. Each image that participants made in Popayán and El Tambo carried deep and complex meanings. The photographs were valuable for their aesthetic components, but above all for the stories and the lived experiences that fed the thinking process that participants engaged with to produce the image. I am aware that I asked a lot from photovoice participants. I asked them to engage in difficult tasks like making[3] a photograph or

---

[3] Following Susan Sontag (2008), I argue that photographs are made rather than taken. This is to recognise that the process of producing a photograph goes well beyond the act of taking it. It involves thinking, paying attention, framing (including/excluding elements), and much more.

a photographic series about what violence means to them, or what justice in times of transition looks like for them, their families and their communities.

I was left in awe of the photographs that they brought back to the photovoice workshops to share with fellow participants. Images are indeed a different kind of data, one that brings emotions to the fore (Bleiker, 2015). Further, critical dialogues emerged from sharing and discussing the photographs and the meaning behind them. In the end, those photographs and the dialogues they sparked challenged the way the transitional justice field and the transformative justice proposal understand key issues like violence, justice, rights, gender harms, and, in general, what a transition to justice entails. Over the chapters of the thesis I will present some of those photographs and how the discussions around them shaped the findings of the research process.

When I asked participants to make a photograph about what violence means in their lives, one of the participants in El Tambo brought a photograph of three hands holding seeds and vegetables that his family farm in El Tambo produces (page 117). Aesthetically the image is striking. But even more so was the story that Jean Pierre, the young peasant who made the photograph, told the group. The photograph expressed what violence means for him and his family because they have felt the effects of the armed conflict directly. His father was assassinated, and the rest of his family was forcibly displaced as a consequence. But, discussing with his mother the photographic exercise he was engaging with, they concluded that they have also felt violence from the state, with laws that restrict the kinds of seeds that peasants can use in their farms. And that is what he wanted to convey with the photograph, where the hands of his mother, younger brother, and his own, are holding beans, tomatoes, and other produce of their family farm. Violence, for Jean Pierre, comes in the form of direct violence from armed actors, but also in the form of structural violence from the state. Both forms of violence affect their daily lives and the traditional practices of peasant communities in rural Colombia. The transformations that are needed for a transition to peace, hence, need a transitional justice that addresses a wide spectrum of violence, one that challenges the structural/direct violence dichotomy.

Through those sorts of insights, photovoice participants provided powerful messages on how exactly transitional justice can be more transformative. A photograph of an empty sports court (page 98) in a rural village led to discussions about security and armed actors and how they affect the everyday lives of communities; a self-portrait of a participant in a prayer position

(page 160) led to a reflection on how gender-based violence is present in the armed conflict but also in the daily lives of many women in Colombia; images of coffee beans and coffee plantations (pages 232-233) called on transitional justice to foster socioeconomic transformations for rural communities while challenging gendered and prejudiced perceptions about peasants.

In this thesis, I reflect on those photographs and the conversations they sparked, and what they tell us about the transformative potential of transitional justice in Colombia and beyond around three main themes: structural/direct violence, gender-based violence, and rights in transitional justice. I also compare the visions of photovoice participants with what I learned from representatives of transitional justice institutions and analysing official discourses. My choice of methods, then, sought to delve into 'everyday' perspectives on the transformative potential by using a creative, visual, and participatory method, which I could then contrast to institutional narratives. The overarching lesson that I take from this exercise is that the relatively simple effort of asking people living in conflict-affected contexts, and who therefore are the people directly affected by transitional justice initiatives, about their perceptions and needs in a transition to peace can provide powerful insights into how to make transitional justice more transformative and work for the populations that need it the most.

I make five key contributions to the transitional justice and broader peace and conflict fields with this thesis. First, I make an empirical contribution to the literature by identifying concrete ways in which transitional justice can be more transformative as regards violence, gender, and rights. Second, I shed light on tensions between institutional and everyday understandings on peace and justice and point to practical ways in which institutions can better respond to the needs of people living in conflict-affected contexts. Third, I demonstrate that people in conflict-affected contexts experience different forms of violence (direct and structural) as a *continuum* of violence, something that challenges assumptions of transitional and transformative justice. Fourth, I delve into the internal power relations and politics of transitional justice institutions as key enablers or blockers the transformative potential of transitional institutions. Fifth, I illustrate how participatory and arts-based methods like photovoice can be mobilised for a more emancipatory peace research in conflict-affected societies.

Structure of the Thesis

Chapters two and three, which follow this introduction, are largely theoretical and conceptual, where I set up key concepts and issues around transitional justice and its transformative potential. In chapter four, I present the data collection methods that I used for the research. Then, in chapters five to ten, I turn to the empirical analysis and findings of my research, which address three key issues around the transformative potential of transitional justice: violence, gender, and rights. For each of those themes I present two chapters, one that examines photovoice participant's perspectives, and one that turns to institutional discourses.

In the second chapter of the thesis, I provide an overview of how the field of transitional justice emerged and how it came to prioritise a certain kind of transition and a certain kind of justice, which came with problematic assumptions in the practice and scholarship of the field. As I will argue, what the mainstream transitional justice has understood as the scope of the field has largely excluded socioeconomic and gender issues, while privileging legalistic approaches to the complex issues at play in transitional contexts.

In the third chapter, I turn to the theoretical framework that guides this thesis. I propose an everyday transformative gender justice framework, which, as mentioned above, brings together elements of the transformative justice proposal, radical feminist scholarship in transitional justice that call for a transformative gender approach in the field, and contributions from the everyday peace literature. Bringing these together, this framework can capture the complex dynamics at play in transitional and conflict-affected contexts, where transformations regarding structural change, gender, and how so-called ordinary people in local contexts experience those dynamics, come to the fore. In this chapter I also propose Nancy Fraser's (1995, 2007) framework of *redistribution* as redress for socioeconomic injustices and *recognition* for cultural injustices as a lens that helps to make sense of how transitional justice can be more transformative regarding violations of social, economic, and cultural rights. Based on this everyday transformative gender justice framework, I present in the chapter a transformative justice spectrum against which empirical cases in transitional contexts can be analysed according to their transformative impact and potential.

In the fourth chapter, I present the methods that I used in my research. I present what photovoice as a method is and what it can offer to the study of transitional justice and a more transformative justice. I also explain the rationale behind using a combination of participatory photography, semi-structured interviews with representatives of transitional justice institutions,

and a document analysis of official documents from those same institutions. In this methods chapter, I connect the two first chapters of the thesis, broadly conceptual and theoretical, with the empirical chapters that follow, and explain how they come together to answer the research questions of this work.

In the fifth chapter, I turn to the empirical findings of my research. Based on the photographs participants made, and the reflections they engaged with around those images, I examine the role of direct violence (physical violence from armed actors) and structural violence (socioeconomic, political, and cultural exclusion) in transitional justice. As I will argue, participants put emphasis on the need to address structural violence in a transitional context like the Colombian one, as the transformative justice proposal claims. However, a key finding here is that participants understand that direct and structural violence are part of the same continuum of violence which affects their lives and gets in the way of their livelihood projects. This finding challenges both the paradigmatic transitional justice fixation with direct violence, and the dichotomy that the transformative justice proposal sees between direct and structural violence. For transitional justice to be more transformative, then, those violences need to be seen and addressed at the same time, as they are inherently intertwined.

Then, in the sixth chapter, I examine how post-2016 transitional justice institutions in Colombia frame their work as regards the direct/structural violence spectrum. I argue in the chapter that the three transitional justice institutions have different approaches to the issue. The CEV is the one with the most transformative language as regards violence, as it frames the scope of its work as addressing both direct and structural violence. On the other hand, the JEP offers a more limited approach to the spectrum of violence by focusing mainly on direct violence, while I left the UBPD outside the analysis of the chapter as it does not consider structural violence at all. Despite the shortcomings of the UBPD and the JEP as regards direct and structural violence, I point to opportunities for including a more transformative approach to violence in their work.

In the seventh chapter, I turn to gender issues and how photovoice participants support a transformative gender justice vision when it comes to addressing the full continuum of gender-based violence in times of transition. Again, by presenting some of the photographs, I show how participants prioritise a vision of transitional justice where structural gender inequality that permeates war and 'peaceful' times is challenged. Further, I learned from participants' images and discussions that one way of making transitional justice more transformative in

terms of gender is by delving into how gender harms of conflict are linked to distributive issues, care, and societal notions around masculinities and femininities.

In the eighth chapter, I stay with the topic of gender but turn to how transitional justice institutions understand their role in addressing the continuum of gender-based violence in the Colombian context. As was the case with violence, the institution that expressed more transformative views on gender was the CEV, although not without problematic gendered practices that reinforced patriarchal orders in the internal work of the Commission. The JEP, on its part, despite having a commitment in principle to a gender approach to all its work, has had a limited scope when it comes to a transformative gender approach to its main decisions so far. The UBPD, despite recent progress that has been driven by demands from women's and LGBTIQ+ organisations, demonstrates an even more limited scope to its work on gender issues through its work as a transitional justice institution.

I turn to the last theme of the thesis in chapter nine, where I examine photovoice participants' perceptions around the kinds of rights that transitional justice can address to be more transformative. I argue that photovoice participants, through their photographs, stories, and reflections, make the case for a transitional justice that focuses not only in civil and political rights, as the paradigmatic field has mostly done, but also on economic, social, and cultural rights as sites of redress. Further, using Fraser's framework, I argue that participants understood redistribution and recognition as measures that need to go hand in hand to be able to provide redress for violations of economic, social, and cultural rights.

In the tenth chapter, I examine the transitional justice framings in the work of the three institutions as regards rights. I show that the CEV broadly understood the scope of its work as a transformative justice effort, where addressing violations of civil and political rights, but also of economic, social, and cultural rights is paramount. The Commission made clear links between the different kinds of rights and the importance of providing redress for violations through redistribution and recognition measures. As regards the JEP, while some representatives of the transitional tribunal expressed transformative views around rights, the most important decisions that the institution has made to date only focus on civil and political rights, which limits the transformative potential of the institution. I found something similar in the institutional discourse of the UBPD, which mostly focuses on civil and political rights violations, treating socioeconomic and cultural rights as background context.

Finally, in the eleventh chapter I present some concluding remarks, where I take stock of the findings of the thesis and offer reflections on the research process that led to this text. By doing so I hope to convey how theory, methods, and findings of this work where not only an exploration of how transitional justice can be more transformative, but how research on these issues can be more emancipatory itself.

What my research suggests throughout those chapters is that some of the people who transitional justice claims to serve favour a transformative approach to justice in times of transition. They do value measures that address the wrongdoings and atrocities committed by armed actors during conflict. But they want those measures to be connected to wider efforts that are able to have a tangible impact on the structural causes that allow for violent conflict to arise in the first place. Representatives from transitional justice mechanisms I spoke to were broadly sympathetic to that transformative vision but were wary about the limitations of transitional institutions to produce such structural change in terms of violence, gender, and rights. An everyday transformative gender justice lens can help make sense of the demands of the people who need transitional justice to work for them, and how institutional actors can respond better to those demands.

This work is an effort to bridge those visions to make transitional justice work better for the people who need it the most in Colombia and elsewhere. By doing so, this thesis makes five key contributions. First, Paraphrasing Dauphinee (2013), this it is an effort to approach justice, knowing that it will never be achieved.

Chapter 2: Transitional Justice: Paradigmatic and Critical Perspectives

Introduction

Transitional justice is broadly understood by scholars and practitioners as the set of judicial and extrajudicial measures that societies use to address past widespread abuses and facilitate a transition towards more democratic and peaceful futures. As a field of practice and scholarship, transitional justice developed from the international human rights movement between the late 1980s and early 1990s, with the backdrop of democratic transitions in South America and Southern Europe. During those years, the dilemmas and challenges of proving accountability for the abuses of authoritarian rule while at the same time preserving the still fragile emerging democratic regimes, gave way to what we now know as transitional justice. Striking a balance between justice without compromising the transition was perhaps the foundational dilemma of transitional justice.

Some three decades after it emerged, transitional justice is now a well-established field, and its mechanisms —truth commissions, transitional criminal tribunals, memorialisation initiatives, among others— are now part of the toolbox of international peacebuilding interventions. They are not only used in democratic transitions but have expanded to include transitions from armed conflict to peace, as well as historic colonial and racial injustices, and external occupations. Testament to the consolidation of the field, are well-established national and international think tanks and NGOs dedicated to transitional justice, a United Nations special rapporteur on transitional justice, as well as specialised academic journals.

The boundaries of what transitional justice is, what we mean by *transition* and what we mean by *justice*, continue to be heavily shaped by the early days of the field. The 'paradigmatic' transitions which the field was occupied with in its beginnings led to an establishment of what some call a 'paradigmatic' (or mainstream) transitional justice (Ní Aoláin and Campbell, 2005; Sharp, 2015). I situate this thesis and my research in the transitional justice field, but I draw from critical perspectives that call for transitional justice to be more transformative. This involves questioning foundational assumptions of the field of transitional justice to account for the kinds of questions that my research in Colombia sought to ask. Hence, the purpose of this

chapter is to show that the mainstream transitional justice theory and practice is ill-suited to account for the kinds of local and community-level perspectives around the transformative potential of transitional justice that my thesis explores, as compared to institutional discourses around what transitional justice entails.

Before setting out the theoretical framework that supports this thesis, which I will present in the following chapter, in this chapter I focus on the context of the emergence of the transitional justice field and how critical perspectives emerged to question some of the key assumptions of the field. My purpose in this chapter is to provide a base level understanding for the rest of this thesis about what transitional justice is, as well as the main critiques that have been directed towards the scholarship and practice of transitional justice as a field.

I will first examine what *transition* and *justice* meant for the early champions of transitional justice, and the implications of those underpinnings for what the field came to understand as the scope of its work. Second, I will delve into the main critiques in the literature towards the traditional ways of understanding and doing transitional justice. I will focus on the critiques around the legalistic bias of transitional justice, the absorption of the field by the liberal peace paradigm, and how critical feminist authors have brought gender issues into the field and challenged some of the foundational limitations of the theory and practice of transitional justice. Throughout this and the following chapter, I will address what transitional justice understands as the scope of its work as regards violence, gender, and rights —three core themes of my research.

Setting a Transitional Justice Field

In this section, I examine the origins of transitional justice as a field and how its early years shaped the limits of what we understand today as justice in times of transition. My focus here is on early debates and how particular notions of *transition* and *justice* that were accepted more than thirty years ago became foundational stones for the field of transitional justice that are still highly influential today. My intention here is to show that the conceptual and practical limits that transitional justice set for itself responded to a particular social and political context that determined the boundaries that critical approaches to transitional justice have tried to challenge ever since.

Before moving into the origins of the field of transitional justice, it is worth mentioning why this work understands transitional justice as a field of practice and scholarship in the first place. It is a field in the sense that it denotes 'a sphere of knowledge, interest and activity, held together by distinctive claims for legitimacy' (Bell, 2009, p.6). At a basic level, the *fieldhood* of transitional justice is bound by the practice of addressing past wrongdoings and ensuring that they do not reoccur, and the scholarly aim of understanding those processes at a theoretical level (Davidovic, 2022). However, it is also worth noting that there are critical debates around the *fieldhood* of transitional justice. Some argue that it is more useful to see transitional justice as a cluster of international elite professionals coming from disciplines like law and politics rather than a field, as it lacks an autonomous and well-defined scope of practice and analysis (Lefranc, 2009; Griveaud and Lefranc, 2020). Others refer to it as a non-field or a battlefield to highlight the politics and tensions involved in the debates about the interdisciplinarity of the field (Bell, 2009). These are key issues that transitional justice has yet to address in-depth but that are beyond the scope of this work. With that caveat in mind, this thesis will refer to transitional justice as a field of practice and scholarship.

In one of the first efforts to systematically trace historical cases where transitional justice had been applied, Jon Elster claimed that 'transitional justice is almost as old as democracy itself' (2004, p.3). To talk about the first cases of transitional justice Elster goes as far back as 411 B.C. and 403 B.C. with the restoration of democracy in ancient Athens that followed two oligarchic regimes. Athenians applied retributive measures against the deposed oligarchs in both cases. However, they appear to have learned from the first experience of 411 B.C. and how its heavy-hand approach towards the oligarchs failed to address the root-causes of their grievances and failed to deter a subsequent overthrow of the democratic regime. The second restoration of democracy, in 403 B.C., was a negotiated transition, which included retribution for the oligarchs, but also some sort of amnesty for perpetrators and compensation measures for victims, mainly in the form of property restitution (2004, pp. 3–23). The use of forward-looking justice with reconciliatory components, the restitution of property for those affected by the oligarchic regime, as well as a categorisation of victims, wrongdoers, resisters, neutrals, and beneficiaries of wrongdoings as the key actors in the transition to democracy, are all signs of a clear, albeit rudimentary, form of transitional justice in ancient Athens, according to Elster (2004, p. 22).

Elster then goes on to address what he considers other historical cases of transitional justice. After Athens in 403 B.C., the next cases of transitional justice took almost two thousand

years to appear, with the restoration of monarchic rule in England in 1660, the American independence in 1783, and successive restorations of the monarchy in France in 1814 and 1815 (Elster, 2004). Elster's argument effectively demonstrates that some aspects of what we know today as transitional justice were in fact present in the historical cases he examines. However, it seems an overstretch, at best, and an anachronism, at worst, to call those episodes cases of transitional justice. In other words, looking back with the benefit of hindsight into historical cases to identify elements of what we now understand as transitional justice mechanisms, does not mean that the field has always existed, or that it is as old as (Greek) democracy itself. As I will present below, the field of transitional justice emerged in the 1980s, and the term *transitional justice* only began to be used in the early 1990s as a deliberate effort to do justice differently after authoritarian rule and, later on, after armed conflicts and colonial occupations.

By most accounts, transitional justice can trace its immediate precedents to the aftermath of World War II with the Nuremberg trials, a series of Allied-run tribunals where Nazi German military and civilian officials were judged and sentenced by the winning parties of the war (Teitel, 2003; Arbour, 2007). Those trials, as Ruti Teitel argues, introduced a key innovation: they expanded the applicability of international criminal law to individuals, and not just states, in the name of accountability for abuses during the war (2003, p. 73). The impact of the Nuremberg trials was paramount for human rights law, as it set a precedent for criminal responsibility of states and individuals for their wrongdoings committed during armed conflicts, with a universalizing spirit.

Despite the important precedent of the Nuremberg trials, their legacy for the transitional justice field was somewhat limited. That is because they responded to the specific circumstances of the post-WWII scenario and were, at least in part, used by the Allies to justify their intervention in the war. Ultimately, discussions about justice in the aftermath of World War II revolved around universalistic claims about the rule of law and the need to punish the defeated parties for the horrors they committed in the war but did not engage with the issues that societies collectively faced in transitional contexts regarding justice (Teitel, 2003).

That is why other scholars consider the 1970s transitions to democracy in Southern Europe —in particular Spain, Greece, and Portugal— and their use of prosecutions and amnesties as the first cases of transitional justice (Sikkink, 2011; Payne, Lessa and Pereira, 2015). Still, others argue that the field of transitional justice as we know it today was born between mid-to late 1980s with the backdrop of transitions from dictatorial regimes to democracies in South

America —Argentina, Bolivia, Brazil, Chile, and Uruguay— and the democratization wave in East and Central Europe —Poland, Hungary, East Germany, Czechoslovakia, Romania, and Bulgaria— that came along with the collapse of the Soviet Union (Teitel, 2003; Elster, 2004; Arthur, 2009). A key shift during those times was a move at the heart of the international human rights movement from naming and shaming authoritarian regimes towards a revision of state crimes (Zalaquett, 1995; Arthur, 2009). It was in that context that the field emerged, and it did not come exclusively from academia, but rather from international and comparative reflections about the practical, moral, and political dilemmas that new governments faced during transitions from authoritarian regimes to more democratic systems (Arthur, 2009; de Greiff, 2011).

Those discussions took place, at least in part, over a series of conferences that took place in the United States, Austria, and South Africa from 1988 to 1994, in which human rights NGO representatives and activists, government representatives, scholars and journalists shared and compared experiences of justice efforts from diverse group of countries undergoing transitions to democracy (Kritz, 1995; Arthur, 2009). Participants in those conventions examined tough questions, often with strong disagreements: whether there was an obligation under international law to punish human rights violators; if states had the obligation to pursue the truth of those wrongdoings; the degree of prudence that was necessary when delivering justice; and how to deal with the military forces that committed atrocities (Arthur, 2009). Key promotors of the emerging transitional justice field —something that will be expanded in the next subsection of this chapter— included former or future members of landmark truth commissions in Argentina, Chile, Peru, and South Africa; as well as experts and activist-practitioners from major NGOs like Human Rights Watch, Amnesty International, Open Society Foundations, the Ford Foundation, and the International Centre for Transitional Justice (Lefranc, 2009; Subotić, 2012)

This subsection has focused on the context where the transitional justice field emerged as such. During those times, the conceptual basis that went on to profoundly shape the field was established around key actors that promoted and championed the emerging field. It is those conceptual underpinnings and instigators of transitional justice that the following subsection will turn to.

What Transition? What Justice? The 'Paradigmatic' Transitional Justice

As Paige Arthur shows in her detailed account of how the transitional justice field emerged, what was understood as *transition* and as *justice* during those early discussions in the 1980s and 1990s was key to determine the boundaries that the field set for itself in conceptual and practical terms (Arthur, 2009). Arthur argues that there were four main reasons why the emerging transitional justice field embraced the notion of *transition to democracy* —rather than a notion that included, for instance, transitions to socialism— as the core of its agenda: i) democracy became perceived as a desirable outcome for people living under authoritarian regimes, ii) the delegitimization of modernisation theories[4], iii) the transformation of the concept of *transition*, from Marxist notions of socioeconomic change towards liberal notions of political and institutional change in the 1970s and 1980s, and iv) a global decline of the radical Left, which led to a shift in leftist sectors, from a language of class struggle and revolution, towards a language of human rights (2009).

That specific notion of *transition to democracy* as a framework for the discussions at the heart of the human rights movement that paved the way for the emergence of the field of transitional justice shaped the boundaries of the field early on. Importantly, equating *transition* with *transition to democracy* also influenced what *justice* could mean in times of political transition. A dual normative aim of delivering justice for victims of repressive regimes and guaranteeing stability and peace for the new (or renewed) democracies was apparent in the early discussions of transitional justice. Crucially, those discussions led to agreements that helped to legitimise a certain kind of justice that privileged legal and institutional measures — criminal trials, truth telling, reparations, and security reforms. Those mechanisms were mainly designed to address direct (physical) violence and violations of civil and political rights[5] over kinds of justice that would involve addressing structural violence (issues of socioeconomic

---

[4] This refers to the Western liberal ideas, mainstream in the 1960s about certain stages of socioeconomic modernisation that countries need to go through to be able to sustain democratic institutions (Arthur, 2009). Note how this is a very different idea from a transition, in which a society can go from an authoritarian regime towards a democratic one in a relative short span of time.

[5] Civil and political rights violations, as enshrined in the UN rights framework include killings, forced disappearances, torture, arbitrary detention, forced labour, enslavement, among others (United Nations General Assembly, 1966).

exclusion), violations of economic, social, and cultural rights[6], and gender issues in transitional contexts.

To be clear, socioeconomic issues were in fact discussed during the early days of transitional justice but were relegated as something outside the scope of transitional justice. Arthur cites John Herz, a political scientist and one of the influential figures in the early debates of the field, during the 1988 conference 'State Crimes: Punishment or Pardon' held at the Aspen Institute in the United States:

"Where, as in Brazil, Guatemala, El Salvador, and Haiti or the Philippines, land-owning is concentrated in large latifundia, with a dependent and impoverished peasantry, the overthrow of the Marcoses or the Duvaliers may mean little without a reform of the socio-economic system." [Herz] also concluded, however, that this problem represents *"another story" from the one being told at the conference* (Arthur, 2009, p. 359).

Arthur's account of those discussions around what justice in times of transition meant is telling. As the quote above suggests, influential people in those conferences did consider the complex socioeconomic and structural issues that societies transitioning from dictatorships to democratic regimes faced. They decided, however, that those issues were better left outside the scope of the emerging field. Those discussions led to a transitional justice field that focused exclusively on political-institutional change, to the detriment of structural issues related to socioeconomic and cultural transformations.

On the other hand, Ruti Teitel, one of the most prominent scholars in transitional justice, and who participated in some of the conferences and early debates of the field, uses a different approach from Arthur to trace the origins of transitional justice. Notwithstanding the different historical focus, Teitel also addresses what *transition* and *justice* came to mean as the field of transitional justice emerged and consolidated. In her seminal works about the genealogy of

---

[6] Social and economic rights include the rights of workers, rights to social security and social protection, protection and assistance to the family, rights to adequate standards of living (including access to food, housing, water, and clothing), and rights to health and education (OHCHR, 2008). Cultural rights are those that seek to protect the rights of individuals and communities 'to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life' (OHCHR, no date).

transitional justice, Teitel argues that the kind of justice pursued in transitional justice over time is constrained by the political context in which it is embedded. What Teitel identifies as the second wave of transitional justice in the 1980s —the first wave being the Nuremberg trials— was shaped by what *transition* meant at the time for the people involved in the early discussions about justice in times of transition. That notion of transition happened to be associated with liberalization and democratization during the 1980s and 1990s (Teitel, 2002, 2003).

Further, that notion of transition as political liberalisation, led to a conception of justice that is different from the traditional judicial functions associated with the preservation of the rule of law. As Teitel argues, what makes transitional justice different from ordinary retributive justice is that transitional periods of political flux call for a more flexible conception of justice. That special kind of justice is 'caught between the past and the future, between backward looking and forward-looking, between retrospective and prospective, between the individual and the collective', it is a justice that 'maintains order even as it enables transformation' (Teitel, 2002, p. 6).

Those notions of transition and justice that responded to the political context of the times when transitional justice was emerging favoured the preservation of peace over the rule of law. Leaders of the newly democratic countries were concerned not only with redressing past harms by authoritarian regimes, but also with avoiding falling back to authoritarian rule if they pushed too far for a justice that involved extensive jail time for perpetrators of mass atrocities. That is why transitional justice in the 1980s and 1990s took steps towards restorative justice and reconciliation notions that took the form of truth commissions in Argentina, Chile, El Salvador, and then in South Africa (Teitel, 2003; Sikkink, 2011).

Early years of the field produced conferences, books, discussions, and academic papers that defined transitional justice as a particular type of justice which emerging democracies and post-conflict societies use to deal with the legacies of wrongdoings in the past to ensure accountability, justice, and ultimately achieve reconciliation (Teitel, 2003, p.69; United Nations Security Council, 2004; Sandoval, 2017, p.168). By comparing cases of democratic transitions and how countries dealt with the wrongdoings of authoritarian regimes, a 'toolkit' of judicial and non-judicial mechanisms was conceptualised by some of the most influential early champions of transitional justice.

People like José Zalaquett —a human rights lawyer who went on to serve as commissioner in the Chilean Truth Commission and later advised the South African Truth and Reconciliation

Commission (TRC)— and Jaime Malamud-Goti —one of the architects of the Argentinian transitional justice framework— were some of the key actors in the effort to conceptualise a common language for transitional justice (Arthur, 2009). In doing so, they helped not only to showcase the Latin American cases and set them as an example for the rest of the world. They also helped to disseminate the idea that countries could protect their emerging democracies while providing some degree of justice for the victims of the old authoritarian regimes by using tools like limited prosecutions for perpetrators, broad amnesties, truth and reconciliation commissions, institutional reforms, reparations for victims, and reconciliation initiatives (Kritz, 1995; Malamud-Goti, 1995; Zalaquett, 1995).

The point of digging into the early days of the transitional justice field is to highlight that the transitional justice field as we know it today is heavily influenced by early discussions that defined the boundaries of transitional justice. The influential works of Arthur and Teitel show that transitional justice as a field did not emerge in a vacuum. The emergence of the field was embedded in a context that privileged a certain kind of justice that responded to political priorities of the time. Those priorities happened to side-line structural causes of conflict, gender issues, as well as socioeconomic and cultural rights. The mainstream transitional justice has broadly abided to those boundaries ever since, and it has been slow to revise and adapt its normative basis about what justice in times of transition entails.

The Justice Cascade: The Success of Transitional Justice

In Kathryn Sikkink's influential work about the international expansion of human rights prosecutions —what she calls 'the justice cascade'— she further explains how the Argentinian case became so influential for the world of transitional justice. Besides people like Zalaquett and Malamud-Goti, she shows how some of the people who were central in building a transitional framework in Argentina went on to build an international network that disseminated their experience and conceptions of transitional justice to a global arena. Key players in that effort include Luis Moreno-Ocampo, who judged the military junta in Argentina[7] and ended up being the chief prosecutor of the International Criminal Court (ICC). It also included Juan Méndez, political prisoner during the dictatorial years who later occupied top positions at Human Rights Watch, the International Centre for Transitional Justice, the United

---

[7] The role of Moreno-Ocampo in those trials is pictured in the historical drama *Argentina, 1985*, nominated for best international film at the Academy Awards in 2023.

Nations, and the Inter-American System of Human Rights; and Patricia Tappatá Valdez, another Argentinian who headed a human rights organisation in Perú, later worked with Moreno-Ocampo, served as the executive secretary of the UN-mandated truth commission in El Salvador, and later advised the creation of the South African TRC (Sikkink, 2011).

Cases in the 1990s like the end of the apartheid regime in South Africa, the Balkan wars, and the genocide in Rwanda further proved the consolidation of the transitional justice field. The creation of the United Nations international tribunals for the wars in former Yugoslavia in 1993 and for the genocide in Rwanda in 1994, drew more inspiration from the Nuremberg and Tokyo trials than from the Latin American cases (Neier, 1993; Álvarez, 1999; Sikkink, 2011). However, they still provided momentum for the emerging field, and international criminal tribunals became part of the scope of the transitional justice field, along with truth commissions and the complete 'toolkit' mentioned above (Nagy, 2008). Criticized for applying a justice that was far detached from the communities that had suffered from the genocide, the Rwandan state later complemented its transitional justice response by adapting traditional *Gacaca* courts, a case that has been extensively documented, analysed, and critiqued in the transitional justice literature (Betts, 2005; Clark, 2010; P. Clark, 2014).

After the initial drive of the late 1980s and 1990s, transitional justice continued to thrive, and around the turn of the millennium it was safe to say that it was a distinct field of practice and study (Bell, 2009; Davidovic, 2022). The toolbox of truth commissions, criminal tribunals, memorialisation initiatives, amnesties, institutional reform, lustrations, and related measures —or some combination of them— have been applied around the world. Transitional justice has been present in scenarios as varied as Cambodia's efforts to address the crimes of the Khmer Rouge regime (Ainley, 2013); the post-conflict and transition to democracy in El Salvador, Guatemala, and Honduras (Roht-Arriaza and Popkin, 1995; Bowen, 2019); the limited accountability measures implemented in Sri Lanka (Sriram, 2013); post-independence Timor-Leste (Almeida, 2021); the establishment of transitional justice mechanisms in post-conflict Peru and Sierra Leone (Friedman, 2017); among many other cases.

Proof of the consolidation of the field more than three decades after its emergence is its institutionalisation, not only with the proliferation of truth commissions, transitional criminal tribunals, and other mechanisms, but also the growth of specialized NGOs and think-tanks like the New York-based International Centre for Transitional Justice (ICTJ) and the San Francisco-based Centre for Justice & Accountability (CJA). On the academic side, there are now well-

established journals dedicated to transitional justice, including the Oxford-based International Journal of Transitional Justice; research centres like the Transitional Justice Institute at Ulster University, offering master and PhD level studies on transitional justice; as well as numerous 'handbooks', edited volumes, special issues, and periodic academic conferences on the subject.

In turn, the above organisations and others like Human Rights Watch, Amnesty International, and Open Society Foundations have been key players in the professionalisation, institutionalisation and normalisation of transitional justice as a field (Subotić, 2012). Since 2012, there is also a United Nations Special Rapporteur on transitional justice, a post that has been held by two Latin American men, Pablo de Greiff, Colombian, and Fabián Salvioli, Argentinian, and since May 2024 by the Canadian Bernard Duhaime.

As a result of the consolidation of transitional justice, the processes and mechanisms associated with it are now widely considered as a necessary response from states and international actors to gross human rights abuses committed by authoritarian regimes or during armed conflicts. In contexts of transitions to democracy and peace there is no longer the question *if* transitional justice should be used, but rather *how* it should be applied (Subotić, 2012; de Greiff, 2020). Perhaps the greatest achievement of transitional justice as a field is that when dealing with widespread human rights violations states can no longer ignore them or opt for blanket amnesties, at least in principle. This achievement has to do in part with the creation of the ICC and the obligation under its Rome Statute for states to prosecute war crimes, crimes against humanity, and genocide (United Nations General Assembly, 1998). However, it can also be argued that transitional justice advocates and the evolution of the field as described above created an environment where turning a blind eye to those violations was no longer possible, even before the adoption of the 1998 Rome Statute. This is no small achievement.

Also, and closely related to the obligation to prosecute widespread human rights abuses, which is mostly concerned with perpetrators, transitional justice has helped to establish basic rights for individual and collective victims of those violations, which have been coined the four pillars of transitional justice: truth seeking, criminal justice, reparations, and guarantees of non-repetition (de Greiff, 2020; United Nations, 2023b). Still, academics and practitioners have added other pillars for the study and practice of transitional justice, including reconciliation and memorialisation (Lambourne, 2014; Davidovic, 2022). In around three decades of existence, the field of transitional justice has fostered those rights and pillars, which are expected to be followed when states and societies are transitioning to democracy or peace. This

chapter will later address the criticism to the 'blueprint', 'one-size-fits-all', or 'cookie-cutter' approach that those guidelines have produced. Nonetheless, it is worth noting that transitional justice has managed to consolidate as a field and to ground those rights and pillars at the heart of the international peace architecture in a relative short span of time.

Further, comparative studies of a large number of cases have shown that a combination of criminal trials and amnesties, or a combination of truth commissions, trials, and amnesties, do have a positive effect on democracy and human rights in societies that use those transitional justice mechanisms —even if the implementation of a single mechanism does not lead to the same positive result (Olsen, Payne and Reiter, 2010). What is more, even when official transitional justice mechanisms are unsuccessful by their own stated goals related to truth, justice, and reconciliation, they can serve as a catalyst for civil society, activists, and local actors to contest official narratives of justice and engage in more meaningful and long-lasting processes for social change (Abe, 2022).

The success of transitional justice mechanisms in their stated aim of fostering transitions to peace or democracy has been much more contested, however. What was meant by *transition* and by *justice* during the early days of the field proved influential for defining the limits of what transitional justice means, what it can and should include in the scope of its work. In the following section, I address how critical perspectives have questioned the success story of the transitional justice field and how those perspectives have pushed to expand the boundaries and imagine different ways of thinking and doing transitional justice.

Critical Perspectives on Transitional Justice

While it is questionable that transitional justice is as old as democracy itself, as Elster claimed (2004, p. 3), it can be said that critical perspectives on transitional justice are almost as old as the field itself. As transitional justice consolidated towards the end of the 1990s and early 2000s, critical perspectives were quick to point out some problematic assumptions in its theory and practice. The main critique, from which further critical perspectives arguably derive, is that transitional justice got stuck on narrow legalistic perspectives that shaped the field since its beginnings (Weinstein and Stover, 2004). A second and intertwined line of critical scholarship argues that transitional justice became a tool of the liberal peace paradigm, which brought a series of problems associated with the state-centric, top-down, and blueprint approach of mainstream transitional justice. In that context of critical challenges to the

paradigmatic transitional justice, feminist authors drew attention to gender issues in what had been until then a 'gender-blind' field. In this section of the chapter, I will examine the horizons that critical perspectives have opened for the field by challenging its legalism, its co-optation by the liberal peace paradigm, and by putting gender issues at the core of its theory and practice.

Expanding the Boundaries of Transitional Justice

By asking questions about the foundational limitations of transitional justice, critical scholarship in transitional justice has contributed to broadening the scope of the actors and issues that the field should address. Around the turn of the millennium, the literature and practice on transitional justice grew exponentially, especially after the establishment of the international tribunals for Rwanda and the former Yugoslavia, and the creation of the ICC. Along with that growth, the legalistic bias of the field began to receive challenges and contributions from critical law scholars and from other disciplines, notably from politics (a discipline that has been present from the emergence of the field, nonetheless), sociology, and to a lesser extent philosophy, psychology, anthropology, history, and education (Fletcher and Weinstein, 2015).

In the context of disciplinary diversification of the field, critical authors argued that the 'paradigmatic' transitional justice that was born with the backdrop of democratic transitions in Latin America and elsewhere and its legalistic approach have overlooked key issues that societies in transition face. By focusing exclusively on violations of civil and political rights, these critical perspectives argue, transitional justice has neglected not only economic, social, and cultural rights enshrined in the UN rights framework, but also structural violence, social injustice, gender-based violence and gender inequality, as matters to be addressed by the field (Mani, 2002; Nagy, 2008; Sharp, 2013; Ní Aoláin, 2019).

Also, without denying the important role that law and lawyers play in transitional settings, some early critical academics argued that legalistic approaches in transitional justice —an almost exclusive focus on the legal implications for societies transitioning to democracy or peace— tend to overlook the complex realm of harms and needs of victims and survivors, as well as disciplines which have the potential to enrich the scope of transitional justice (Mani, 2002; Weinstein and Stover, 2004; McEvoy, 2008). Mainstream transitional justice, the argument goes on, has overvalued the role of law to address past harms while overlooking

gender, cultural, educational, and distributional issues in transitional contexts (Roht-Arriaza, 2006).

On the more theoretical and conceptual side, critical authors link the legalistic approach of traditional transitional justice to the under-theorization of the field and its disconnection from core academic disciplines (Palmer and Clark, 2012). As they argue, a clear sign of the lack of theorization in transitional justice is a tendency to gravitate around binary debates —peace vs justice, retributive vs restorative justice, local vs international— that still dominate a good part of the debates in the field, as well as a lack of clarity about what key concepts like justice, peace, or reconciliation even mean (Betts, 2005; Palmer and Clark, 2012). Further, and closely related to the under-theorization of the field, there is a tendency to 'reinvent the wheel' among transitional justice scholars. By thinking that the field of transitional justice is somewhat special, it has overlooked contributions from other disciplines (philosophy, international relations, criminology, area studies, and anthropology, for instance) that have dealt with the same kind of conceptual issues regarding competing notions of justice, the effectiveness of punishment for perpetrators, and the local impact of international interventions (Palmer and Clark, 2012).

Also, by relying on legalistic approaches, transitional justice has largely taken particular notions of rights and justice and applied them to a wide array of settings without taking into account local contexts and their particular needs (Betts, 2005). Underpinned by Western liberal ideas of justice, individualism, the rule of law, and the democratic institutions that accompany those ideals, the narrow legalistic approach of the paradigmatic transitional justice has neglected other ways of interpreting justice (Lundy and McGovern, 2008b; Nagy, 2008). By doing so, the field has privileged universalistic notions of justice mandated by elite international actors, in detriment of indigenous and local perspectives on justice. This has led to a disconnect between the goals of institutional transitional justice and the needs of the populations that are most affected by the processes led by those institutions (Vieille, 2012; An-Na'im, 2013). Underlying those critiques is a revision of what transitional justice has taken unproblematically as legal and technical, and hence 'neutral', responses to deeply contested political issues that societies coming out of conflict or authoritarian regimes face (Sharp, 2012).

Hence, part of the critical literature on the paradigmatic transitional justice framework proposes to focus not only on the injustice that is created by armed conflict and authoritarian regimes, but also on the structural injustices that underpin armed conflicts (Mani, 2002;

Mullen, 2015; Forde, Kappler and Björkdahl, 2021). Including economic or distributive justice as a core focus of transitional justice processes is, they argue, a key step towards addressing some of the most problematic aspects of the field.

Rama Mani makes a connection between transitional justice and the peacebuilding literature, Johan Galtung and John Paul Lederach in particular, to argue that as important as bringing justice for crimes against humanity, war crimes and human rights violations is, the link between justice and peace must be understood in a more comprehensive manner. She further argues that for transitional justice to realise its full potential it must address injustice 'not only [as] a consequence of conflict but also often [as] a symptom and cause of conflict' (Mani, 2002, p. 5). To do so, then, transitional justice needs to tackle injustices that are related to symptoms, causes, and consequences of conflict through three interdependent forms of justice: legal justice, rectificatory justice (this is what some call restorative justice), and distributive justice (Mani, 2002).

Rights in Transitional Justice

Lisa Laplante (2008) draws from the peacebuilding field to propose a more comprehensive scope for transitional justice that is able to include socioeconomic issues at the heart of the field. By embracing the security-development nexus in peacebuilding, Laplante argues that if transitional justice, and truth commissions in particular, fail to include violations of economic, social, and cultural rights in their mandate and produce recommendations on how to address them to promote sustainable development, they will also fail to contribute to building sustainable peace in post-conflict societies.

Following a similar but perhaps more radical line of critique, Zinaida Miller (2008) claims that the limitations of transitional justice to address structural issues come directly from the limitations of its parent field: international human rights. As her argument goes, the hierarchy that the international human rights movement places for different kinds of rights, which privileges political and civil rights over social, economic, and cultural rights, was passed on to transitional justice as it consolidated as a field. That led to a relegation of issues like economic and power inequality, structural violence, development, and redistribution to a 'background context' against the *real* transitional justice issues: narrowly defined goals of justice, truth, and reconciliation. Importantly, Miller talks about transitional justice as a discursive project, not just a field of practice and academia. The issues that transitional justice chooses to focus on,

she argues, narrates a story of what violent conflict is about and how it should be addressed. Hence, the 'tools' of the field (criminal tribunals, truth commissions, and others) and what they include in the scope of their work are far from 'neutral instruments for the achievement of the goals of justice, truth and reconciliation' (Miller, 2008, pp. 266–267). In fact, those instruments and the way they have been used as part of the 'toolkit' of transitional justice have made invisible structural economic, social, and cultural power asymmetries as both causes and consequences of armed conflict.

Louise Arbour, who served as the Chief Prosecutor of the International Criminal Tribunals for Rwanda and the former Yugoslavia and then as UN Human Rights Commissioner, made the case for transitional justice to expand its scope to include ESC rights when addressing gross human rights violations in armed conflicts. Arbour (2007) argued that this was necessary given that socioeconomic and cultural rights are not only deeply linked to civil and political rights violations (and all human rights are indivisible according to the UN rights framework), but they are also usually a cause and/or consequence of armed conflicts.

Despite Arbour's influential position at the UN, her views on socioeconomic and cultural rights have not translated to their incorporation in the mainstream practice and scholarship of transitional justice. Hence, critical scholars continue to call for greater attention to ESC rights in the field. Zinaida Miller, for instance, argues that the field has constructed an 'invisibility' of economic and distributive issues by i) ignoring the issues, ii) treating them as background context instead of central issues to be addressed, and iii) reducing economic justice to individual compensations or reparations to victims of wrongdoings (Miller, 2008).

Haldemann and Kouassi (2014), on the other hand, argue that ESCR have been in fact incorporated to some extent into the practice of transitional justice, particularly in truth commissions, but the question on how to make those rights effective through transitional justice remains unanswered. Both Miller (2008) and Laplante (2008) argue that truth commissions can be well suited as transitional justice mechanisms to point to the socioeconomic causes and consequences of armed conflicts, as well as to provide recommendations on the need to address social and economic rights issues in post-conflict settings.

Also, critiquing the legalism of transitional justice and building from Miller's work, Sharp (2012) claims that to seriously include socioeconomic issues in transitional justice, beyond treating them as background context, we need to rethink what we mean by transition in transitional justice. This involves understanding transition in terms positive peace (social

justice, broadly defined), instead of negative peace (the absence of physical violence) (Galtung, 1969). This means, in part, placing structural violence at the same level of priority for transitional justice as political and civil rights violations (Sharp, 2012). Subsequent literature in the field has noted that social and economic rights remain largely ignored in the practice of transitional justice despite the centrality that victims place on socioeconomic issues (Robins, 2017). It has also pointed to the limits of a transitional justice embedded in a liberal peace model to produce socioeconomic justice, despite it being a key demand from victims and broader populations in transitional contexts (Lai, 2016; Forde, Kappler and Björkdahl, 2021).

Cultural rights received even less attention than social and economic rights in the early days of the transitional justice literature, something that reflected the neglect of cultural rights as a category among human rights more broadly (Symonides, 1998). Cases like the Rwandan genocide and the Balkan wars in the 1990s, where ethnic, national, and religious identities played a major role in the narratives that mobilised violence brought cultural issues to the fore, although not without controversy. The ways those and other conflicts have been framed by transitional justice interventions can be problematic, as they have been portrayed as inevitable given the supposedly intractable differences in culture, religion, or ethnicity. In other words, culture has in fact received attention by the transitional justice field, but in ways that often sees cultural, ethnic, religious, and national identities as unavoidable sources of conflict, failing to account for how those identities were mobilised for conflict. Transitional justice interventions have come in the form of interventions that, like in the case of Bosnia-Herzegovina, organise post-war along ethnicity lines (Lai and Bonora, 2019); or like the Rwandan and South African cases, make the official effort to promote a national identity that negates the importance of ethnic differences. Paradoxically, both the fixation on ethnic divides and the efforts to put them behind, have not come with attention to cultural rights and how they are connected to social and economic rights, which has been pointed out as a key source of discontent with the legacy of transitional justice interventions in the contexts mentioned above (Mamdani, 2002; Lai, 2016).

To sum up, from a somewhat uncontested focus on accountability for civil and political rights violations and democratisation, the transitional justice field has followed a conceptual development that has broadened its scope of issues to be addressed in transitional contexts. This trajectory has been coupled with a disciplinary diversification in the field. As Christine Bell argues (2008), transitional justice started to include contributions from disciplines other than law as it went beyond human rights accountability and the 'paradigmatic' transitions that

shaped the beginnings of the field. That disciplinary development can be understood as a mixed process of 'colonisation' and 'decolonisation' between law and other disciplines for prominence in transitional justice (Bell, 2008, p.22).

That process is very much alive today. It involves struggles about how we know what we know about transitional justice, and practical questions about the limits and scope of the field. The picture of the transitional justice disciplinary landscape is more nuanced than a simplistic view of law as a conservative force in the field against more emancipatory disciplines. Some legal scholars cited here, Ní Aoláin, Sharp, Bell, and Miller for instance, have been at the forefront of the critical perspectives on transitional justice that try to challenge legalistic approaches that have dominated the field since its beginnings. The push for transitional justice to include a more comprehensive set of rights, as defined by the United Nations framework of human rights, for instance, has come in part from legal perspectives that rely on the principle of indivisibility of rights to make transitional justice more transformative.

In the following subsection, I will address another of the key problematic issues that is closely linked to the legalistic bias of the field: how it has become part of the liberal peace paradigm. As I will argue, the association of transitional justice with the liberal peace, together with the legalism of the field, has caused transitional justice processes to neglect some of the key issues that societies in transition face, as well as some of the populations that transitional justice as a field claims to serve.

Transitional Justice and the Liberal Peace Paradigm

The critical challenge to the paradigmatic transitional justice and its narrow legalist approach is in many ways intertwined with another key line of critique: the problems that arose as transitional justice became part of the liberal peace paradigm. Again, a big part of this critique comes from connecting transitional justice with the peacebuilding field, that has defined liberal peace as the practice of leading international actors that intervene in conflict or post-conflict societies with a blueprint approach, favouring market institutional reforms and liberalisation, with an elite-led, top-down approach, which at the same time excludes and idealises local populations in the process (Mac Ginty and Williams, 2009; Richmond, 2010; Pugh, 2013).

In her work, Chandra Lekha Sriram argues that once separate fields, peacebuilding and transitional justice are now closely linked. That connection is not necessarily a negative development, and arguably brought advances to the field, as it put political issues in the transitional justice equation in a field largely dominated by legalistic approaches. However, much as the international human rights movement passed on to transitional justice some of its own limitations, the liberal peacebuilding influence on transitional justice brought its own problematic assumptions to the transitional justice field. Crucially, the liberal peace paradigm brought with it an almost faith-based belief that liberalisation, in terms of electoral democratisation and market economies, would bring peace to post-conflict or post-dictatorship societies. Furthermore, on the *justice* side of things, that meant an embrace of a similar faith-based belief that applying legal accountability would almost automatically bring about peace and redress for victims (Sriram, 2007; Palmer and Clark, 2012).

Also, as transitional justice became part of the package of the liberal peace enterprise, a certain notion of *truth* that is officially sanctioned from the top, often through the work of truth commissions, was included in the language of the field without questioning the problematic implications of the process of producing an official truth about complex and messy dynamics of armed conflicts and authoritarian regimes (Andrieu, 2010). Anthropological perspectives have been particularly sharp to advance a critical view on the construction of the truth in transitional justice. Nayanika Mookherjee, for instance, looks at post-conflict Bangladesh to argue that the pretended neutral truth that is sanctioned through institutional transitional justice mechanisms and memorialisation initiatives is deeply political (2006). In the process of constructing an official truth, alternative and competing narratives about what the conflict was about, the harms that are accounted for, who were the victims and who were the perpetrators get silenced (Mookherjee, 2006).

In the words of Jill Stauffer, an academic with a philosophy background looking at the South African case, in the process of truth-seeking 'some truths get heard more loudly than others, due to power, institutional procedures, [and the] receptiveness of audience' (Stauffer, 2013, p.36). Further, anthropologist Nigel Eltrinham (2009), argues that the establishment of those truths is not the exclusive domain of truth commissions, but that criminal tribunals, like the International Criminal Tribunal for Rwanda, can have a powerful truth-telling effects, even if that was not their stated purpose.

Moreover, the association of transitional justice with the liberal peace paradigm also helped to understand *transition* as a limited moment in time that calls for an intervention, usually externally imposed, that calls for the use of a predetermined set of tools, like criminal tribunals, truth commissions, institutional reform, vetting, and security-sector reforms (Turner, 2008). What is more, that toolbox of the paradigmatic transitional justice has been thought to be applicable to a wide range of contexts, with little or no attention to cultural, political, and socio-economic particularities and the needs of the populations where those transitional justice interventions are implemented (Álvarez, 1999; Nagy, 2008; Andrieu, 2010). Reflecting on the developments and challenges of the field since its emergence, Pablo de Greiff, former UN rapporteur on transitional justice, called this a 'cookie-cutter' approach (de Greiff, 2020, p. 255).

Critical voices have also pointed to the state-centric approaches that have dominated the paradigmatic transitional justice, something that has permeated the field from its beginnings but was further exacerbated by its association with the liberal peace project. Kieran McEvoy, for instance, argues that the institutionalisation of transitional justice in the form of state-like or supra-state institutions like international, national, and hybrid tribunals installed in the 1990s and 2000s are not only costly structures, but also fail to address the needs of local populations they claim to serve (McEvoy, 2008). The problem of those state-centric approaches, as the critique goes, is that in the name of higher goals like attaining the truth, re-establishing the rule of law, or achieving reconciliation, they tend to over-simplify and fail to consider community-level and civil society perspectives.

The domination of state-centric and top-down approaches in transitional justice, in turn, has led to resistance from victims, and wider communities who have suffered the effects of violent conflict, who are often treated as constituencies to be managed, rather than communities that transitional justice institutions are accountable to (McEvoy, 2008; McGregor, 2008). Crucially, underlying those resistance dynamics that involve interactions between local, national, and international actors, there is a struggle for the legitimacy of what counts as transitional justice, the politics of transitional justice, and which voices are heard and silenced along that process (Jones, 2016).

As a response to the limitations of state-centric and top-down approaches of the institutionalised transitional justice field, critical authors propose to pay attention to local and community-led initiatives of transitional justice that have the potential to reach the nuances and

context-specific needs that national and international efforts often fail to grasp (Roht-Arriaza, 2006; McGregor, 2008). They also call for the participation of communities in institutional transitional justice processes as a way of making their needs and conceptions about justice count (Nickson and Braithwaite, 2014).

However, critical authors also warn about the danger of institutional transitional justice using the language of participation and 'the local' without really changing the problematic top-down ways of the paradigmatic transitional justice (Shaw and Waldorf, 2010), as it has been done by the wider liberal peacebuilding field (Mac Ginty and Richmond, 2013). Hence, critical transitional justice scholars call for an effective participation from communities, victims, and survivors at every stage of transitional justice processes —not just at the implementation stage— in order to avoid tokenism or instrumentalization of local communities by the institutional transitional justice (Lundy and McGovern, 2008b).

As a way of surpassing some of the common critiques towards the usual ways of thinking and implementing transitional justice, including its legalism and liberal peace-associated problems, some scholars have called for comprehensive, holistic, or thicker versions of transitional justice. Nickson and Braithwaite (2014), for instance, argue for a conception of transitional justice that is broader (by embracing alternative conceptions of justice outside Western legalism), deeper (with greater victim/survivor and citizen participation at all levels), and longer (with a long-term perspective and mandate). Roht-Arriaza also advocates for a long-term perspective for the field, in which certain aspects of transitions, like reconciliation, must be thought about in terms of decades and even generations, instead of a short-term transition fixed in time (2006).

Alex Boraine, founding president of the ICTJ and deputy chair of the South African TRC, made a similar early call for a holistic understanding of transitional justice. Boraine acknowledged the limits of criminal justice in transitional justice, the need to account for different truths and the processes to attain those truths in transitional contexts, the need to surpass the simplistic peace versus justice dichotomy, as well as the need to pay attention to context-specific conditions where transitional justice operates (Boraine, 2006).

It is telling that representatives of the paradigmatic or institutional transitional justice have acknowledged some of the problematic aspects that critical voices have signalled. In a recent revision of the state of the field, Pablo de Greiff identified three connected challenges for transitional justice and how to advance the contemporary debates around it: i) paying greater

attention to contexts in which it operates, ii) critically examining its formulaic and blueprint approach of its interventions in transitional settings, and iii) overcoming the field's technocratic tendencies (de Greiff, 2020).

In this subsection, I have pointed to some of the critiques that have been directed at the paradigmatic transitional and its links to the liberal peace project. Since its beginnings, some of the core assumptions of the transitional field, its legalism and liberal peace association have been challenged, and those challenges have gone a long way and changed how the field looks in theory and practice. However, those are not the only critical perspectives that have advanced the field to make it more inclusive of the complexity of societies in transitional contexts. In the following subsection, I address key contributions from feminist approaches that have challenged foundational assumptions of transitional justice.

A Gender-Blind Field no More

Some scholars have claimed that gender has emerged as a subfield of transitional justice on its own right (Lemaitre and Sandvik, 2014; O'Rourke, 2015a). However, well into the late 2000s, the transitional justice field had been largely exclusionary of women's and gender issues, save for an almost exclusive attention to the legal treatment of wartime rape (Ní Aoláin, 2012). Feminist scholars have challenged that gender blindness by focusing on three core issue-areas: participation of women in transitional justice settings, recognition of gender-specific harms during wartime, and transformation of structural gender inequality in conflict-affected and transitional contexts (O'Rourke, 2015a; Dunn, 2017).

The first way in which feminist perspectives have challenged the lack of attention that the field has given to gender is pointing to the lack of representation of women in transitional justice institutions. Bell and O'Rourke provide a broad account of how official negotiations and processes that mandate the creation of transitional justice mechanisms have been overwhelmingly dominated by men. This is despite the fact that women have been ever present in civil society and informal transitional justice initiatives (Bell and O'Rourke, 2007). The dominance of men at the core of official settings of peace negotiations and transitional justice institutions, albeit with some progress in recent years, is still a pervasive issue today (Turner, 2018; Kostovicova and Paskhalis, 2021).

As a response, some feminist scholars have advocated for the participation of women in official transitional justice processes and providing spaces to hear their voices in contexts where they have traditionally been silenced (Gray and Coonan, 2013). The call for an effective participation of women in transitional justice and peace processes is often made in the framework of the landmark UN Security Council (UNSC) 1325 resolution on Women, Peace, and Security —one of the pillars of that resolution being the participation of women in peacebuilding efforts (Demetriou and Hadjipavlou, 2018).

Others take a much more critical approach to both the UNSC 1325 resolution as a whole and its emphasis on the participation of women. They warn against the instrumentalization of women's agency by the liberal peace paradigm, which can result in the reproduction of gendered and racial power asymmetries, while prioritising a top-down approach to gender issues in the practice of transitional justice (Reilly, 2007; Pratt, 2013; Hellsten, 2016).

The participation language adopted by institutional transitional justice has also been critiqued by scholars who point the links of the participation discourse to the liberal peace paradigm and how mainstreaming gender in institutional transitional justice can reinforce essentialist gender views of women as inherently peaceful (Dunn, 2017). Critical views also problematise the assumption that getting more women to participate in transitional justice institutions, what some call the 'add women and stir approach', would automatically mean that gender and women's issues are genuinely incorporated (Ní Aoláin, Haynes and Cahn, 2011; Dunn, 2017, p.84).

Second, while feminist perspectives on transitional justice are by no means homogeneous, much like feminist thinking on armed conflict and peace more broadly is not homogeneous (Sjoberg, 2013), they do share a common goal: a call for recognition of gender-specific harms during violent conflicts and transitional contexts (O'Rourke, 2015a). From the 1990s, those efforts centred around advocacy for the prosecution of sexual violence against women in the work of truth commissions (Rosser, 2007) and the international criminal justice framework (Bell and O'Rourke, 2007; Henry, 2014). Importantly, the international tribunals for Rwanda and the Former Yugoslavia recognised rape and other forms of gender and sexual violence as war crimes, crimes against humanity, and as genocide, ending a long tradition of treating gender-based violence as a 'by-product' or 'collateral damage' of war (Nagy, 2008, p. 286; Adams, 2018). This created an important precedent for the ICC to recognise 'rape, sexual

slavery, enforced prostitution, forced pregnancy, enforced sterilization' and other forms of sexual violence as a crime against humanity (United Nations General Assembly, 1998).

Those were arguably the first instances in which gender became visible for transitional justice, a field that has been largely gender-blind up until recent times (Franke, 2006; Turano, 2011; Salvioli, 2020). However, as significant as that achievement was, and still is, it has its own problems. Closely linked to the legalist critique of transitional justice addressed in the previous subsection, critical feminist authors argue that criminal prosecutions have inherent limitations when it comes to addressing the full extent of gender harms in conflict-affected contexts. On the one hand, transitional criminal tribunals favour 'wholesale' approaches that focus on representative crimes and perpetrators, and hence cannot address the whole universe of gender-based violence cases in contexts where mass atrocities have been committed (Franke, 2006). Also, as it has been well documented, while some victims and survivors of gender-based violence can assert their agency through their testimonies (Henry, 2014), others can feel revictimized when standing before transitional criminal tribunals (Turano, 2011; Studzinsky, 2012), something that has also proven to be true for truth commissions (Ross, 2003).

Moreover, by focusing almost entirely on the legal implications of wartime sexual violence, other forms of gendered harms have been overlooked or silenced in the transitional justice field. Thus, moving away from a 'fixation on wartime rape' (Henry, 2014), some feminist scholars have focused on the gendered effects that harms usually not associated with gender have on women and men —political violence and forced displacement, for instance (Lemaitre and Sandvik, 2014). A broader critique has also been made towards the tendency of transitional justice mechanisms of seeing women as passive victims while silencing their voices when they do not conform to the normative narrative of sexualised victimhood (Theidon, 2007) or as 'passive objects of rescue' (Rosser, 2007, p. 398).

Apart from the legalist fixation on sexual violence as the sole gender-based harm of conflict, the field still tends to equate 'gender' with 'women', and to see women as a unified category, without paying attention to the intersecting effects of class, race, and colonialism when taking a gender approach to transitional justice (Pratt, 2013; Simic, 2016). A related line of critical scholarship also points to the lack of attention that the field has paid to the role of transitional justice to examine and transform violent masculinities in post-conflict or transitional scenarios (Cahn and Ní Aoláin, 2009; Theidon, 2009; Hamber, 2016; Ní Aoláin, 2019).

Third, some feminist approaches have gone further and challenge core assumptions of transitional justice by questioning foundational conceptions of what societies are transitioning *from* and *to* (Bell and O'Rourke, 2007). Drawing from contributions from feminist scholars that have addressed the link between peace and war-time gender violence (Cockburn, 2004), feminist scholars in transitional justice have challenged the neat distinction that the paradigmatic transitional justice makes between gender-based violence that happens in the framework of armed conflict and outside of it. A key argument here is that sexual and gender violence during conflict is inherently linked to structural gendered power relations that are present before, during, and after violent conflict erupts (Nagy, 2008; Ní Aoláin, 2019). Everyday gendered experiences, they claim, can provide a more comprehensive understanding of how gender harms during war are connected to structural violence and inequality during peace times, and how they can be challenged (Ní Aoláin, Haynes and Cahn, 2011; Lambourne and Rodriguez Carreon, 2015; Dunn, 2017). I will further develop this line of argument in the next chapter, as it is central for the theoretical framework of this thesis.

What is more, feminist thinkers that are not necessarily considered part of the transitional justice field have also contributed to critical and radical thinking of how we think about justice in times of transition. Critical for the purposes of this thesis is the work of Nancy Fraser. Reflecting on what justice means in a post-socialist age, Fraser argues for a two-dimensional approach to justice. That means addressing, on the one hand, socioeconomic injustices — poverty, inequality, economic exploitation and marginalisation— through *redistribution*. And, on the other hand, addressing cultural injustices —cultural imperialism, nonrecognition, domination— through *recognition*. To properly address structural gender inequality, Fraser contends, those two dimensions of justice need to go hand in hand: economic redistribution would be incomplete without cultural change as regards patriarchal gendered power relations. Conversely, cultural change recognition for gender equality risks being left as symbolic gestures if not paired with material redistribution of resources (Fraser, 1995, 2000, 2007).

Fraser's work on justice has been incorporated by some feminist scholars in transitional justice. For instance, Franke (2006)uses Fraser's framework to examine how criminal tribunals are often more suited to accomplish *recognition* of wrongdoings and victimhood, but fail to deliver a *redistribution* of shame from victims of gender-based violence —who often carry a stigma in their communities— to perpetrators —who are seldom socially or legally sanctioned. O'Reiley (2016), also draws on Fraser to argue that to advance a gender-just peace in transitional contexts, *recognition* of women as victims and survivors, *redistribution* of material

and symbolic resources, as well as participation of women in transitional processes are all paramount. Further, as I will argue in the following chapter, Fraser's thinking on feminist approaches to justice can also shed light on transformative notions of socioeconomic and cultural rights in transitional justice.

This subsection has referred to three ways in which the feminist literature on transitional justice and beyond have enriched the critical perspectives in the field. By focusing on the participation of women in transitional justice institutions and processes, assuring that sexual violence is accounted for in transitional tribunals and truth commissions —but also problematising that approach to include broader gendered harms—, and by critiquing the very notion of *transition* to place a greater emphasis on structural power relations and their links with everyday experiences of violence, feminist approaches to transitional justice have greatly expanded the horizons of the field. Also, feminist thinking outside the transitional justice field, such as the work of Fraser, further challenges what justice in times of transition means by bringing questions of redistribution and recognition to the fore. Without those contributions, there would be no place in the field for a research project like this one.

Conclusions

My purpose in this chapter was to situate the emergence of transitional justice as a field of practice and scholarship and to address its foundational limitations. Transitional justice had a relatively rapid consolidation as a field. Some of its achievements include the fact that states cannot longer opt for doing nothing about widespread human rights violations in times of transition, which is not a small accomplishment. However, as I addressed in the chapter, critical perspectives have consistently pointed to the problems that come with the legalistic bias of transitional justice and its absorption by the liberal peace paradigm. Some of the problematic consequences of those limitations include that transitional justice has relied excessively on legal responses to direct violence and civil and political rights violations, to the detriment of the complex needs of societies in transition in terms of structural violence, socioeconomic and cultural rights, as well as gender issues.

As the critical scholarship in transitional justice has noted, the field has followed a 'blueprint' or 'cookie-cutter' approach with little to no consideration to cultural and context-specific dynamics and needs of societies where transitional justice interventions are implemented. Crucially, the feminist literature in transitional justice has not only brought

gender issues to the core debates of the field, but also challenged some of the core assumptions about what we mean by justice and what we mean by transition.

I have shown in this chapter that there is no shortage of critical voices in transitional justice that point to problematic assumptions in the scholarship and practice of the field. However, compelling proposals on alternative ways of doing transitional justice have been for the most part absent in the literature. In the following chapter, I will examine one of those proposals, the transformative justice model. I will also draw from the everyday peace literature and the transformative gender justice scholarship to propose an *everyday transformative gender justice* framework that is able to account for the kinds of perspectives around the transformative potential of transitional justice that my thesis is interested in. Such a framework allows to take to the centre of transitional justice issues of structural violence, transformative gender justice, and economic, social, and cultural rights, the three main themes I will address throughout the empirical chapters of this thesis.

Chapter 3: Towards an Everyday Transformative Gender Justice Framework

Introduction

Critical perspectives on transitional justice have challenged core assumptions of the field, as I argued in the previous chapter. Still, concrete proposals on how to take the field forward, both in theory and practice, are scarce. A notable exception is the transformative justice proposal, an approach that takes stock of the critical perspectives on transitional justice, borrows from transformative perspectives from related disciplines, and puts forward a model that pushes transitional justice to broaden the scope of its work to make it transformational.

In this chapter, I present the theoretical framework that supports my thesis. I will argue that, while not without flaws and limitations of its own, the transformative justice proposal does offer a different way of thinking about and doing transitional justice. To build my theoretical framework, I complement the transformative justice proposal with feminist contributions that call for transformative gender justice in times of transition, and the everyday peace literature that pays attention to the everyday experiences of people living in conflict-affected contexts. The *everyday transformative gender justice* framework that I propose here brings to the fore issues like structural violence, socioeconomic and cultural rights, and gendered power relations in society, three main themes of focus of this thesis. Further, this framework provides space for asking the questions that my research aimed to address, regarding the transformative potential of transitional justice in post-2016 Colombia: What does justice in times of transition mean for some of people living in a conflict-affected context? What transformations are needed to transition to peace from their own perspectives? To what extent do institutional perspectives intersect with those bottom-up 'everyday' visions?

To put together that framework, I will first focus on the transformative justice proposal (as well as some of its shortcomings) as the first pillar of my theoretical framework. Then, I turn to radical feminist contributions that call for a transformative gender justice, and the everyday peace literature as the second and third pillars of the framework that guides my thesis. Finally, I will conclude the chapter by presenting a visualisation of what the *everyday transformative gender justice* framework for research and action that guides this thesis entails.

The Transformative Justice Proposal

One of the first authors to talk about transformative justice in the context of societies transitioning to peace or democracy was Erin Daly, a law scholar. She argued that an effective transitional justice involves a transformation of the societies in which transitional justice institutions operate. For Daly, transition means 'movement from one thing to another —from oppression to liberation, from oligarchy to democracy, from lawlessness to due process, from injustice to justice' (2001, p.74). On the other hand, transformation entails radical change. According to Daly, for transitional justice to be transformative, it must go beyond the blanket amnesty versus full prosecution dilemma that was widespread in the transitional justice field at that point. A middle path is more likely to produce transformative results and that path, Daly argues, must take the form of transitional institutions tailored to the contexts in which they operate and that are sensitive to the needs of the specific society undergoing a transition (Daly, 2001).

Daly's argument about the need of transitional justice to be transformative by producing radical change is compelling. However, her transformative justice proposal weakens when it turns to empirical support. By focusing exclusively on top-down institutional responses and by pointing to the South African TRC as a gold standard for transformative justice, the radical change that Daly's proposal entails falters. As it has been argued by various scholars, the TRC's limitations had to do precisely with its failure to delve into deep transformations in the South African context, particularly on socioeconomic and redistributive issues (McEvoy and McGregor, 2008; Mullen, 2015; Forde, Kappler and Björkdahl, 2021).

Wendy Lambourne (2009) was the first author to propose a transformative justice model. She took elements from the conflict transformation literature (Lederach, 2003) and the connections made by Rama Mani (2002) between peacebuilding and transitional justice to develop her proposal. Drawing from those contributions, Lambourne's transformative justice proposal calls for attention not only on physical or direct violence, but rather on laying the conditions for sustainable peace by tackling structural violence: the underlying conditions of social injustice and unequal power relations that allow for violent conflict to break out (Galtung, 1969; Lederach, 1997).

Lambourne's shift from transition to transformation 'implies long-term, sustainable processes embedded in society and adoption of psychosocial, political and economic, as well as legal, perspectives on justice' (2009, p. 31). Such a transformative process also ensures the effective participation of victims and survivors at every stage of the process, and the inclusion of local approaches to justice and reconciliation, which can differ from Western legal approaches (Lambourne, 2009).

Another key element to Lambourne's model is that it integrates retributive and restorative forms of justice. Whereas retributive justice is associated to legal justice and criminal tribunals (fact finding, prosecution of perpetrators, rule of law), restorative justice relates to processes of truth-telling, reparations, trauma healing and psychosocial support for victims, and rebuilding the social fabric in conflict-affected societies (Ainley, 2017; Cubillos-Vega *et al.*, 2022). Different elements of restorative and retributive forms justice can interact to deliver multiple forms of justice that societies need in transitional periods. How this looks exactly in practice necessarily depends on each context, but local, indigenous, and traditional forms of justice should take centre stage for transitional justice to be transformative (Lambourne, 2009).

Lambourne's transformative justice model is compelling. It offers clear responses to the limitations of transitional justice regarding its legalism and liberal peace practices, while situating transitional justice in the broader framework of peacebuilding. Moreover, Lambourne offers a nuanced view of the complexities of transitional contexts by challenging dichotomies between transitional/transformative justice or retributive/restorative justice. It is also convincing in pointing to the importance of local communities and contexts. On the other hand, Lambourne's proposal is largely normative. While informed by empirical research in various contexts, it represents an argument about how transitional justice *should* be. The model, while compelling, calls for further research that clarifies how transformative justice can look in practice.

After Lambourne, Paul Gready and Simon Robins published an edited volume in 2019 titled *From Transitional to Transformative Justice: A New Agenda for Practice*, based on their 2014 article with the same title. Despite having a lot in common with Lambourne's proposal, Gready and Robins do not give much credit to the model proposed by her five years before their article, and ten years before their book. In what perhaps is another way of reinventing the wheel —a critique towards transitional justice addressed in the previous chapter—, Gready and Robins propose a model of transformative justice that, albeit pointing to some new directions

for transitional justice, could be considered a development of Lambourne's proposal that aims to provide an agenda for practice for transformative justice.

Gready and Robins define transformative justice as 'change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes, and the challenging of unequal and intersecting power relationships and structures of exclusion at both local and global levels' (Gready and Robins, 2019b, p. 32). As done by Lambourne, the authors draw from the conflict transformation literature to call for a focus on local resources, addressing root-causes of violent conflict, and adopting a holistic approach towards societies in transitional contexts.

Gready and Robins' proposal also takes into their transformative model lessons from feminist critiques to transitional justice and human rights-based approaches to development. From feminist approaches, they borrow an analytical lens that aims to make sense of complex ways of understanding power, inequality, and identity, while privileging bottom-up approaches and moving beyond legalistic responses to include wider social and political issues in transitional settings. From human rights-based approaches to development, they incorporate a focus on addressing 'deep-rooted inequalities, exclusion, and unequal power relations that underlie poverty' (2019b, p. 46).

To be transformative, the authors argue, transitional justice needs to reframe the problems it pretends to address. This is where socioeconomic rights come to play a central role. A key argument is that transformative justice should focus on socioeconomic rights (rather than exclusively on civil and political rights) while challenging unequal power relations and intersectional forms of exclusion (2019b).

Another way of reframing how transitional justice works is by questioning how the field understands the timing of justice. As the authors claim, transitional justice can be more transformative if it takes up the task of documenting past but also present forms of struggle and resistance, especially towards transitional justice processes. Drawing those connections gives space for connecting past and present injustices with the future, one where not only unity and reconciliation are possible, but also disagreement and continued activism for change are enhanced (Gready and Robins, 2019b).

Participation is another key element in Grady and Robins' transformative justice model. Perhaps going further than Lambourne in that aspect, the authors see participation as a process

in which victimhood is recognised, but also transformed, in a way that empowers them to shape the state institutions and processes they were previously excluded from (2019b, pp. 51–52).

Drawing form feminist literatures, a notable addition from Gready and Robins in their model is the need to address structural gendered power relations in transitional justice processes. Transformative justice must go beyond judicial responses to gender-based violence and address the structural gendered power relations that are manifest during armed conflict, but also during peaceful times (Gready and Robins, 2019b, p. 47). Gready and Robins' inclusion of gender issues in their model is not without flaws, however, and arguably falls short of a transformative gender approach, as I will address later in this chapter.

In sum, the model proposed by Grady and Robins offers conceptual advancements towards a shift from transitional to transformative justice by drawing on human rights-based approaches to development, feminist critiques to transitional justice, a focus on socioeconomic rights, as well as local and indigenous approaches to justice. Nonetheless, as was the case with Lambourne's model, this proposal remains largely normative. While these transformative models are compelling in their conceptual and normative claims, the question about how exactly transformative justice looks in practice remains unanswered.

In this section, I have focused on the transformative justice models proposed by Lambourne, and Gready and Robins, as those authors have proposed comprehensive frameworks to make transitional justice more transformative. In the following section, I turn to those who have taken up the transformative justice proposal and contributed to its development.

Further Contributions to Transformative Justice

Other authors have made contributions to the transformative justice model, often critically engaging with the transformative proposal to refine what it would look like in theory and in practice. Sandoval and Roth-Arriaza, for instance, are cautious about the overexpansion of transitional justice proposed by the transformative justice model, but they focus on the implementation of measures of non-repetition to make transitional justice more transformative. Measures of non-repetition, as they argue, can be transformative as they need to address structural causes of violent conflicts. This is because their aim is not only to guarantee that victims are not victimised again, but also to assure that no further victims arise in the present and future due to the same circumstances that permitted those violations in the first place

(Sandoval, 2017; Roht-Arriaza, 2019). To be truly transformative, non-repetition measures need to go beyond institutional reform and further address unequal social and economic power relations at societal level (Roht-Arriaza, 2019, p. 130). And, perhaps at a deeper level, to be transformative, non-repetition measures must aim to change the ideologies —the set of ideas and permissible actions in a society— that make the gross violations possible (Sandoval, 2017, p. 193).

Also, Rodrigo Uprimny draws from law theory and practice to argue for a transformative approach to reparations in the context of transitional justice. Monetary reparations, as Uprimny (2009) claims, have a modest impact when it comes to distributive justice. Nevertheless, a transformative conception of reparations can have a real impact by making connections with broader state-wide development efforts, a link that can ultimately lead to distributive justice with a focus on tackling poverty and inequality.

On the other hand, some authors have begun to draw on empirical cases to advance the transformative justice proposal. Rebekka Friedman (2018) aims to ground the theory of transformative justice with a case study of the Peruvian Truth and Reconciliation Commission. She calls for attention to micro drivers of conflict and their relation to structural socioeconomic causes of conflict. Friedman argues that transformative justice needs to further engage with research on the causes of conflict to reflect on exactly which root-causes of conflict it seeks to address in each context. In the Peruvian case, for instance, she identifies the potential role of former combatants for enhancing transformations. In a similar vein, Farah Mihlar draws on the Sri Lankan case and argues that guaranteeing minority rights in that context is a concrete way in which transitional justice can be more transformative (2024, p. 1)

Rosemary Nagy (2022) uses the transformative justice framework to delve into the Canadian case and the settler colonialism wrongdoings towards indigenous peoples. As Nagy argues, transformative processes in such settler colonial contexts will inevitably challenge the legitimacy of the settler colonial state. For Nagy, transformative justice points to bottom-up, grassroots, and indigenous-led initiatives that can tap the transformative potential of 'transitional moments' that are opened by institutional transitional justice.

For his part, Matthew Evans (2016) argues that the transformative justice agenda can imagine practical tools to ground its proposals by examining the work that social movements, trade unions, and NGOs carry out on transformative justice. By taking land distribution inequalities in post-apartheid South Africa as a case study, Evans claims that the way those

non-state actors interact with each other can provide hints for new tools that can be useful for applying transformative justice. Key for Evans (2021) is a close relationship between transformative justice, and emancipatory conceptions of human development and democracy that leads to participation of civil society and affected communities 'in setting out their own needs and priorities, influencing and contesting elite bargains and institutions' (Evans, 2021, p. 13).

Lastly, Padraig McAuliffe (2019) makes the case for taking national and local elites into consideration, and their roles as potential enablers or spoilers of transformative justice, particularly when it comes to challenging unequal economic structures. The role of elites must be examined closely, as those actors 'enjoy direct control over events and whose decisions are the critical factor in shaping the political culture that conditions all possibilities for change' (2019, p. 93).

Apart from the contributions that seek to strengthen the transformative justice literature and to fill some of its gaps, there are also important challenges to the transformative model that should be taken seriously. In the following subsection, I examine some of the critiques that the transformative justice literature has received. As I will argue below, some of the critical points made against the transformative model must be addressed if the proposal wants to go beyond its normative claims and produce change in the way transitional justice works in practice.

Critiques and Gaps in the Transformative Justice Proposal

One of the most common critiques towards the transformative justice proposal is related to the danger of creating overly optimistic expectations about structural transformations that transitional justice mechanisms simply cannot fulfil by themselves (Sandoval, 2017; Waldorf, 2019; Bell, 2022). For instance, Sandoval (2017) claims that transitional justice mechanisms were not designed to bring about social change, but rather to bring as much truth, justice, reparation, and prevention as possible. And the field has struggled for decades to deliver on those relatively narrow promises. Pretending that transitional justice can 'achieve social justice, development, democracy, rule of law, or peace' by itself would be irresponsible, given the limited tools and resources that transitional justice mechanisms count on (2017, p. 185).

In a similar vein, Lars Waldorf claims that the expansion of the scope and ambitions of the transformative proposal is problematic as it 'creates an expectation of transformation that is

largely unrealizable in the difficult political and institutional contexts where most transitions occur' (2019, p. 148). He argues instead for a 'good enough' transitional justice, one that can aim to have transformative effects by creating bridges with development, peacebuilding, humanitarian, and rule of law efforts (2019, pp. 131–132). Pablo de Greiff (2011) and Naomi Roht-Arriaza (2019) seem to agree, as they caution against an over-expansion of the concept and scope of transitional justice and what it can realistically achieve in terms of political, economic, and social change.

On the other hand, but closely related to the previous point, authors who are sympathetic to the transformative approach would like to see greater clarity about how exactly transformative justice would look like in practice. McAuliffe (2019) argues that transformative justice so far has been defined more by what it is not —the legalistic top-down institutionalised transitional justice that is part of the liberal peacebuilding paradigm— rather than what it is. Conceptually, there is a lack of attention to what 'transformation' means and how exactly it differs from 'transition'. This issue is not a small one and leads to a sense that the transformative justice literature is repeating under-theorisation tendencies that the mainstream transitional justice has been critiqued for, as addressed in the previous chapter.

A related critique comes from authors who have contributed to the transformative justice proposal but note that the transformative justice model remains largely normative (Friedman, 2018, p.702). Despite recent contributions that examine empirical case studies with a transformative justice lens, the normative nature of the transformative justice literature remains a pervasive issue. This has been recognised by some of the champions of the transformative proposal, who concede that their model needs further empirical grounding (Gready and Robins, 2019b, p. 56). Kochanski (2020), for instance, is sceptical of the local turn in transitional justice that is embedded in the transformative justice agenda. He argues for more caution on romanticising *the local*, while pointing out that transformative justice scholars have broadly relied on single-case data and normative claims that call for further empirical studies.

The literature points to several directions in which the transformative justice proposal can address the issues mentioned above. For instance, there is an empirical and conceptual gap in the literature about how top-down processes of transitional justice interact with bottom-up community-level, and hyper-local processes of transformation (McAuliffe, 2017, p. 31; Friedman, 2018, p. 708). A related gap signalled by Friedman (2018) has to do with the links between micro drivers of conflict —at the level of community and interpersonal dynamics—

and macro causes of conflict —structural socioeconomic issues. As she notes, delving into those links could shed light on drivers and obstacles for transformation in transitional contexts.

Perhaps encompassing the gaps mentioned above, Sharp (2022) claims that transformative justice is at the same time inevitable and improbable. It is inevitable in the sense that it is a much-needed response to the limits of the mainstream transitional justice, as already addressed here. But it is also improbable because the transformative justice literature positions itself at one end of the dichotomies that the paradigmatic transitional justice has debated for decades now: international/local, top-down/bottom-up, civil and political/socioeconomic rights. By reinforcing those dichotomies, transformative justice advocates can inadvertently trump the transformative potential that they champion. This is because addressing structural violence and economic, social, and cultural injustices may well need the participation of grassroots and bottom-up initiatives but are likely to be unsuccessful without the involvement of elites, international actors, and legal mechanisms.

In short, Sharp's point is that we need a more nuanced take on transformative justice: one that does not ask whether we should side with the mainstream transitional justice or replace it with transformative justice. Rather, it would be more helpful to think of transformative justice as an effort to make transitional justice more transformative. This involves going beyond simplistic binary choices that the transformative justice proposal seems to be stuck with. Hence, a more transformative view of transitional justice could benefit from 'moving to a "both/and" approach to the classic transitional justice binaries – where we attempt to strike a better balance between legal and political approaches, top-down and bottom-up modalities – will often prove the messier but more realistic and context-sensitive approach' (Sharp, 2022, p. 31).

The critiques and shortcomings of the transformative justice proposal examined in this section, must be taken seriously. If a transformative approach to transitional justice means that transitional justice must take on the complex tasks of democratisation, development, peacebuilding, deep cultural and societal change, we would surely be setting the field for failure. However, a close look at the transformative justice literature shows that its proposal is not a call to give more tasks to transitional justice mechanisms as we know them. It would certainly be unwise to put truth commissions or transitional criminal tribunals with their limited time mandates in charge of long-term transformations of socioeconomic and cultural structures that underpin violent conflict.

It is also true that the transformative justice agenda remains broadly normative, that what transformative justice means is not completely clear, that empirical studies to ground its premises are scarce, and that the transformative literature tends to rely on simplistic dichotomies to argue for a more transformative transitional justice. Still, more than unsurmountable defects of the transformative proposal, I take those gaps and critiques as a call for action to further define and operationalise the proposal using empirical cases and providing concrete, practical proposals on how to make transitional justice more transformative. Hence, I second Nagy's view about transformative justice being 'a complement to transitional justice that goes beyond or provides an alternative to what transitional justice tools alone can achieve' (2022, p. 194). This means that we do not need to get rid of institutional transitional justice as we know it, but rather seek radical change in the way those mechanisms understand their role in a transitional and conflict-affected contexts as enablers of deep transformation, even if they alone cannot fulfil that effort.

I understand transformative justice not only as a scholarly proposal, but rather as a political project that seeks to go beyond academia and make a radical change in how transitional justice works in practice. Much like transitional justice emerged as a political project that sought to challenge impunity for the wrongdoings of dictatorial regimes and armed conflicts, as addressed in the previous chapter, transformative justice is a live political project that seeks to make transitional justice more emancipatory and respond to the stated needs of people living in conflict-affected contexts. As I will argue in later chapters, the transformative potential of transitional justice can be grasped precisely by understanding and embracing the political nature of transitional justice. This implies being attentive to the power relations at play at different levels: from institutional relations, to internal politics of transitional institutions, and to the gendered and socioeconomic and cultural power dynamics that are manifest in the everyday.

A Transformative Approach to Rights in Transitional Justice

As addressed above, a core argument of the transformative justice proposal is that socioeconomic issues and rights need to be at the core of the work of transitional justice. This attention on socioeconomic issues and rights comes from a critique towards the mainstream transitional justice almost exclusive focus on civil and political rights as sites of redress. As a response, authors aligned to the transformative proposal have focused on how transitional

justice can address socioeconomic rights. But the transformative proposal has so far neglected cultural rights as part of its transformative agenda, and has yet to include cultural inequalities and the unequal power relations around them in conflict-affected societies (Bollaert, 2019). One of the exceptions is the work of Luoma (2021), who examines the harms to indigenous communities in Canada and as cultural rights violations using a transformative justice lens.

For the purposes of this thesis, I use Nancy Fraser's analytical framework for addressing socioeconomic injustice through *redistribution* and cultural injustices through *recognition* as part of the transformative justice pillar of the theoretical framework that guides my thesis. Fraser comes from a philosophy background, concerned with the dilemmas of justice in a 'post-socialist' age, but her arguments on (in)justice offer a concrete way in which transitional and transformative justice can address violations of economic, social, and cultural (ESC) rights, and socioeconomic and cultural injustice more broadly, in transitional contexts.

Fraser defines socioeconomic injustice as 'rooted in the political-economic structure of society. Examples include exploitation (…), economic marginalization (…), and deprivation' (1995, pp. 70–71). On the other hand, she defines cultural injustice as 'rooted in social patterns of representation, interpretation, and communication. Examples include cultural domination (…), nonrecognition (…), and disrespect' (1995, p. 71). Socioeconomic and cultural injustice, in Fraser terms, includes violations of ESC rights as defined by human rights treaties, but also broader societal-wide injustices. Importantly, for Fraser the distinction of socioeconomic and cultural violence is an analytical exercise, as in practice both types of injustices are intertwined and tend to reinforce each other.

Fraser proposes *redistribution* as a remedy for socioeconomic injustice, and *recognition* as a remedy for cultural injustice. Redistribution means 'political-economic restructuring', which involves income redistribution, labour market reforms, and transformations of 'basic economic structures' (1995, p. 73). Recognition entails revaluing excluded identities and cultures, embracing cultural diversity, and, more radically, 'transformation of societal patterns of representation, interpretation, and communication in ways that would change *everybody's* sense of self' (1995, p. 73).

Again, Fraser argues that the distinction between redistribution and recognition is an analytical one. In reality they intersect, as recognition usually presupposes redistribution and vice-versa. For instance, gender injustice needs redress in terms of redistribution in the labour market, among many other areas; but also remedies of recognition that challenge patriarchal

gendered power relations in society (Fraser, 1995, 2007). This is what Fraser calls a two-dimensional conception of justice, the two dimensions being distribution and recognition (2007). Importantly, for Fraser, a transformational approach to both redistribution and recognition goes beyond affirmative action aimed at the traditionally excluded groups, and instead aims to change the underlying economic and cultural conditions that generate such exclusions (1995).

Fraser's framework has been critiqued for relying on simplistic notions of identity politics and culture (Butler, 1998; Alcoff, 2007). Some of her works, for instance, claim that the attention on identity in contemporary politics of the left have displaced attention on redistribution (2000), something that seems to contradict her earlier works on (in)justice where she pointed to the inextricable link between recognition and redistribution. Others claim that the dualist or dichotomic view on injustice that support the core of Fraser's framework of the separation of recognition and redistribution struggles are not helpful to understand social struggles in the real world (Young, 1997; Honneth, 2003). Acknowledging that Fraser's analytical framework can be overly schematic and can lack nuance when it comes to the complex nature of intersecting socioeconomic and cultural injustices, I nonetheless take it as a heuristic model that allows to make sense of the needs of redress in terms of economic, social, and cultural rights from a transformative justice lens.

Transformative justice provides a framework that, while not infallible by any means, allows to make sense of the kind of questions that my research project sought to address. Local, bottom-up approaches towards the transformative potential of transitional justice and how they relate to structural violence, gendered power relations, and socioeconomic and cultural rights (complemented here with Fraser's work), take centre-stage from a transformative justice perspective. At best, those issues would be treated as marginal in traditional understandings of transitional justice. My thesis, then, is informed by the transformative justice proposal and at the same time seeks to address some of its gaps and limitations. Empirically, my research contributes to the transitional and transformative justice literature by examining the transformative potential of transitional justice in the case of Colombia and its post-2016 peace accord context. At a conceptual level, my thesis aims to advance the transformative justice proposal by going beyond simplistic dichotomies in the transitional and transformative literature to examine how exactly transitional justice can be more transformative in terms of violence, gender, and rights.

To put together the theoretical framework that guides my research, in addition to the transformative justice proposal, I also draw from radical feminist contributions in the transitional justice field that have called for a transformative gender justice approach. As a recognition that transformative justice has not fully incorporated a commitment to radical feminist perspectives, I turn to that literature as the second pillar of my theoretical framework.

Transformative Gender Justice

As I argued above, the mainstream transitional justice field is ill-suited to take account of the wide array of issues that societies in contexts of transition face. The transformative justice proposal takes a step forward to offer alternative ways of understanding and doing transitional justice. However, the transformative proposal has until now failed to include a truly transformative approach to gender justice in times of transition (Ní Aoláin, 2019). In this section, hence, I draw from radical feminist contributions to the transitional and transformative justice literature as the second pillar of my theoretical framework.

Lambourne and Rodríguez Carreon (2015), building on Lambourne's earlier transformative justice model, argue that a transformative approach to gender in transitional justice must:

i) Address the root-causes of gender-based violence present in both violent and peaceful times.

ii) Avoid assumptions regarding different needs and conceptions of justice that women may have in transitional contexts.

iii) Emphasise the empowerment of women and their agency to overcome unequal power relations.

Those three points draw from the feminist literature in transitional justice that challenged the gender-blindness of the field in its early years, as addressed in the previous chapter. Gender transformative justice also draws from critical feminist approaches in transitional justice that critique the limitations of institutional and judicial approaches to address gender harms. This approach also points to the limitations of gender mainstreaming, understood as the inclusion of gender issues throughout the work of transitional justice, and the emphasis on participation of women and LGBTIQ+ persons in transitional justice. As necessary as those steps are, the

mainstreaming and participation discourses, what Cockburn (2004) calls the 'add women and stir' approach, risks assuming that by adding women and LGBTIQ+ persons leads automatically to gender justice (Ní Aoláin, Haynes and Cahn, 2011; Boesten and Wilding, 2015).

In a similar vein, Ní Aoláin (2019), is critical about the limited scope of the emerging transformative justice literature regarding gender and argues for a more radical approach. If it wants to be gender transformative, the transformative justice proposal must put gender issues at the core of its model, rather than thinking about gender as an additional, less important, part of its agenda. It follows that when tackling unequal social, economic, political, and cultural structures that underpin violent conflict, as emphasised by the transformative proposal, gendered power relations must be also challenged, recognising that the process of challenging structural violence does not take place in a gender-neutral vacuum.

Moreover, if gendered power relations are taken as a central aspect of the transformative justice agenda, sexual violence cannot be seen as an aberration that happens during war times. Instead, a transformative gender perspective must address sexual violence during violent conflict as one of the many manifestations of the 'systems of control and possession over women's bodies' (Ní Aoláin, 2019, p. 161) that operate before, during, and after violence breaks out (Boesten and Wilding, 2015, p.75).

Further, for justice to be gender transformative in times of transition it is necessary to address the unequal gendered power relations and intersecting social, economic, and political structures that underpin violent conflict (Rooney, 2007; Fiske and Shackel, 2015). Intersectionality, understood as the ways in which inequalities regarding race, class, gender, and other identities produce layers of discrimination (Crenshaw, 1991) is a key feminist concept that makes visible how different kinds of inequalities overlap with gender, resulting in disproportionate effects of violence against certain populations. Nancy Fraser's (2013) critique of 'managerial feminism', concerned with the participation of women at top-level positions that does nothing to challenge the intersecting power structures related to class and race, also provides clues on how gender can be considered in a transformative view of transitional justice.

Hence, a transformative gender justice perspective radically challenges what we understand as *transition* in transitional and transformative justice. The private sphere and the everyday must be included in the scope of transitional justice (Bell and O'Rourke, 2007; Björkdahl and Selimovic, 2015; Dunn, 2017) in order to expose and transform the structural unequal

conditions that produce a continuum of gendered violence (Cockburn, 2004) that is manifest in war but also during 'peaceful' times (Valji, 2009). In other words, transformative gender justice involves addressing the many manifestations of the continuum of gendered violence, which includes gender-based and sexual violence in armed conflict but also the many manifestations of structural gender violence and intersecting inequalities at societal levels.

Importantly, a transformative gender justice perspective also challenges the tendency to equate 'gender' with 'women' in the TJ field. That tendency results in losing opportunities for advancing gender equality by re-examining societal gendered roles in transitional contexts (O'Rourke, 2015b; Ní Aoláin, 2019). Hence, some authors examine notions of femininities and masculinities, understood as a gendered concepts that are socially constructed (R. W. Connell, 2005), of former combatants and ways of transforming them in reintegration processes (Cahn and Ní Aoláin, 2009; Theidon, 2009; Gutiérrez and Murphy, 2022). Others have focused on the opportunities for transformation of gendered power relations —how masculinities and femininities interact and are constructed— not only among former combatants but in wider sections of societies in contexts of transition (Hamber, 2016; Myrttinen, Khattab and Naujoks, 2017; Friðriksdóttir, 2021).

It is also worth noting that an almost parallel development of the concept of 'transformative justice' has been developed mainly in the United States by race-radical feminist approaches in the critical criminology field. This transformative justice literature deals with inter-personal violence, especially gender-based violence against women. It examines how community-based approaches that privilege transformative and restorative forms of justice can prove more effective to address the structural causes of gender-based violence than the punitive criminal justice system, which tends to revictimize victims (Braithwaite and Daly, 1998; Palacios, 2016; Russo, 2019).

This transformative justice approach is informed by race-radical feminist perspectives and advocates for 'developing community responses for support, intervention, healing, and accountability that do not rely on the state (…) to address multiple forms of structural and institutional violence' (Palacios, 2016, p.94). There seems to be an opportunity to connect the transformative gender justice literatures in transitional justice and critical criminology and law, where the development of intersectionality as a feminist concept (Crenshaw, 1991) has been key to further our understanding of gendered violence and how to address it. This could

strengthen the transformative justice proposal by looking into the transformative potential of community-based initiatives for gender justice outside state-centric and institutional efforts.

In short, contributions from the feminist literature in TJ not only challenge the gender blindness of mainstream transitional justice, but also question what the field has unproblematically understood as *transition* and *justice*. Transformative gender justice pushes us to address a continuum of gendered violence that predates conflict, manifests during conflict, but is also present in transitional settings and 'peaceful' times. A transformative gender justice perspective also goes beyond legalistic responses to gender-based violence during conflict, and instead advocates for change in the structures that allow those harms in war and peace times. What a transformative gender justice approach adds to the theoretical framework of my thesis is that transitional justice cannot be transformative if it is not committed to producing change in the intersectional structures that produce a continuum of gendered violence in transitional and conflict-affected contexts. This means that a truly transformative view of transitional justice must include a commitment to challenge gender-based violence but also broader patriarchal gendered orders where socioeconomic status, ethnicity, and gender identity (among other factors) manifest in unequal experiences and life opportunities. As I will explore later in the thesis, such an approach includes examining issues of (unpaid) care work that affects women's experiences as well as societal notions around masculinities and femininities that result in the marginalisation of women and LGBTIQ+ communities in conflict-affected and transitional contexts.

Apart from the transformative justice proposal and transformative gender justice, I will draw from the everyday peace literature as the third pillar of the theoretical framework that guides this work. For much emphasis on 'the local' in the transformative justice literature, there is little attention on how exactly local actors and community-level voices can be accounted for in transitional justice processes to make them more transformative, something that the everyday peace literature in the peacebuilding field can shed light on.

Everyday Peace (and Justice)

For a lot of talk about the need to include local perspectives, resources, and agency into the core of the transformative justice proposal, there is not much detail about how to account for those local perspectives in the transformative justice literature. However, as part of a *local turn*

in the peacebuilding field —a call for a critical agenda for peace driven by local actors, which takes into account power relations, as well as historical and cultural specificities as a form of resistance towards the liberal peacebuilding project— (Mac Ginty and Richmond, 2013; Paffenholz, 2015), some scholars have examined how concepts like peace and justice are experienced in the everyday lives of people living in conflict-affected contexts.

These authors argue that local communities' concerns regarding peace and conflict are context-specific and often differ from institutional or top-down actors' priorities (Mac Ginty and Firchow, 2016). They do not reject the role that top-down actors have to play in peacebuilding, but they do call for external actors to take community-level perceptions seriously if any kind of sustainable peace is to be built (Firchow, 2020). As Firchow argues, priorities and needs regarding peace can vary not only in time, and from town to town, but also from neighbourhood to neighbourhood. Accounting for those nuances is not easy, but is vital if peacebuilding interventions want to succeed (Firchow, 2018).

These contributions from the peacebuilding field also stress how everyday actions from communities and so-called 'ordinary' people that fall outside official and top-down approaches can effectively build peace and prevent violent outbreaks of conflict (Mac Ginty, 2014; Autesserre, 2021). The lesson from this literature is that by looking at local dynamics and even personal actions in conflict-affected societies, we can open new windows to build peace beyond official, top-down, and state-centric approaches. Underlying the arguments of the everyday peace literature is the acknowledgment that people living in transitional and conflict-affected contexts are in the best place to identify their own needs and strengths when it comes to building peace. Even if top-down peacebuilding cannot be completely discarded, as Autesserre argues, '[c]ontrary to what most politicians and interveners preach (…) ordinary people have the capacity to address some of the deeper roots of their country's problems' (Autesserre, 2021, p. 43).

Attention to how peace and conflict are experienced in the everyday lives of communities also draws from ethnographic, sociological and gender studies approaches (Mac Ginty, 2021). This leads to consider how the everyday gendered experiences at local levels can provide a more comprehensive understanding of how harms during war are connected to structural violence and inequality during peace times, and how those structures can be challenged (Dunn, 2017, p. 92). In that sense, there is a link between the everyday peace literature and the literature on transformative gender justice that draws a line between gender inequalities during peaceful

times and sexual violence during armed conflict, as addressed in the previous section. This perspective suggests that transitional and transformative justice is not the exclusive domain of institutions like criminal tribunals and truth commissions. It is vital to understand justice and peace as something that is lived, embodied and experienced in the everyday (Das, 2007; Berents, 2015; Selimovic, 2019). Anthropology and ethnographic research, while still at the margins of transitional justice, can help to make sense of the nuanced ways in which peace, conflict, and justice is experienced in the everyday. I will get back to this point in the following chapter.

In sum, the everyday peace literature pays attention to personal and community-level dynamics as key drivers of peace. It also helps to make sense of how those dynamics are connected to conflict, peace, and transitional justice dynamics at different levels of analysis, from the international to the family and even personal experiences. Incorporating the everyday peace contributions to the transformative justice proposal and the transformative gender justice approach allows to ask the kinds of questions that my research proposes, and to seriously consider community-level dynamics as part of the transitional and transformative justice scope of analysis.

Conclusions – An Everyday Transformative Gender Justice Framework

The critical transitional justice literature has done a good job at critiquing the usual ways of doing transitional justice, while the transformative justice proposal provides an alternative, more emancipatory way, of thinking about and doing transitional justice. However, it is still not clear how exactly an operative model of transformative justice would look like in theory and practice. As the transformative justice literature argues, transitional justice needs links with other fields —development, peacebuilding, democracy— to realise its transformative potential. But there is still work to be done to clarify how exactly transitional justice can work with those fields, as well as different actors and stakeholders (institutional transitional justice, state institutions, civil society, local communities) to be transformative.

Also, the transformative proposal needs to explain how some of its normative claims would look like in practice. For instance: how can transitional justice address structural and root-causes of conflict? How are local communities' conceptions and needs regarding transitional

justice to be taken as an integral part of transitional justice? Through what channels can they be connected (or not) to top-down processes? One way of taking forward the transformative justice proposal is to examine empirical cases of transitional justice processes that have been transformative —or at least have the potential to be transformative— to test and refine the transformative justice proposal.

My thesis seeks to contribute to the effort of advancing the transformative justice proposal. Theoretically, I do this by proposing the framework I present in this chapter, where the transformative proposal is complemented by transformative gender justice and contributions from the everyday peace literature. The transformative gender justice literature helps to bring a radical understanding of what it means to address gender issues in times of transition, while the everyday peace literature helps to grasp how exactly to account for local and community-level dynamics of peace and justice. Empirically, this thesis examines the Colombian transitional context in the chapters that follow based on the framework I propose in this chapter.

Based on the *everyday transformative gender justice* framework that I propose for this thesis, I present in Table 1 below a transformative justice continuum. I present it as a continuum to acknowledge that it is not a matter of a binary choice between a paradigmatic backward-looking transitional justice and a forward-looking emancipatory transformative justice. I propose here to think about a continuum of transformative justice as an analytical framework against which empirical cases in transitional contexts can be analysed according to their transformative impact and potential.

Table 1: The transformative continuum of transitional justice

	Less Transformative ⟵⟶ More Transformative	
Rights	Political	Social
	Civil	Economic
		Cultural
Gender	Gender mainstreaming	Transformative gender justice
	Prosecution of sexual violence	Address of structural gender inequality
Violence	Direct Violence	Structural Violence
Time	Focus on past wrongdoings	Past, present, future injustices
	Limited/Fixed time interventions	Long-term processes
Owners/Drivers	State	Local and indigenous populations
	TJ professionals	Civil Society
	International actors/institutions	
Academic Disciplines	Law	Politics
		Economics
		Psychology
		Criminology
		Anthropology

It may be also useful to think about a continuum of transformative and transitional justice where it is not a matter of choosing between binaries of addressing direct violence *or* structural violence; civil and political rights *or* socioeconomic and cultural rights; gender mainstreaming *or* transformative gender justice. A more nuanced understanding of transformative justice may concede that the left-side of the table (the less transformative side of the continuum) is still a necessary component of transitional justice. Still, a more transformative justice would push for more attention and resources to the more transformative side of the continuum, represented towards the right of Table 1. This approach can be messier and more complex than a dichotomy between paradigmatic and transformative justice, but it is also more likely to be an adequate framework to approach the reality of transitional and conflict-affected contexts. For the empirical part of this work, I will use this framework to evaluate to what extent community-

level perceptions and institutional transitional perspectives situate their priorities along the transformative justice continuum.

I also present in Figure 1 below an illustration of how an *everyday transformative gender justice* can be understood in transitional contexts for research and action. This is not only a way of synthesising the different contributions that have been presented from the transformative justice, transformative gender justice and everyday peace literature. It is also a way to propose concrete ways in which transitional justice can be more transformative in theory and practice. Here, transitional justice as it is traditionally understood is not discarded, but it is radically reformed by building bridges with development, peacebuilding, and political transformation. The everyday transformative gender justice box is set at the centre of the figure to illustrate how we can bring about a justice in times of transition that is more transformative, gender-transformative, and attentive to everyday needs of people living in conflict-affected contexts. The position of the box at the centre is aims to show that the *everyday transformative gender justice* dynamics that I study in this thesis come about from the elements in the circles (transitional justice, development, peacebuilding, and democracy) working together to enhance transformation in transitional contexts.

Figure 1. *Everyday Transformative Gender Justice* **in transitional contexts**
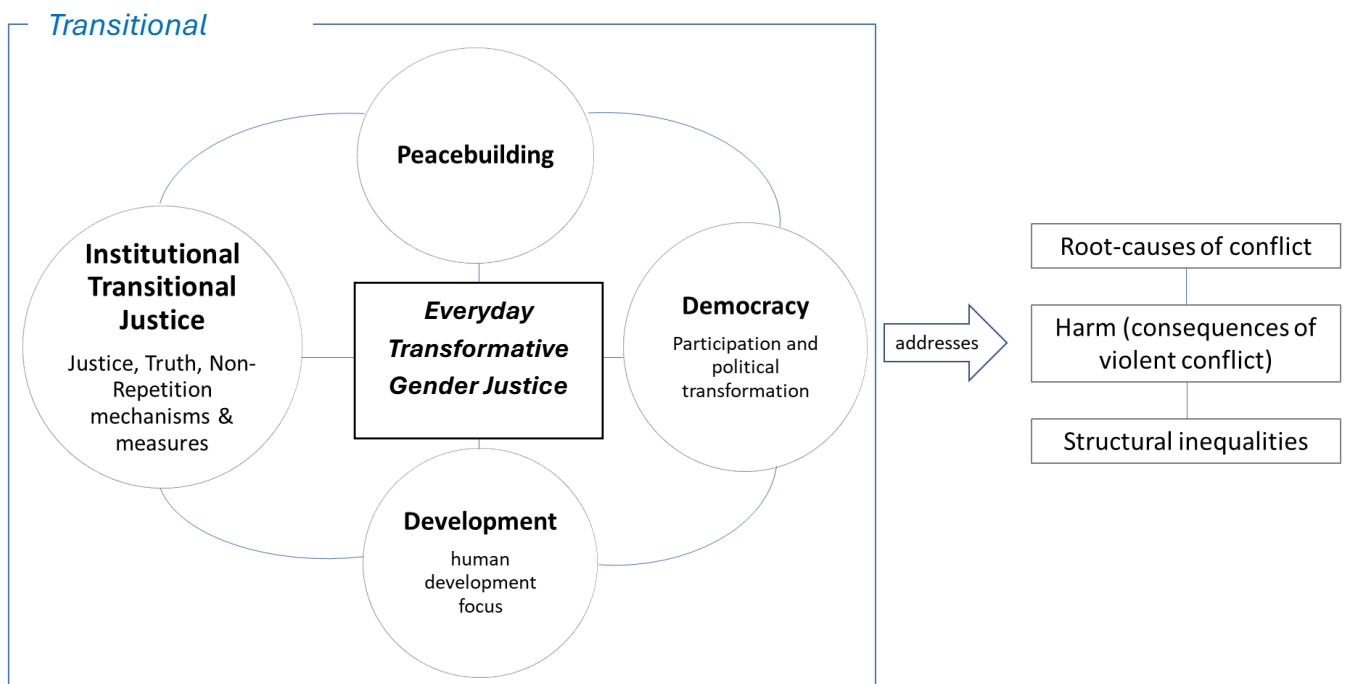
Like Table 1 presented above, this figure guides the analysis of the empirical data I gathered for my research. This means that I delved into questions about how institutional transitional

justice mechanisms, broader peacebuilding, development, and democratic transformations can work together to make transitional justice more transformative in practice. Further, my framework relies on key principles (Table 2), gathered from the literature examined in this chapter, that need to be considered as core components that guide an *everyday transformative gender justice* approach:

Table 2: Key Principles of the Everyday Transformative Gender Justice framework

Human rights-based approach (indivisibility of civil, political economic, social, and cultural rights)
Gender transformative justice
Build positive peace while enabling negative peace
Societal transformation: conflict transformation
Local ownership and everyday peace

Likewise, the framework counts with key actors and stakeholders (Table 3) that a more transformative conception of transitional justice needs to consider, the victims and survivors, communities and societies, elites, former combatants, civil society, international actors, as well as regional and local governments. I argue that these actors must be included in the study and practice of transitional justice to make its transformational potential a reality.

Table 3: Key Actors and Stakeholders of the Everyday Transformative Gender Justice framework

Victims and survivors
Wider communities and societies
Political and economic elites
Perpetrators / former combatants
Civil society
International actors
National and local governments

Lastly, it is worth clarifying that I do not aim to propose a new model of transformative justice in this thesis. That would be overambitious, but also yet another way of reinventing the

wheel in a field that has the tendency to do so. Instead, I draw from the transformative justice proposal, complement it with transformative gender justice and everyday peace literatures, and put together this framework as a guide for my empirical study in the Colombian context. In the process, I seek to explore how local community-level conceptions about the transformative potential of transitional justice correspond or not with institutional discourses on transitional justice. This framework also serves to operationalise the research questions I present in the following chapter of this thesis.

Chapter 4: Methods

Introduction

So far, I presented an account of how transitional justice emerged and consolidated as a field of inquiry and practice; followed by a proposal of a transformative and everyday gender justice framework that allows me to address the research questions that this work asks. As I have argued, the mainstream or paradigmatic model of transitional justice is ill-suited to capture the wide array of experiences of communities and people who live in societies that aspire to transition from violent conflict to a more peaceful situation. That is why this thesis is sympathetic to the transformative turn in the transitional justice field, but also recognises that the transformative justice proposal has not incorporated a commitment to transformative gender justice and offers little detail about how to account for localised and everyday manifestations of transitional justice —hence the need to complement the theoretical underpinnings of this work with feminist contributions in transitional justice and the everyday peace literature in the peacebuilding field.

The aim of this chapter is to connect the previous two chapters, largely conceptual and theoretical, with the empirical part of my research project. To do so, in what follows, I first state the research questions of the thesis. As I will show, the questions were guided by the theoretical framework I presented in the previous chapter. In turn, the research questions, which sought to contrast local and everyday understanding of the transformative potential of transitional justice in Colombia with institutional perspectives, guided the choice of methods for data gathering.

Second, I present the methods and methodological techniques that I used during the empirical phase of the research project, as well as a brief description of how I analysed the data I gathered. As I will show in this section, I used a combination of a participatory photography research technique called photovoice, ethnographically informed observations, semi-structured interviews with institutional transitional justice representatives, and document analysis from official transitional justice institutions. In this section I also explain how I analysed the data gathered though those techniques.

In the final section of the chapter, I reflect on the methodological strengths, limitations, and challenges that I encountered over the time I spent doing empirical research. Based on my

research, I also reflect on what a research technique like photovoice can contribute to the study of transitional justice and the peace and conflict field of study more broadly.

Research questions

The questions I sought to answer for the empirical data gathering phase of the project were guided by the conceptual framework proposed in the previous chapter. Given that I was interested in local and everyday understandings around the transformative potential of transitional justice as compared to institutional framings of their work, I posed the following questions to guide my research:

Main research question:

RQ. How do local and institutional initiatives situate their priorities in a transformational spectrum of transitional justice?[8]

Secondary research questions:

- o **RQ1**. What kinds of transformations are expected from transitional justice processes from a local, everyday, perspective?
    - ▪ **RQ1.1.** What are we *transitioning* from and to, and what kind of *justice* is needed to achieve that transition?
    - ▪ **RQ1.2.** What are the social, economic, cultural, and political needs that must be met to achieve justice in a transition to peace from a localised everyday perspective?
    - ▪ **RQ1.3**. What are the gendered implications of those notions of transition, transformation, and justice?
- o **RQ2.** How do localised and everyday understandings link —or not— with institutional transitional justice processes?
- o **RQ3.** To what extent are the transitional justice measures set up by the 2016 peace agreement and other official transitional justice frameworks in Colombia *transformative* according to some of the people directly affected by them?

---

[8] See table 1, Chapter 3.

To answer those research questions —or research puzzle (Gustafsson and Hagström, 2018)—, I examined the case study (Yin, 2018) of Colombia in the aftermath of the 2016 peace agreement. I chose Colombia as a case study for several reasons. First, it has a relatively recent and currently working transitional justice framework. This framework has received international acclaim for its restorative justice and victim-centred approach, which learned from previous Colombian and international experiences. In a sense, this framework incorporates some of the critiques that have been directed at the limitations of transitional justice explored in the previous chapters. Second, Colombia has a strong victim and civil society movement for peace and justice that, usually in opposition to institutional responses, have developed initiatives that offer alternative views on peacebuilding and transitional justice (Monroy-Santander and Otálora-Gallego, 2024). Unfortunately, this is a context where the armed conflict is still present in many areas of the country, which points to many pending issues to be resolved in the path to peace. Those reasons, along with my previous connections with both institutional and civil society actors in Colombia who could provide me with access to data collection, led me to choose it as my case study.

I took a multi-method approach that included a participatory photography project as the primary method for the study, complemented by ethnographically informed observations to delve into local, everyday perspectives on the transformative potential of transitional justice in Colombia. I also relied on document analysis of official transitional justice institutions and semi-structured interviews with representatives from those institutions to explore official framings of the work of the transitional justice framework created by the 2016 peace accord. In what follows, I present the methods and techniques that I used to answer my research questions in detail.

Photovoice

My main method of data collection were two photovoice projects that I carried out with two groups of people in the city of Popayán, and El Tambo municipality in the Cauca department in Southwestern Colombia. I selected photovoice as a method that, due to its theoretical and methodological underpinnings, can shed light on everyday and gender issues such as the ones explored in this work. Visual and participatory methods are by no means mainstream in the study of transitional justice, but they are gaining traction in this field as a recognition that they can grasp levels of complexity that more traditional methods like

quantitative studies and interviews have difficulty to access. In this section of the chapter, I begin by addressing the theoretical and methodological underpinnings of photovoice as a qualitative participatory research technique. Then, I will turn to a reflection of what I found to be the strengths, challenges, and limitations of using photovoice for researching transitional justice issues in a conflict-affected context.

A Participatory, Feminist, and Visual Method

Photovoice was first used in two rural counties in Yunnan province, China, in a project led by Wang and Burris (1994, 1997) that explored rural women's needs in terms of health services. It has since been used in a wide array of contexts by different fields and disciplines. At a basic level, photovoice projects hand out cameras to research participants and ask them to take photos related to the topic of the research (Wang and Burris, 1997; Wang, 1999). A combination of workshops, focus group sessions and one-on-one interviews facilitated by researchers and/or partner implementers use those photos to elicit conversations and reflections around the research topic (Wang and Hannes, 2020). Photovoice projects can include basic training in photography for participants at early stages of the research cycle, but that is not always the case (Latz, 2017).

Photovoice is part of a wider group of research techniques that use photography in one way or another. Photo-elicitation, a technique that uses images during interviews and asks participants to comment on them, is one of the most popular among them. Photo-elicitation, along with *Photolanguage*, which uses pre-selected photographs to facilitate reflections from research participants, and *auto-photography*, where participants take and select photos that represent themselves while the researcher attempts to 'see the word through someone else's eyes', have been used in Anthropology since the 1950s and (Tornabene, Versnik Nowak and Vogelsang, 2018).

Photovoice pays attention to the visual and aesthetic aspects of photography but differs from other methods that use documentary photography by shifting the power of holding the camera to participants, instead of standing as passive subjects of researcher's intentions (Wang and Burris, 1997, pp.370-371). Moreover, photovoice emphasises the role of participants in the knowledge production process by using education for critical consciousness, feminist research and practice, as well as elements of participatory arts-based research as its theoretical pillars

(Tornabene, Versnik Nowak and Vogelsang, 2018). A more detailed account for each pillar follows:

i) Critical consciousness: Photovoice follows emancipatory conceptions of research that incorporate Freirian notions of 'critical consciousness' and 'dialogue' that seek to narrow the power relation gap between researchers and participants (Freire, 2020). Further, photovoice follows Paulo Freire's understanding of the role of educators and researchers as facilitators that engage in a dialogue with research participants, recognising the value of people's knowledge and visions of the world, which are informed by their lived realities (Freire, 2020, pp.160-166). From this perspective, the researched people and communities become owners of the process, as they are in the best position to identify the issues that affect their daily lives (Wang and Burris, 1997). Methods that rely on these participatory action research foundations have been found to be well-suited to tap unexplored or underrepresented visions in conflict and transitional settings (Bowd, Özerdem and Kassa, 2010; Robins, 2010).

ii) Feminist theory and practice: Acknowledging that the Freirian participatory and emancipatory approach to research overlooked gender issues and made women invisible, early photovoice researchers Wang and Burris thought of the technique as a challenge to the 'male bias that has influenced participatory research' (1997, p.370). From its inception, photovoice had the purpose of doing research by and for women and to challenge intersectional oppression related to gender, age, race, socio-economic, and ethnic status (Wang and Burris, 1997; Lykes and Scheib, 2015; Milne and Muir, 2020). Further, grounded knowledge and everyday experiences of women are placed in the centre of photovoice research as an alternative to positivist and male dominated ways of knowing (Wang, 1999, p.186; Latz, 2017, p.35).

iii) Participatory arts-based methods: Methods that combine creative and performing arts with participatory research have been widely used in anthropology, psychology, and sociology, even if highly contested for being 'too subjective' (Pink, 2012; Mkwananzi and Cin, 2021). The use of those methods is still marginal but rising in peacebuilding (Clark, 2022) and, to a lesser degree, in transitional justice (Shefik, 2018; Fairey, Firchow and Dixon, 2022). Advocates of these methods in peace and conflict studies argue that by paying attention to aesthetics in our research we can get closer to how

people 'see, sense, feel about, and perceive of the social world' and hence help to grasp insights into socio-political issues (Hutchison and Bleiker, 2021, p.5). Further, using visual and creative methods can foster a greater understanding of local and everyday dynamics since they offer an alternative way of expression for people who have lived through violent conflict situations (Shank and Schirch, 2008; Clark, 2022, p.8). In transitional justice, Shefik (2018) has argued that participatory arts methods can be useful to explore local and grassroots dynamics in creative ways, rather than relying solely on state-centric and preconceived models of the paradigmatic theory and practice of the field.

In practical terms, a photovoice project is usually structured around workshops, group discussions and one-on-one interviews. Depending on available funds and time, in the first phase of a photovoice project the researcher can formulate the entire cycle of research in consultation with participants, partner organisations and/or the community where the project is implemented. Otherwise, projects begin with a first session where the researcher/facilitator engages in a conversation with the participants to establish ground rules, expectations, and what each of them, including the researcher, aims to get from the process. Once those rules and expectations are discussed, another early session on basic training in photography and how to use cameras is carried out. Some photovoice projects decide to exclude photography training in order to get more 'naturalistic' photos from participants. But that approach has been critiqued for infantilising participants and failing to offer something to research participants who are investing their time in the project (Wang and Hannes, 2020).

After those first steps, a series of workshops —the exact number and frequency of the sessions depend on time and resource constraints— ask participants to engage in activities that involve taking photographs inside and outside the workshop space. Facilitators propose photo exercises related to the theme of the research, that include how participants experience issues related to the research topic in their everyday lives and that of their communities. While photos are important by themselves, photovoice emphasises the value of group and one-on-one discussions around the photographs and the meaning that participants construct around them. Going back to the concept of critical consciousness in Freire's work, the rationale behind those exercises is to explore the grounded knowledge of participants, and how their experiences are mediated by structural social, political, economic, and cultural factors of their context.

Further, part of the original aim of photovoice as devised by Wang and Burris (1997) was to enhance change in the participant community as they thought of photovoice as a participatory but also as an *action* research method. By creating a space where members of a community can identify some of the issues that affect them, they can then seek to organise and engage with decision-makers to demand that their needs are met —even if that outcome cannot be predicted or fulfilled by every photovoice project.

In sum, by combining aspects of participatory, feminist, and visual research, photovoice provides a channel to explore everyday and gendered issues in a way that recognises the deep knowledge of participants about their own needs and agency in a conflict-affected context. Photovoice allowed me to answer the research questions of this project by using photographs as an artistic medium that participants used to express and critically discuss what they perceive as the transformative potential of transitional justice. Other research methods and techniques, like semi-structured interviews, could have allowed me to ask directly to the same participants the questions I wanted to explore. What photovoice did, however, was to allow photographs and the stories that lie behind them to tell the stories that people wanted to tell, which in turn led to critical understanding of what they need in their communities to feel that justice is attained.

Photovoice, provides a creative, visual, and participatory vehicle to explore how big issues like justice, peace, and transitions from armed conflicts are experienced in the lives of the people who are most affected by those processes. Nonetheless, photovoice has limitations, as I address in the following section of the chapter.

Limitations of Photovoice

It is worth noting that, like all methods and research techniques, photovoice has limitations. Potential problems include creating over ambitious social change expectations among research participants that the project alone cannot fulfil (Fairey, 2018a), the risks and ethical issues for participants taking photographs and people being photographed —something that is particularly relevant in conflict-affected contexts (Prins, 2010)—, the costs and time-consuming nature of photovoice projects both for researchers and participants (Latz, 2017, p.154), and the difficulties of navigating ethics committees that are not used to dealing with participatory and visual methods (Latz, 2017; Woodgate, Zurba and Tennent, 2017).

Further, substantial ethical and risk issues must be accounted for when implementing a photovoice project. To start with, there is nothing intrinsically emancipatory or progressive about participatory photography (Liebenberg, 2018). The researcher needs to be attentive to the power dynamics that remain between researcher and participants, but also among participants, even when abiding by a participatory research design (Mejia, 2015). For instance, critical appraisals of photovoice urge researchers to reflect on how participatory the project really is: do participants have a say at every phase of the project? Is their input considered in the research apart from taking photos and sharing them? Is the authorship of participants acknowledged in the publication phases? Who makes curatorial and editorial decisions? (Prins, 2010; Latz, 2017; Fairey, 2018b; Mkwananzi and Cin, 2021).

Moreover, the increasing popularity of photovoice due to its user-friendly and decreasing equipment costs has brought the risk of using photovoice as a quick in and out method as a replacement of long-term ethnographically informed immersion in the context of the research. That approach can lead to failing to contextualise the research project with a meaningful connection with the communities involved (Gubrium and Harper, 2016, pp.73-75). A related challenge has to do with picking and choosing components of the method, by centring the research process exclusively on the photographs, for instance. By leaving aside core theoretical and methodological components of photovoice, the project can fail to connect the visual aspects of the method with critical issues that arise through group discussions, interviews, and active participant observation (Prins, 2010).

There is no blueprint or one-size-fits-all recipe to account for the limitations, ethical, and risk issues that may arise during photovoice projects. However, beyond standard safeguards of minimising harm and maximising benefits of participants, the researcher must adopt a reflexive approach throughout the project in order to constantly evaluate how power dynamics are experienced at all stages (Fairey, 2018b). Further, being transparent about the aims and process of the project, as well as establishing clear protocols from the beginning about group dynamics, authorship, risks, and ethical issues around taking photographs, can help to minimise setbacks and above all minimise potential harms to all involved directly and indirectly in the project (Evans-Agnew and Rosemberg, 2016; Latz, 2017; Woodgate, Zurba and Tennent, 2017).

Having presented the basis of photovoice as a research technique, as well as some of its limitations and potential ethical and risk issues that must be taken into account when

implementing such a project, I now turn to the photovoice project that I implemented as part of the empirical data gathering phase of this thesis.

My Photovoice Projects

My photovoice project consisted of two sub-projects carried out between April and June 2023: one in Popayán, the capital city of Cauca department, and another one El Tambo, a nearby municipality of the same department in Southwestern Colombia (see map 1 below). I had initially planned to have the second project in Nariño, the Southern neighbouring department of Cauca, instead of El Tambo. The husband of the social leader who was my research partner in that location, however, was kidnapped. She feared that he had been forcibly disappeared. Fortunately, months later she told me that he was alive and had been freed. But, understandably, she was not available to facilitate the photovoice project at the time I was in Colombia. This was yet another reminder of how the armed conflict is very much active in the 'post-conflict' context of Colombia, and the risks and responsibilities that come with doing research there. Instead of Nariño, I carried out a second photovoice project in the nearby municipality of El Tambo, an hour away or so from Popayán. The project in Popayán had twelve participants, while the project in El Tambo had eight participants. Some participants identified as victims or survivors of the armed conflict, and most of them were social leaders in their communities.

Popayán and El Tambo are located in a region that has historically suffered some of the worst consequences of the armed conflict up until today. Popayán, as a regional capital city of around 270,000 inhabitants, has been a receptor city for forcibly displaced persons from surrounding rural locations. Selecting a regional capital and a nearby urban centre of a mostly rural municipality allowed me to implement the photovoice projects in relatively safe locations.

Map 1.

Cauca department, Colombia   **Popayán and El Tambo, Cauca department**
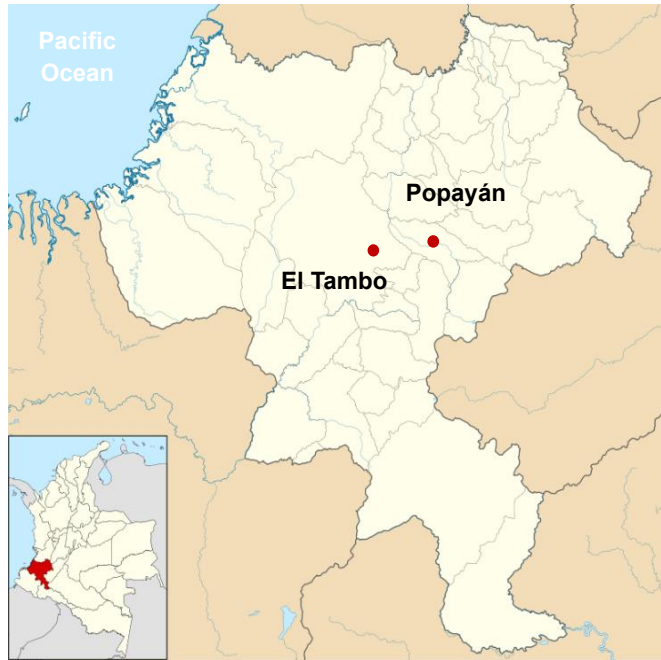
Creative Commons (CC).Milenioscuro (2011). Captioned and modified by the author

As part of my preparation for the data collection phase of my research, in July 2022 I attended a three-day 'Comprehensive in Person Training' provided by PhotoVoice, a charity organisation based in London that offers training and consultancy to carry out photovoice projects. The training included practical exercises based on the activities that researchers and facilitators have used for years in real projects that use the photovoice method. This training provided extremely valuable insights into how the method works. It also allowed me to put myself in the shoes of participants of photovoice projects. The experience allowed me to critically reflect on the kinds of situations and feelings —shyness to share photos, fears of oversharing, pride in your own creative work, and boredom during workshops, to name a few— that participants in such a project may face. This helped me to structure my own project in a way that would not have been possible without that training.

I must note, however, that I took a flexible approach to the recommendations from PhotoVoice in my project. For instance, the organisation strongly advices against using participants' mobile phones as the main cameras to be used during a project. They recommend using 'point and shoot' digital cameras and, if possible, using the same model of cameras to hand out to all participants. This has a number of advantages: it provides participants with a tool to be used specifically for the project, it gives the same level of technological equipment

to all participants, and allows to share digital photographs relatively easy. However, as much as I would have liked to use the kind of cameras recommended by PhotoVoice, budget constraints[9] did not allow me to buy or rent those kinds of cameras. I decided to rely on participants' camera phones for my project.

I relied on research partners in Popayán and El Tambo who facilitated recruitment of participants and logistical support for the projects. Without their support this research project would not have been possible, and I am extremely grateful to them. For the project in Popayán, my research partner was the NGO Get Up and Go Colombia, which aims to build peace through tourism initiatives in the city and surroundings. For the project in El Tambo, my research partner was a social leader, peace and gender equality activist with years of experience in the municipality. I held meetings with my research partners before starting the photovoice projects. We discussed the aims of the project, what I wanted to get from the project, what the partners wanted to get out of it, as well as what participants could get out of it. According to those conversations, I proposed the structure of the workshops, but it was always clear that the final form of the sessions would depend on the interests of the participants and were subject to change once the project commenced.

During those preliminary conversations with my research partners, we agreed that participants would not receive an economic incentive to take part in the projects. However, given that they would invest a significant amount of time and effort to the projects, we agreed to provide support for transport costs for those participants who needed it, as well as a meal during the days of the workshops. I paid for those costs using the funding I received from the University for data collection. As a non-material incentive for participants to join the projects, I offered basic training in photography as part of the project. As it became clear during the projects, training in photography was the main reason participants mentioned as their motivation to join the project.

Each project consisted of two full-day workshops, in which I acted as a facilitator and offered sessions that combined mobile photography skills training with photographic exercises aimed at exploring the themes of the research. The first session of the workshops addressed ethics and risk issues during the project, as well as establishing ground rules for the interaction

---

[9] Lower end point and shoot cameras can cost around £100 and renting them for an extended period of time can be even more expensive. While I was privileged enough of having a scholarship for my PhD studies, the funding I received specifically for fieldwork was £600, which ruled out buying or renting cameras for the photovoice projects.

of the group over the course of the project. That session also covered the expectations that participants and I had for the project. After each workshop, I asked participants to engage in a photographic exercise for which they would have several days to think about and complete the assignment, in addition to the photographic exercises carried out during the workshops (see Table 1 in the annex of this thesis for details on project and workshop structure).

After the two full-day workshops, I carried out one-on-one interviews with participants to further explore the research themes, relying on some of the photographs they had taken to elicit the conversations. During the last session of the workshops, I asked each group what they wanted to do with what we had discussed over those days and the photographs they had taken. Both groups decided to organise a final exhibition. In the case of Popayán, participants invited friends and family to attend the exhibition launch, which was then displayed for a month at Tiuspa Café, the place where the project was hosted. In the case of El Tambo, the exhibition launch was held at the public sports court of the municipality during an event where participants had the chance to show local authorities and international NGO representatives the photographs and themes discussed during the project.

Additionally, after consulting with participants, a selection of ten photographs from the projects were displayed as part of a wider exhibition entitled Visualising Conflict and Displacement from 1-14 March 2024 in Durham University[10]. Likewise, after consultations with participants, I published a wider selection of photographs in an online exhibition in October 2024[11]. I am wary of framing those exhibitions as a way of 'giving back' something to participants. However, those exhibitions did provide a chance for me to keep rapport with participants. They also expressed pride in having their work exhibited and their stories told to wider audiences.

Some of the challenges I expected to encounter during the photovoice project workshops included security risks for myself and participants. This was covered during the PhotoVoice training I undertook, as having a group of people taking photographs during workshops and outside of them can be of risk for participants in certain contexts, something particularly true in places grappling with violent conflict like Colombia. I completed a detailed risk assessment as part of the ethics review process that included planned controls for those risks alongside the drafting of this chapter. Among other controls, from the beginning of the project and throughout

---

[10] Brief video of the exhibition:
https://www.instagram.com/reel/C4GSRw6MubJ/?igsh=dGZhNGtiMHc0ZDZ6
[11] Available here: https://fotovoces.co (only available in Spanish as of October 2024).

its duration, I reiterated the need to take precautions when taking photos for the exercises of the workshops. I advised participants to prioritise personal safety, not to photograph people without asking for consent, and to take safety precautions to avoid theft or aggressive behaviour towards them while taking photographs. Regarding the use of names of participants, I chose to use their real names, even in a context where anonymity may have been the default option. Except for two participants, all explicitly said that they wanted to be named in the thesis and credited with their full names for their photographs.

Other challenges I was prepared to encounter during the photovoice projects included difficulty in the initial recruitment of participants, lack of interest from participants during the workshops, conflict or power dynamics emerging inside groups of participants, and difficulty in leading the conversations towards the research topic. I prepared as much as I could for those kind of challenges —including the PhotoVoice training which provided several facilitation skills tools for researchers. As the following chapters will show, those difficulties did not materialise, and I was fortunate to have participants in both projects who engaged deeply in the project, showed great interest in the research topic and how photography could serve as a medium to express their perceptions about a challenging topic like that of transitional justice.

Selection criteria - Photovoice

As for the selection of participants for the photovoice projects, I used a purposive sampling strategy (Robinson, 2014) to identify potential participants. Relying on partners who already work with relevant populations facilitated the fulfilment of the sampling criteria, as they had a long-term engagement with potential participants. Also, as a safeguard precautionary measure, I only considered participants older than 16 years. If participants were under 18, consent from their parents or guardians had to be secured.

- o *Inclusion criteria*: the participant is involved in a formal or informal peace process —this included but not necessarily meant victims and survivors of the armed conflict.
- o *Exclusion criteria*: the participant cannot be younger than 16 years of age. If between 16 and 18 years of age, consent from parents or guardians was necessary.

The ages of participants ranged from late teens to mid-fifties. Most participants identified as *campesinos* or coming from a peasant family, and one participant identified as indigenous. Further, I aimed to have a gender balance of around 50% of female and male participants. While my research partners tried to strike a gender balance in the recruitment process, most participants were women. For the Popayán project ten participants were women and two were men, while for the El Tambo project five participants were women and three were men. One of the participants in El Tambo identified as a member of the LGBTIQ+ community. The gender imbalance of the projects may have to do with gendered perceptions about unpaid and creative activities as being a female domain, or gendered perceptions about peace initiatives being equally feminine. In any case, as I will show in the following chapters of the thesis, men and women participants actively engaged in discussions around gender. Male participants for the most part actively listened and learned from the experiences and perceptions of women as regards societal-wide gendered orders and what a transition to peace entails in those terms.

The recruitment process of photovoice participants and the identities and live trajectories that were represented in both groups influenced my research findings. As I will examine over the following chapters, issues around peasant rights were prominent, for instance. Also, for the most part, participants were social leaders who already worked on peace initiatives of some sort. Relying on research partners that work on peace initiatives in a region of the country where peasant issues are prominent, along with the gender divides inside the groups, influenced the kind of participants and the kind of issues that ended up being prominent in the discussions of photovoice projects. This means that carrying out the projects in a different location or with different research partners could have led to different research findings. I will reflect on this point later in the thesis.

Ethnographic Research or 'Deep Hanging Out'

The photovoice projects were complemented with an ethnographic component or 'deep hanging out' throughout my field research (Rosaldo, cited in Clifford, 1996, p.5; Geertz, 1998). This means that, while I did not engage in traditional ethnographic fieldwork, I stayed in the locations of the photovoice projects between the workshops to spend time with some of the research participants and their communities as they went about their day-to-day lives. 'Deep hanging out' involves engaging in activities that are not directly connected or planed as part of the research project, which has proven beneficial for breaking down barriers and building

confidence with research participants, particularly in politically sensitive and conflict-affected communities (Browne and McBride, 2015).

What some have called 'ethnographic peace research' —which includes elements like long-term fieldwork, sustained engagement with communities, and participant observation— can produce a deeper and situated knowledge and help the researcher to understand some of the issues at play from the point of view of the populations who experience them more closely (Robins, 2010; Millar, 2018; Brett, 2020).

By spending time with participants and their communities, taking part in informal conversations, and engaging in participant observation in an 'unstructured' way (Hammersley and Atkinson, 2007, pp. 3-4) I aimed to add richness to the data gathered through the other research methods and techniques used in this project. Paying attention to the day-to-day conversations and interactions of the people I worked with, as well as paying attention to how my positionality played a role in those interactions, added layers of complexity to my analysis. As proponents of ethnographic methods in the study of politics have argued, ethnographic methods have the potential of broadening the scope of long-held debates in a field and redirecting research into new levels of analysis by uncovering social meanings and hearing voices that tend to be overlooked by conventional methods in the politics scholarship (Wedeen, 2002; Fu and Simmons, 2021).

Over my field research, 'hanging out' included visiting and staying in the places where the photovoice projects took place. It also involved visiting the homes and workplaces of some of the research participants who generously welcomed me. I also accompanied other participants in the tourism initiatives that they are involved with, which are directly linked to key issues around peace and conflict. 'Deep hanging out' also meant that I paid attention to how members of my extended family who offered me accommodation in Popayán during my stay there discussed issues of conflict, peace, and justice.

I kept a research diary throughout my fieldwork, which later extended to the data analysis phase of the project, where I wrote about my impressions and reflections about my emotional responses to what I experienced as the research project developed. Further, writing in this diary helped me to register the 'ambience' and feeling that surrounded one-on-one interviews and photovoice workshops, something that the recordings and transcripts cannot capture. As it has been noted by researchers who use ethnographic research diaries, these can be helpful not only to keep a record of what happens during field research, but they can also help to reflect on

methodological implications of the research process, as well as to provide insights for the data analysis phase (Burgess, 1981). For me, keeping a research diary as part of an ethnographically informed field research was extremely helpful not only to add texture to the empirical chapters of this thesis, but also as a way to recognise myself as part of the issues I was researching, as well as guiding the data analysis phase of my project.

On the other hand, including an ethnographic layer to the research project came with a level of uncertainty, as I had to be open to opportunities to 'hang out' throughout my time in the locations of the workshops, interviews, and everything in between. I also had to be open to uncontrollable and unexpected insights (Clifford, 1996) that changed the course of certain aspects of the research project. For instance, 'accidental ethnography' (Fujii, 2015) insights appeared when I was giving a talk about the final report of the Colombian Truth Commission in a café and thoughtful reactions from the small audience made me realise how little known the final report really is, even in an area of the country that has suffered the brunt of the effects of the armed conflict. Interventions from 'ad-hoc' participants (some of them only took part in one of the two full-day workshops, for instance) that my research plan was not prepared for (Mitton, 2020) in the long run added value and complexity to the research. Hence, instead of seeing the uncertainty that comes with ethnographic research as an obstacle for my project's objectives, I took it as an opportunity to make my research more grounded.

By using elements of ethnographic research and applying them to peace and transitional justice research I hope to contribute to a growing body of literature that has used ethnographic methods to delve into issues traditionally addressed by political scientist and international relations scholars. In the peace and conflict field, for instance, the use of ethnographic methods by Wood (2001) in El Salvador has led to considering the emotional factors when asking why combatants join an insurgency, changing the exclusive focus on the 'rational'. In the transitional justice field, ethnography has been used in the seminal works of Theidon (2007, 2009, 2022) who has examined the role of gender and intersecting power relations in transitional processes —in truth commissions and reintegration of former combatants for instance— through extensive fieldwork in Colombia and elsewhere.

Further, recent scholarship has argued for an anthropological turn in transitional justice (Hinton, 2019) as means to addressing some of the shortcomings of the paradigmatic transitional justice model —related to the legalism and one size-fits all approach of the field, as explored in the first chapter of this thesis. In-depth examination of single cases, as authors

using ethnographic approaches in transitional justice show, can help to give meaning and content to the growing interest of localising transitional justice and challenge its universalistic and tool-kit tendencies (Palmer and Kroner, 2019). Ethnographic research can also shed light on the need to contextualise the ways in which transitional justice comprehends and responds to war-time harms, something of particular importance for gender-based harms, if it wants to be meaningful for victims (Porter, 2016). Combining photovoice and ethnographic research components over my project led to findings that challenge not only the 'paradigmatic' transitional justice field, but also the transformative justice proposal that I took as part of my theoretical framework.

Finally, an important part of adding an ethnographic component to this research project had to do with reflexivity, which goes beyond the minimum ethical requirements of research that ethics approval processes of universities require. This meant, in part, thinking about how my research was placed in the context of the communities where participants live and how the research itself fits into the intersecting power relations that I was studying in a conflict-affected society (Bourgois, 1990). Importantly, given that ethnographic research is by definition an embodied experience, it is also a political process itself: not only because political issues are being researched, but also because it forces the researchers to insert themselves in the power relations at play 'in the field' (Pachirat, 2009). While I had no intention to end up witnessing a two-week paramilitary takeover of a rural town in Colombia (Taussig, 2005), or find myself sharing a Coca-Cola with an active member of an armed group for an interview on the gendered implications of DDR processes (Theidon, 2009), I nonetheless remained ever attentive to the power implications of my own position as a researcher in the context I was for my fieldwork. I will come back to my positionality later in this chapter.

In sum, the combination of the photovoice project and ethnographic research component of my fieldwork, with their emphasis on the lived experiences of people from their own perspectives and in their own contexts, helped me to address the research questions of this thesis examining the how transitional justice in Colombia and its transformative potential are experienced and understood from a local, everyday, perspective (research questions RQ1, RQ2, and RQ3).

Interviews

After carrying out the photovoice projects, I conducted semi-structured interviews with representatives from the three main institutional transitional justice mechanisms of the 2016 peace agreement in Colombia: the Truth Commission (CEV), the Special Jurisdiction for Peace (JEP), and the Unit for the Search of Disappeared Persons (UBPD). Additionally, I conducted interviews with a representative from an international organisation that supports transitional justice and peace processes in the country, a representative from the Kroc Institute of the University of Notre Dame (which follows up the implementation of the 2016 peace agreement), and a representative of a women's organisation that advocates for the inclusion of gender issues in peace and transitional justice processes.

I carried out nine of the interviews in Bogotá, the Colombian capital, and I conducted two of the interviews online given that the interviewees were not in the country at that moment. A list of interviews is available in Table 3 of the annex of the thesis. The aim of conducting these interviews was to contrast and triangulate the data gathered through document analysis and photovoice. As it has been noted in the literature, while photovoice has a great potential for tapping unexplored perspectives from people and communities that are often side-lined from academic and policy discussions, the method works better when combined with other techniques and methods (Fairey, Firchow and Dixon, 2022). After implementing the photovoice projects, I am convinced that photovoice by itself can offer rich and complex data that would be enough for a research project. However, given that my research project had the aim of contrasting bottom-up perspectives with institutional ones, semi-structured interviews with institutional representatives did offer valuable perspectives, which were later complemented with an analysis of official documents.

Selection criteria

I arranged five interviews before going to Colombia using contacts from my personal and professional networks. Before starting fieldwork, I had planned to interview around 25 institutional representatives. However, due to last minute cancellations, lack of responsiveness, participant 'ghosting' —ending communication without explanation (Campagna and Murolo, 2024; Sackett, 2024)—, and time limitations, I ended up conducting only eleven interviews. A sense that my primary source of data collection, the photovoice projects, had produced big amounts of rich data, helped me to ease the research anxiety of not having enough interviewees.

The document analysis part of the data collection, which was forthcoming at that point, as well as the thickness and quality of the interviews I conducted also helped me to conclude that the relatively small number of interviews would not be an issue for the purposes of the thesis.

In line with the sampling strategy for the document analysis part of this research, I used a purposive sampling strategy (Robinson, 2014) to identify potential interview participants. I selected interview participants from the same institutions that I selected for the document analysis phase of the research project (the CEV, JEP, and UBPD) with the intention of adding nuance to the institutional positions of the official documents. Further, I conducted interviews with representatives from institutions or organisations that could provide an outsider perspectives on the way the transitional justice institutions carry out their work in Colombia.

- o *Inclusion criterion 1*: the participant works for or represents one of the three transitional justice institutions set up by the 2016 peace agreement in Colombia.

- o *Inclusion criterion 2*: the participant works for or represents an institution/organisation that works on transitional justice issues in Colombia.

Additionally, I used quota sampling (Robinson, 2014) with the aim of having a gender balance of around 50% of female and male participants.

As was the case with the gender quota sampling that I had set as a goal for photovoice participants, I did not meet this quota. Eight of the interviewees were women, while only three were men. This had to do with my initial contacts from my personal and professional network being mostly women, and them, in turn, pointing me to other women who could be willing to arrange an interview. Further, out of the potential interviewees who 'ghosted' me, most were men. This is only anecdotal, but as was the case with photovoice participants, the unwillingness to engage in unpaid activities could be related to traditional gender roles. Hence, I cannot overlook the fact that, despite using feminist research principles and being reflexive about power relations throughout my research project, I ended up reinforcing gendered patterns of engaging in unpaid work, even if unintendedly.

Semi-structured interviews allowed me to address the research questions of this thesis by examining institutional discourses around transitional justice in Colombia and its transformative potential (RQ2 and RQ3). Further, interviews allowed me to gather data from institutional actors that I could then contrast to the perspectives of photovoice participants.

Document Analysis

I had initially planned to conduct the document analysis part of my empirical research before carrying out the photovoice projects and semi-structured interviews. Due to a delay in preparation for fieldwork due to ethics application procedures, however, I ended up analysing institutional transitional justice publications as the later part of my empirical research. I conducted a desk-based qualitative document analysis (Bowen, 2009) of publications from the three official transitional justice institutions created by the 2016 peace agreement in Colombia. Guided by the categories of analysis established in the theoretical framework chapter (rights, gender, violence, time, owners and driver, and academic disciplines), I examined the narratives around the transformative potential of transitional justice in those documents, with particular attention on how the concepts of transition and justice are constructed (Dube, 2011).

Further, I incorporated what some researchers of social movements call frame analysis, which 'focuses on how more or less established ideological constructs are used strategically to frame a particular topic' (Lindekilde, 2014, p. 200). Like one would analyse the framing of a photograph, frame analysis pays attention to what is included 'in the frame' and what is left 'outside the frame' when analysing the discourse of a document or a report. It also pays attention to how the different elements of the frame are connected by the discourse to convey meaning and make sense of what is being framed (Lindekilde, 2014). This kind of methods are not extensively used in the transitional justice field, but some scholars have used discourse and frame analysis to explore how reconciliation and other concepts are discursively constructed to justify certain kinds of policies (Renner, 2012; Kostovicova, 2016). For the purposes of this thesis, I examined how the scope of transitional justice was framed in the documents I analysed, with particular attention to how the elements presented in my theoretical framework were presented in official discourses of transitional justice institutions.

Some of the advantages of document analysis include the public availability of the data sources (something especially true for online documents), and the cost-effectiveness of the process, since it can be done remotely and entirely desk based. However, this method also has limitations. Risks of lack of detail and depth, limited access to sensitive documents, and biased selectivity from the part of the researcher and the publishing institutions can make document analysis insufficient for an entire research project (Bowen, 2009). Hence, document analysis is oftentimes of more value when used in combination with other methods and when relying on different sources of information (Bowen, 2009, p.28).

Table 2 in the annex of this thesis lists the sources and documents that I examined for the qualitative desk-based research phase of my empirical research. Before starting the analysis, I had planned to include documents from institutions and NGOs that had some connection to institutional transitional justice in Colombia. As I started to gather and analyse the documents from the three transitional justice institutions of the 2016 peace agreement, it became clear that I had been overambitious and had underestimated the amounts of data contained in those lengthy documents. Hence, I ended up including only documents from the transitional justice institutions set up by the 2016 accord: CEV, JEP, and UBPD. I focused on the documents published by these institutions and how they frame their work in the transitional and conflict-affected context of the country, given their political weight and the visibility they have, but also because I could complement and contrast what interviewees from those institutions told me with what was published by their institutions.

Selection criteria

For a provisional list of documents and institutions/organisations I used a purposive sampling strategy (Robinson, 2014) to select publications from institutions that were directly created by the 2016 peace agreement. After a summary read of the provisional document, I selected those that provided substantial discussions of how the relevant institution understood the scope of their work as a transitional justice mechanism.

- o *Inclusion criterion 1*: the document is published by one of the main institutions/organisations working on transitional justice issues in Colombia.
- o *Inclusion criterion 2*: the document addresses transitional justice issues that emanate from the 2016 peace agreement.

By analysing publications from those institutions, I aimed to delve into official narratives and how they frame the scope of their work in the Colombian transitional justice ecosystem. This helped to answer the research questions of this research project by providing insights into how official transitional justice institutions understand the scope of their work (RQ2 and RQ3). Further, when combined with interviews with representatives from some of those institutions, and complemented with a photovoice project with members of communities who experience in their everyday lives the complexities of a society in a transition to peace, I tackled the main research question of this thesis, which sought to contrast local and institutional views on the transformative potential of transitional justice.

Positionality

Ethnographic peace research, mentioned earlier in this chapter, does not only involve ethnographic research elements like extended fieldwork and participant observation. Importantly, it also involves constant self-reflection at all stages of research. This means, among other things, that researchers need to be aware of not only how intersectional power asymmetries play out in their research, but also how their own positionality, made up by multiple intersecting identities, play a role in the relationships between researcher and research 'subjects' (Kappler and Lemay-Hébert, 2019). That is to say, being a PhD student representing a Global North University played a role on how different research participants saw me and the kinds of things they were willing to share with me for my research. In turn, participants' intersecting identities and the power relations between those and my own also played in our interactions.

In principle, for instance, I expected a relatively horizontal power relation with participants who represented transitional justice institutions and who, as well as me, have had access to higher education, which in Colombia is largely a class privilege few can access. I also shared with those participants public sector professional experience, even if I never worked for a transitional justice institution. By contrast, when engaging with photovoice participants who largely came from a socially, economically, and politically excluded background, I had to be attentive of power imbalances that could play out and potentially be reinforced during those projects.

Also, I am Colombian, my native language is Spanish, and I have familial ties with the regions that I visited for fieldwork —all aspects that facilitate access to those sites. However, my identity is also influenced by being born in Bogotá, the capital city and centre of power in a country with a history of centralising political and economic power to the detriment of peripheries. As a privileged *bogotano* with the accent and baggage that comes with it, who lives in the United Kingdom, I could be seen as much of an outsider as a Londoner for the people living in rural areas of Southwestern Colombia.

My positionality, furthermore, is also mediated by my gender. I am aware that I am a cisgender man researching, among other things, gender issues in a conflict-affected society where gender-based violence is widespread, both in the framework of the armed conflict and

in civilian life. This can be problematic for a number of reasons: the displacement of women from feminist and gender agendas (R. W. Connell, 2005), the risk of appropriation of women's and LGBTIQ+ voices by heterosexual men (Taylor, 1998), and the question if men can even engage in feminist research and practice in the first place (Giri, 2022). I recognise those challenges and I acknowledge that my male privilege does not fade away by this recognition. I believe, nonetheless that men can and should engage with gender research, and that they should do so, as bell hooks (2015) argues, from a radical feminist perspective. That means that men must see ourselves as gendered subjects (Whitehead, 2001; R. W. Connell, 2005), while questioning our roles as beneficiaries of patriarchal orders in academia (García-González, Forcén and Jimenez-Sanchez, 2019) and beyond. In other words, men can indeed engage in feminist research, but only if we are committed to challenge our masculine privilege at all levels.

Data Analysis

Once I collected data through the methods presented in this chapter, I analysed it according to the theoretical framework of this thesis: the *everyday transformative gender justice* model presented in the previous chapter. I analysed and coded photographs, group discussions, and interview transcripts based on a provisional list of categories I had built based on the theoretical framework chapter of this thesis. Table 1 below presents those categories:

Table 1. Code categories

Categories of analysis	Subcategories		Guiding questions
Rights	Political Social Economic Cultural Political		How do participants/documents understand the rights that transitional justice should address?
Gender	Gender mainstreaming Prosecution of sexual violence Transformative gender justice Address of structural gender inequality		How do participants/documents understand the role of transitional justice regarding gender?
Violence	Direct Violence Structural Violence		How do participants/documents understand the role of transitional justice regarding direct and structural violence?
Time	Focus on past wrongdoings Limited/Fixed time interventions Past, present, future injustices Long-term processes		How do participants/documents understand the times of transitional justice?
Owners/Drivers	State TJ professionals International actors/institutions Local and indigenous populations Civil Society		Who is and should be the main actors driving transitional justice processes according to participants/documents?
Academic Disciplines	Law Politics Economics	Psychology Criminology Anthropology	According to participants/documents what are the disciplines that are or should be involved in transitional justice?

My data analysis process was not entirely deductive, however. I knew those categories and subcategories were subject to change according to what the data presented. Hence, I relied on an 'abductive' approach, not entirely deductive or inductive, but rather one where I was guided by the theoretical framework of this thesis, but also paying attention how the empirical data called for modifications of the theories underpinning the study (Kennedy and Thornberg, 2018). As I found during the data analysis process, all main categories were in fact addressed by photovoice participants, interviewees and institutional documents, as I had expected. However, the three first categories in the table (rights, gender, and violence) were the more salient by far, according to my coding process. On the other hand, while the time of transitional

justice (the fourth category in the table) was addressed to some extent, the last category (academic disciplines) perhaps unsurprisingly was seldom addressed in the data. Consequently, the empirical chapters that follow in this thesis discuss the findings around the three first categories.

In the analytical subcategories was where my 'abductive' approach proved more valuable. As I discuss in the chapters dealing with violence, for instance, while the subcategories direct and structural violence were indeed discussed, photovoice participants and some institutional discourses challenged my theoretical framework. They understood direct and structural violence as part of the same continuum of violence, something that challenges both the paradigmatic transitional justice model as well as the transformative justice proposal that is a key part of the theoretical framework of this thesis. Something similar happened for the rights subcategories, for which my data suggests that a separation between those rights in transitional justice may not be helpful in an effort to make the field more transformative.

I used NVivo software, a data analysis tool for qualitative research, to organise, analyse, and code the data I gathered through all methods described in this chapter, except for the ethnographic aspect of the fieldwork. For the latter, I used a research diary that, as mentioned earlier in the chapter, helped me to add richness and texture to guide the analysis of the data gathered through other methods and techniques.

Further, for the photovoice data, I paid attention to the different levels of analysis for photovoice proposed by Drew and Guillemin (2014), as well as the research matrix developed by Wang and Hannes (2020). These levels of analysis and research matrixes were developed as a critical tool for photovoice projects when it comes to analysing the meaning-making process of participants, researcher, and audiences. Taken together, they focus on the photographs taken by participants, but also the process of making them, the context where they are made, and the meaning-making that the group of participants engage with. This involves: 1) analysis of the images taken by participants, how they are taken, and the meaning given to them —with captioning, reflexive exercises, and interviews —, 2) a researcher-driven analysis and reflection of the meaning given by participants, along with a contextualisation of those meanings —ethnographic observations were key here —, and 3) a 're-contextualisation' analysis that brings the theoretical underpinning of the project to the analysis and reflects on how audiences (in this case other participants) receive the photographs and meanings given to them by fellow participants (Drew and Guillemin, 2014; Wang and Hannes, 2020).

Limitations of the Study

My methodological choices mean that having focused on the single case of Colombia and its post-2016 transitional justice context did not allow for a comparative approach with other cases over my research. Further, having held the photovoice projects in two locations in Cauca, Colombia, with a small group of participants limits the claims I can make for the wider country. Perhaps the more salient limitation cutting through these and other limitations is the small 'n' numbers of photovoice participants and institutional interviews I carried out. This means that generalisations based on the single case that I chose for my study are necessarily limited.

A photovoice project needs small number of participants to make the process and findings meaningful. But the specificity of the (hyper)local context, as well as demographic characteristics of the participants mean that making generalisations out of the findings is challenging. In the case of my photovoice projects, the groups of eight and eleven people, respectively, provided extremely rich data that included photographs, group discussions, titles and captions of photographs, one-on-one interviews, as well as my ethnographically informed observations throughout the projects. I am confident that the data I gathered though these projects is meaningful and that it does say something to the field of transitional (and transformative) justice. But I am also aware that conducting the projects in a different city, town, neighbourhood, or selecting participants from a different socioeconomic background, may yield different insights into the many issues at play in a transitional and conflict affected context. While this is certainly a limitation of my study, I also consider it a call for further research that uses participatory methods that draw on arts and visuals to explore complex issues like transitions to peace in other locations of Colombia and elsewhere.

Regarding the semi-structured interviews, I carried out with representatives of transitional justice mechanisms and other institutional actors, the small sample size of eleven interviewees poses an even greater challenge for any generalisations. These interviews must be seen, necessarily, in connection or triangulation to the document analysis and photovoice data I gathered over my research. In other words, I am aware that, in isolation, any of the three methods that I relied upon for my research pose important limitations related to small 'n' numbers, particularly when it comes to semi-structured interviews with institutional representatives.

I am not convinced about the argument about the need to triangulate photovoice projects data with more structured methods to comply with research rigour (Fairey, Firchow and Dixon, 2022). If a photovoice project is planned and carried out with its core theoretical pillars (critical consciousness, feminist research, and visual methods) in mind, and if it makes a meaningful contextualisation effort to engage with the local context, and if participation goes beyond discourse, the data from a photovoice project can provide more than enough material for a research project. To be clear, while photovoice was my main research method, it was not the only one I used. I did triangulate photovoice data with other methods (ethnographic observations, semi structured interviews and document analysis). I still contend that the richness of the data resulting from the process of a thoroughly planned photovoice project allow it to be a stand-alone method for an entire research project.

That said, complementary methods can indeed help to contextualise the photovoice data with broader social, political, or cultural dynamics. In the case of my research, I could have relied only on the photovoice projects data and the insights it provided about the transformative potential of transitional justice. However, an examination of official discourses through interviews and document analysis helped me to contrast photovoice participants' views with those of institutional actors. This was of paramount importance because my research question aimed to contrast bottom-up and top-down perspectives.

Despite the methodological limitations of this study, as I show over the next chapters of the thesis, those small numbers of people I engaged with for my research provided a rich and complex understanding of what justice in times of transition means. Asking some of the people who live in one of the most affected contexts by the armed conflict in Colombia what they understand as the transformations needed for a transition to peace to be successful through photographs and reflections around them, proved to be a rewarding, if challenging, research process. What is more, it led to questioning what we mean by transition, what we mean by justice, and what kinds of transformations are needed to attain a more peaceful future.

Chapter 5: The Structural-Direct Violence Continuum

This self-portrait expresses what overcoming violence means. In my territory, as a peasant, the conflict has brought many negative effects to the countryside: forced displacement, being left without land, but also being left without seeds. That is how from the armed conflict, but also form the very laws that prohibited peasants keeping their own seeds, we have felt violence.

Jean Pierre, El Tambo photovoice participant

Introduction

I visited El Tambo, a municipality just outside Popayán, 40 minutes or so by public bus service, to carry out interviews of three participants in the photovoice project who work and live there. El Tambo is the biggest municipality in the Cauca department, with a small but bustling urban centre and vast amounts or rural land with a low population density. As soon as you get outside the urban centre of El Tambo, the landscapes are breath-taking, offering views of both the Central and Western Andes Mountain ranges, with the valley in-between them fading into the horizon on clear days.

I arranged my four-day visit with Deyanira, one of the participants of the photovoice project, who is the president of a community-run tourism association that is trying to boost the almost non-existent tourism in El Tambo. I took a public bus and stopped at a small village before El Tambo urban centre, where Deyanira, who would also be my (motorcycle) driver during my time there was waiting for me. The first thing she told me after greeting me and pointing me to her motorcycle, was that in El Tambo the custom is not to use helmets when riding motorbikes. Despite the obligation to do so according to the Colombian road code, it is better for everyone to see who is on the motorbike because, as she implied, armed actors want to know who is who at all times. In a similar way in which people living in gang-dominated neighbourhoods in Honduras roll their car windows down to avoid suspicion from gang members (Frank-Vitale, 2021), people in El Tambo leave their helmets off for the same reason. When we arrived at the farm I was going to stay, she also implied that the authorities, meaning the armed actors she never mentioned by name, were aware of the tourist activities she was trying to boost, and were aware of my visit.

More than living in constant fear, people in El Tambo navigate their context the best way they can by following the rules of the de-facto authority there and living life as normally as possible. However, some of the themes that became apparent with the photovoice projects, interviews, and my time spent in Cauca, is that the everyday lives of participants and their communities are deeply shaped by the many manifestations of both direct and structural violence.

Direct violence, understood as physical violence from armed actors, is placed in the less transformative part of the transformative justice continuum proposed in the theoretical framework (chapter 3) of this thesis. This is because, as transformative justice scholars argue, structural violence, understood as socioeconomic, political, and cultural exclusion, must also be addressed in transitional contexts if a society wants to effectively come to terms with past wrongdoings, and to guarantee non-repetition. That is, it is not enough for armed actors to stop waging war and to implement transitional tribunals, truth commissions, and other transitional mechanisms if a meaningful transition to peace is to be achieved.

Based on the findings of the two photovoice projects I carried out in Colombia, I argue in this chapter that photovoice participants prioritise a transitional justice that tackles both direct violence —the use or threat of physical violence from armed actors— and structural violence —socioeconomic, political, and cultural exclusion—as part of the same continuum of violence. For photovoice participants, as I will show, direct and structural violence are deeply intertwined. It is not simply that they are different kinds of violence that affect them in different ways. Instead, they are part of a continuum, in a similar way in which radical feminism understands the many expressions of gender-based violence as a continuum (Cockburn, 2004).

This finding challenges the fixation of the 'paradigmatic' transitional justice (Ní Aoláin and Campbell, 2005) with addressing direct violence. It also challenges the dichotomy that the transformative justice proposal assumes between direct and structural violence to focus on the latter. In the following pages I first examine how photovoice participants referred through their photographs, stories and collective reflections, to the effects of direct violence in their everyday lives. Then, I proceed to show how participants understand the connections between direct and structural violence as a continuum of violence. I conclude the chapter by pointing to how those findings can inform how transitional justice can be more transformative by understanding direct and structural violence as expressions of the same continuum of violence that affects conflict-affected societies.

Direct Violence and the Everyday

Image 1

Untitled – Justice After Conflict series, photo I. **David Martínez ©**,
Photovoice El Tambo, 2023

One of the photographic exercises that I asked participants of the photovoice projects to engage with between the workshops was to take a photographic series, of between three to five images, that expressed what 'justice after conflict' meant for them, their families, or their communities. While 'justice in times of transition' may have better reflected the reality of the Colombian context, where war continues to be waged alongside a transitional justice process –something that participants were well aware of–, I chose the prompt 'justice after conflict' for simplicity of language. David took his photographic series in El Recuerdo, a small village in a rural area of El Tambo, several hours away by unpaved road from the urban centre of the municipality, where he lives and works as a social leader. As he told the group when describing the first photograph of the series (image 1), he waited for the sun to come down to take the photograph. That is because the Carlos Patiño front – a FARC dissident group that operates in Cauca since 2019 (Johnson *et al.*, 2024)– imposed a curfew after 5:30 pm in the village.

As David explained, no one could be outside their homes after that time, so the public sports court, where youths and children would gather to play and chat after school hours, was deserted (Martínez, 2023b). In the photograph, there is a graffiti behind the court that reads '*FARC-EP, Frente Carlos Patiño*' (image 2). David wanted to show the deserted public space with the backdrop of the armed group graffiti. He did not want to raise suspicions by taking the photograph from up close[12], hence the graffiti is not easily seen at first sight:

Image 2

Photo crop - Untitled – Justice After Conflict series, photo I.
David Martínez ©, Photovoice El Tambo, 2023

The second photograph in David's series (image 3), is a visually striking black and white image that shows the silhouette of a pair of tied hands, and a third hand that seems to be reaching out to help with a sense of urgency. David explained to the group that he wanted to show how the community felt strapped with the presence of armed actors around his village.

---

[12] As mentioned in the methods chapter of this thesis, one of the first recommendations I made to participants in the introductory part of the photovoice projects was to always prioritise their safety, and that of people being photographed, when taking images for the project.

Image 3

Untitled – Justice After Conflict series, photo II. **David Martínez ©**, Photovoice El Tambo, 2023

While the area where David lives does not have a heavy presence of coca crops, it is located in drug trafficking route, which makes different armed actors fight over control of the area and the illegal and legal economies that surround drug trafficking (Martínez, 2023b). The larger area, known as the Micay Canyon (*Cañón del Micay*), shown in map 1 below, accounts for around 75% of coca crops in the Cauca department[13], and its geographical proximity to the Pacific coast makes it a key drug trafficking corridor (Rodríguez Álvarez, 2023; UNODC, 2023). According to research from NGO Indepaz, since the 2016 peace agreement was signed until January 2024, thirteen massacres were committed in this area (out of the total of 61 massacres committed in Cauca), while 45 social leaders and 18 former FARC combatants who signed the agreement were assassinated. El Tambo and the neighbouring municipality of

---

[13] Out of the total of 32 departments of Colombia, 20 have coca crops. Cauca is the fourth department with the most hectares of coca crops, with the area between the municipalities of Argelia and El Tambo being the productive hotspot of the department (UNODC, 2023).

Argelia account for the biggest number of those assassinations (Espitia Cueca and Cabezas Palacios, 2024).

Map 1. Location of El Tambo, Cauca,

🔺 Municipalities that make up the Micay Canyon.

Creative Commons (CC).Milenioscuro (2011). Captioned and modified by the author

The third and final image of the series (image 4) returns to the public sports court of the first photograph, with a wider angle. The image was captured after dawn, and it shows a group of young people chatting in the fore of the frame as others appear to play football in the background. The wide angle of the photograph that captures the young people at the court, but also the silhouette of the Andes mountain range and the last colours of the setting sun help to give the image a calming effect. 'I can't say that this is the best photograph I have taken, but it represents what justice means to me', David said (Martínez, 2023b).

At the time when the photovoice project was taking place in El Tambo, in June 2023, the security situation in El Recuerdo had gotten better and armed actors were not being seen around the village, as David told us. All that was left were the graffiti that the FARC dissident group painted in some of the houses. He attributed the relative calm to the new government's approach

to drug trafficking, and the decline in coca paste[14] prices. This later point was reiterated by several people I talked to in Cauca. It has also been documented by investigative journalists (Forero Rueda and Fakuda, 2023). In any case, for David, justice after conflict means seeing scenes like the ones in his final picture of the series: young people being able to socialize or play sports in public spaces until 10 or 11pm without fear of retaliation from armed groups.

Image 4

Untitled – Justice After Conflict series, photo III. **David Martínez ©**, Photovoice El Tambo, 2023

With the photographs of the series, David went on, you can see the history of El Recuerdo, which brings many *recuerdos* (memories): 'memories of several massacres, of fathers killing their sons and vice-versa (…) and of armed actors making things even worse, which has made it one of the most dangerous places to visit [in El Tambo]' (Martínez, 2023b).

---

[14] Coca paste is the product of the first stage of the chemical process that transforms the coca leaf –a plant that has been used in its natural form for centuries by indigenous people in the Andes region of South America– into cocaine. The process is usually done in makeshift 'labs' where tons of coca leaf are processed with cement, lime, ammonium, gasoline, and sulfuric acid to produce kilos of coca paste. The paste is mixed with acetone and hydrochloric acid, and then drained to obtain cocaine hydrochloride, known simply as cocaine (Bermúdez Liévano, 2018).

David was not exaggerating when talking about pervasive violence in the area, as the figures cited above about massacres, and assassinations of social leaders and former FARC combatants demonstrate. One day before I flew to Popayán to start fieldwork for this research, I heard about one such massacres in El Tambo. While having a break from preparing the first photovoice workshop to be held the following Saturday, I came across a Twitter post by NGO Indepaz reporting that three people in a rural location of El Tambo municipality were assassinated. The tweet reported that three *campesinos* (peasants), named Rubén Darío López, Didier Estiven Montenegro, and Marcos Elías Gutiérrez, had been taken out of their homes by unidentified armed men, who told the victims that they wanted to have a chat in a bush area and then they would be released. Moments later, they were assassinated. The post also said that this was the 30th massacre in Colombia up until that point in 2023 (Indepaz, 2023).

It is worth noting that *campesino* is a social, political, and historically contingent concept, as well as an identitarian category in much of Latin America and elsewhere. It has been used in a pejorative way by economic and urban elites to refer to 'backwards' rural people. It has also been appropriated by social movements to defend the rights of small-scale and often family-based rural agricultural farmers and workers (Sevilla Guzmán and Pérez Yruela, 1976; Edelman, 2013). Most photovoice participants said they identified as *campesinos* or coming from a peasant family. I will get back to this issue in the following chapters.

David expressed his fear of armed actors going back to the village. In a separate conversation, he told us that armed people —he did not identify from which armed group— had started issuing ID cards that locals had to always carry with them. Perhaps unsurprisingly, given the continued armed conflict and presence or armed actors in the region, no participant in either photovoice project chose the theme of 'reconciliation' when given the option for photographic exercises. With the newfound calm in the village, however, David was planning to organise a summer football tournament, to train young people in coffee cupping, to train them as baristas, and to enhance the rock music scene in the village as part of his social leadership role. 'That is what justice means to me, to retake what has been lost [in the armed conflict]' (Martínez, 2023b).

Claribel[15] and Diana[16] responded to the photographic series and the stories told by David with a sympathetic tone. Apart from praising the photographs and how he was able to tell a compelling story and to express what justice after conflict meant for him, they echoed his preoccupation with public parks and young people spending their free time there. Claribel is from El Tambo and Diana from Popayán, but both said that they felt nostalgia when listening to David talking about the importance of young people safely spending after-school hours in public spaces. They said that they used to play outside until late hours when they were young, something that they do not see that much of nowadays (Ramírez, 2023a; Solano, 2023).

Further, Claribel, who has known David for years, commented that she could also see in the photographs the personal journey of transformation that he has lived through, from experiencing violence as a young person, going through alcohol and drug problems — something that David himself had shared with the group previously— to becoming a social leader who works for minimising the impact of violence in his surroundings. Through the photographs in the series, Claribel said, David transformed what violence and justice means. In the final photograph of the series, she noted, the children are playing and chatting, they are free to play, although the scars of the painful events that the village has lived through remain present (Ramírez, 2023a).

David, Claribel, and Diana were not alone when linking issues of violent conflict, peace, and justice with the lack of young people in public spaces. See these images taken by two different participants in El Tambo:

---

[15] Claribel is a social leader who has led various informal peace initiatives in El Tambo and a participant in the Popayán photovoice project. She later acted as co-facilitator in the El Tambo photovoice project.
[16] Diana is a psychologist and a master's student in the University of Cauca who asked to attend one of the workshops, as she was interested in learning about the photovoice method for her own research. She ended up being an ad-hoc participant in the second workshop in El Tambo photovoice project.

Image 5

Untitled - Theme: Security. **Yamileth García Ante ©**,
Photovoice El Tambo, 2023

Image 6

Untitled - Theme: Violence. **Jean Pierre Ospina Ante ©**,
Photovoice El Tambo, 2023

During the first full-day workshop, I asked participants to take a photograph following one of the following themes: violence, security, gender, conflict, peace, or reconciliation. Yamileth, a resident of El Tambo who has a small bakery business, chose security and took a photograph of a public sports court adjacent to the space where the workshop was taking place (image 5). The car in the foreground —which was the car assigned to another participant by the National Protection Unit due to her life being at risk for her social leadership role— symbolises the security that Yamileth would like to see for young people to be able to enjoy those kinds of public spaces (García Ante, 2023a).

The group discussion of Yamileth's photograph expressed concern with the court being deserted on a sunny Saturday. Jean Pierre, on the other hand, took a photograph (image 6) of a children's playground, with an empty but moving swing, which, as other participants commented, gave the image a haunted feeling. His theme was violence, and as he explained: 'I wanted to show another face of the violence, or what violence generates, because there should be children there, but the only thing there is the wind moving the swings (…) where there is violence children cannot be safely playing in a playground' (Ospina Ante, 2023c). The feeling of unease and insecurity around the presence of armed actors in the area expressed by Yamileth, Jean Pierre, and other participants remains very much present in El Tambo, despite the 2016 peace agreement and the Total Peace policy of the current Colombian government, which seeks to negotiate peace with all remaining armed groups in the country.

The presence of armed actors was not perceived negatively by all photovoice participants, however. As Deyanira told me during her interview, when the 2016 peace agreement officially dissolved the FARC guerrillas, in her village they 'became aware that we actually needed the armed men' (Domínguez Girón, 2023b). They used to live feeling secure, leaving doors unlocked. When the peace deal demobilised the guerrillas, crime started to rise. Locals realised that the FARC front that operated in the area was keeping things in line, as violent as their methods were. What Deyanira mentioned has been well documented: after 2016, the state failed to fill the power vacuum that around 13,000 guerrilla members left in their areas of influence (Nussio, 2020). It is also worth noting that all photovoice participants who live in El Tambo live in different villages of that municipality. Hence, it may well be that Deyanira's perception about illegal armed actors positive influence is a matter of personal perception. But it may also have to do with hyper-locality being paramount when addressing conflict, peace, and justice

issues, as realities and needs can vary not only from region to region but also from village to village (Firchow, 2018).

What connects the photographs shown so far and the stories and ideas that participants threaded around the images, is that public spaces for leisure are sites where issues like security, violence, and (in)justice are experienced in the everyday. Direct violence is manifest in non-obvious ways, like in the time of the day that young people can safely be outside socialising. Direct violence, according to participants, is tangible in the *absence* of youths in public spaces, not just the presence of armed actors. When it comes to addressing direct violence justice after conflict, justice after conflict feels and looks like the *presence* of young people at day and night without fear, as David's photographic series suggests.

In the 'paradigmatic' transitional justice field direct violence has been usually understood as the harms committed by armed actors during armed conflict (or by authoritarian regimes or occupying forces). That is direct, physical violence, usually in the form of war crimes, crimes against humanity and grave violations of human rights. The main ways in which TJ mechanisms address direct violence is through transitional criminal tribunals, truth commissions, and reparation programmes for individual and collective victims of direct violence. Colombia has all those mechanisms in place, as set up by the 2016 peace agreement and previous official reparation and memorialisation initiatives.

What the photovoice projects in Cauca revealed, challenges the way in which direct violence is understood and addressed by TJ. They pointed to the need to focus on the effects of direct violence as experienced in the everyday, on how the presence of armed actors in conflict-affected communities influence daily experiences that matter for the people living there, like children and youths in public leisure spaces. This does not mean that TJ should not address direct individual and collective harms of the armed conflict, but it does mean that the field should expand its understanding of conflict harms to include what matters in the everyday lives of people in conflict-affected contexts. This challenges the paradigmatic TJ understanding of direct violence, but also challenges the transformative justice proposal's fixation with structural violence, which neglects the sheer importance that addressing direct violence has for people and communities who continue to be affected by the presence of armed groups despite the implementation of transitional mechanisms at a national level.

As I address in the next section, participants in the photovoice projects not only made the case for a broader understanding of the effects of direct violence in their communities. They

also made clear some of the various ways in which structural violence links to direct violence to influence how peace, conflict, and justice are felt in their lives and that of their families and communities. As I will argue, those insights also challenge some core assumptions of both the paradigmatic transitional justice and the transformative justice proposal.

Connecting Direct and Structural Violence

Gerardo[17], a participant in the Popayán photovoice project who lives in El Tambo, made a photograph of another playground swing. Unlike Jean Pierre's photograph shown above, this time the playground photographed by Gerardo as part of his *Justice After Conflict* series, had people in it:

Image 7

Small Things in Small Places Contributing to Peace, Justice After Conflict
series. **Gerardo ©**, Photovoice Popayán, 2023

Whereas David, Yamileth, Diana, and Jean Pierre put emphasis on the effects of violence and (in)security on local young people and their relationship with public spaces, Gerardo thought about what justice would look like after violent conflict in his *Justice After Conflict* series entitled 'Small Things in Small Places Contributing to Peace' (images 7, 8,9). From the empty swing of Jean Pierre that symbolised violence, we move to a swing where Gerardo and his family can spend time relaxing. For the series, Gerardo photographed three points of a path

---

[17] Not his real name.

in his family-owned farm where they have a restaurant that opens on Sundays, which I had the chance of visiting for Gerardo's one-on-one interview.

Image 8   **Image 9**

Small Things in Small Places Contributing to Peace, Justice After Conflict
series. **Gerardo ©**, Photovoice Popayán, 2023

As he described the series, he told the group about the path that he and his family have followed to adapt the farm to welcome visitors. It has not been an easy path. It has been about believing in the process in the face of adversity, of violence in El Tambo, and the restrictions of the Covid-19 pandemic. But for Gerardo, justice after conflict is precisely about following that difficult path, which sometimes feels uphill. At the end of the path, as image 7 shows, justice feels like tranquillity, like time with his family, having fun in a natural, quiet and peaceful environment where adults, children, and animals alike (note the dog on the lower right of the photo) can live in peace (Gerardo (Anonymous participant), 2023a).

Gerardo's initial description of his photographic series was short and timid, mentioning that he was not very good at speaking in public. However, after he received positive comments from other participants, some of them who also live in El Tambo or live in farms like his, he further developed his thinking behind the photographic series. He said that having a family-run business in El Tambo has not been easy because of several reasons.

First, El Tambo carries a stigma about being a conflict-ridden municipality, which makes visitors think twice before going there. Second, despite being some 30 kilometres away from Popayán, it can take hours to get to where the farm is located, as the tertiary unpaved road that leads to the village where the farm is located is in an awful state. During the rainy season, the state of the road makes it almost impossible to get there unless you have a 4-wheel drive vehicle, a luxury few can afford. This abandonment of the region by the state does not only affect his family business, Gerardo said, but the entire community's development prospects (Gerardo (Anonymous participant), 2023a). Third, the lack of young people able to work in the rural areas of El Tambo represents yet another obstacle for a live project like Gerardo's. In absence of livelihood opportunities in the area, young people have few choices: migrating to Popayán or another city to work as biker mice[18] (*motorratones*), as urban motorcycle taxi drivers are known; working in coca leaf cultivation, which offers more pay than working in legal agriculture —around $18USD for a day's work—; or joining an armed group (Gerardo (Anonymous participant), 2023b).

This latter point was also addressed by another photovoice participant. Angélica, a public schoolteacher, mentioned that in Sotará, the municipality in Cauca where her family comes from, there are no job opportunities that can compete with working at coca crops, which leaves the area devoid of people willing to work in legal agriculture economies (Fernández, 2023b).

In his village, Gerardo told me in a sombre tone and almost whispering during his interview, they have gotten used to 'not talking too much' if they see something going on that involves armed groups. I suspect Gerardo's decision to remain anonymous for the research project was connected precisely to the fear of speaking too much. He and his family did not speak much when the neighbours' son was recruited by an armed group —he did not specify which one, perhaps following the rule of not talking too much. Months later, they received the news that the young man had been killed. They had to collect money around the village to help the family with the costs of the funeral as his mother did not have enough money to pay for the coffin, the funeral service, and the food that is customary to offer during the mourning ritual (Gerardo (Anonymous participant), 2023b).

---

[18] A reference to an early 1990s American TV cartoon that was popular in Colombia. It depicted human-like muscular mice from Mars who rode motorcycles. In most of Colombia, it is common to see motorcycle drivers who offer informal rides in cities and rural locations alike as a way of dodging traffic, crowded public buses —or a complete lack of public transport—, or taxi fares that few can afford.

Different levels of structural violence are at play in Gerardo's story about his neighbour, which are deeply linked with direct violence. First, the lack of opportunities for young people in rural areas lead them to join armed groups because they offer a job opportunity that they would not have access to otherwise. In this instance, structural violence, expressed in the lack of prospects for livelihood projects in the area, feeds direct violence, expressed by the recruitment of young people by armed groups. This was identified by Gerardo and other participants as a dynamic that breaks the social fabric of rural communities. The lack of economic opportunities breaks families and communities by losing young people to the city or to armed groups. This feeds armed actors (direct violence) but also contributes to a cycle of structural violence by voiding rural villages of people on working ages who can work in the few available legal jobs.

Then, there is the need to crowdfund the funeral of the boy that died while being part of an armed group because his mother cannot afford to pay for the ritual. Here, structural violence (lack of opportunities) presumably led Gerardo's neighbour's son to join an armed group, where he joined the dynamics of direct violence and was later killed. In turn, direct violence makes manifest the poverty and extreme poverty conditions in which some rural populations live in Colombia (structural violence) as expressed in the inability of the mother of the killed young man to afford the funeral arrangements.

In terms of community responses to direct and structural violence, note that dynamics of 'not talking too much', recruitment by armed actors, and migration to cities have a divisive effect on the community as shown by Gerardo's story. Events where direct violence is more palpable, however, like the killing of the neighbour's son, can spark solidarity, as the crowdfunding that Gerardo described showed, which has a unifying effect in the community. This is not to say that violence has a positive effect. But it is important to note that direct and structural violence have a complex effect that breaks the social fabric of conflict-affected communities, but can also, at times, catalyse episodes of solidarity and social cohesion in the face of violent conflict.

Further, there is a gender dimension that plays an important role in the relationship between direct and structural violence, even if Gerardo did not talk about it explicitly. The power that carrying a weapon offers to young men —the neighbour's son was not even 18 when he was killed— plays an important role to lure them into legal and illegal armed groups (Gerardo (Anonymous participant), 2023b). In the context of Colombia, decades of armed conflict have

produced a hegemonic masculinity in society that is closely linked to armed 'warriors', which permeates not only the dynamics of the armed conflict but also the everyday of civilian life (Ortíz Acosta and Otálora-Gallego, 2025). I will come back to gendered dimensions of transitional and transformative justice in the next chapters. For now, I want to point to another way in which structural violence, in this instance structural gender violence as expressed in the mandates of what being a 'true man' means in a society that has lived through decades of violent armed conflict, feeds direct violence by making joining an armed group one of the few options that poor rural men have at their disposal to comply to dominant notions of masculinity.

The links between direct and structural violence were also palpable in Gerardo's life story. He migrated from El Tambo to Popayán as a young man. He served his one-year military conscription and then stayed in Popayán, where he worked for 16 years as an inter-municipal bus driver. It was a time when there was decent money in the bus driving business, as he told me during his interview (Gerardo (Anonymous participant), 2023b). Interestingly, one of the very first things Gerardo said during the first photovoice workshop was that he had not suffered from the armed conflict directly. However, as the photovoice project developed, he came to recognise that he had in fact been affected in a quite direct manner. By looking at other participant's photographs and listening to their stories and ideas about peace, conflict, and justice —some of them were direct victims of the armed conflict but others were not—, he made a connection between his experiences in life with the broader dynamics of the armed conflict.

This transformation of Gerardo's view on violence is representative of what happened during both photovoice projects. As the projects evolved, participants generated collective narratives and shared their ideas about what justice after conflict means, as informed by their lived experiences. This does not mean that disagreements, divergent life stories, and different perspectives were erased. But, sharing their own experiences and actively listening and reacting towards what others said through their photographs, did result in collective and evolving understandings of what complex concepts like peace, conflict, and justice entail. As many expressed towards the end of the projects, or during the one-on-one interviews, they were able to enrich their knowledge by sharing their lived experiences and learning from their peers' stories. The process of the photovoice project, as I argue in the methods chapter of this thesis, created a space where the visual and storytelling aspects of the process facilitated a critical dialogue between participants that resulted in rich reflections that challenge some core

transitional justice and transformative justice assumptions, such as the neat division between direct and structural violence.

The photovoice projects process also allowed for uncovering the invisibility or normalisation of violence as experienced in the lives of participants and their communities. As the photovoice project in Popayán went on, Gerardo started to realise that violence, structural and direct, in fact touched his life in several ways. It shaped his life and the decisions he took along the road, from migrating to the city looking for job opportunities as a young man, doing military service, quitting his job as a bus driver due to the presence of guerillas and paramilitaries on the roads, and the difficulties of running a family farm business in a rural conflict-affected area with precarious public services and goods. As he explained while talking about the stories behind his photographs and during his individual interview, Gerardo witnessed first-hand the abuses from both guerrillas and paramilitaries towards civilian populations while working as a bus driver. When we were discussing the *Justice After Conflict* photographic series exercise, he told the group:

> *At one point I told all of you that I have not been a victim of violence, right? But I was remembering, and remembering… And I think I have been a victim in fact. I remember that a long time ago my father had an intermunicipal bus and I was the driver in a municipality of Almaguer. I remember that we were with the [assistant] lad cleaning the bus to travel the next day when there was a guerrilla attack at around 4 in the afternoon. The guerrillas entered here, the bus was here, and the bus station was here* [Making hand gestures to explain the location of the bus]. *We ran, we went into the hotel, one of those old mud houses. That takeover lasted from 4 in the afternoon until 8 in the morning. All night long, those explosives fell, that house was falling to pieces, we were under the beds. I thought about the bus because, well, it was something that had been entrusted to me. The next day [he heard] the sound of people, the noise and all that, and we went out to take a look at around 8 in the morning. I was scared to look because that was a tremendous thing. It was terrifying. The bus was destroyed, we looked for help in Cali, everywhere…* (Gerardo (Anonymous participant), 2023a).

Then, Gerardo told another story about how he narrowly escaped being killed by AUC paramilitaries[19]:

> *In another case, I was arriving at the municipality of El Tambo and I had an incident with some people who were drunk. They were from the AUC [paramilitaries]. That day there were about 4 dead people. That was something tremendous because, without being our fault, well, you know… the fact of having weapons makes them more powerful than the one who is next to them… That day a person, I remember, shouted at them "opportunists!" (…) I was very young, I was 18 years old, and my assistant was also very young. They had us like this* [imitates a hands up posture]*, they were going to, as they say, execute us. I have always said that God is the only one who has the last word. Those people shouted "opportunists" and those poor people were the ones that ended up being killed* (Gerardo (Anonymous participant), 2023a).

All those circumstances led him to decide that it was time to settle back to Popayán, where he worked as a driver for the Cauca governor's office and then the mayor's office. He felt he was being exploited in those roles. He worked from 4 am until 10 or 11 pm some days, with a fixed-time contract that did not pay extra hours. Despite knowing he would earn less money in El Tambo, he decided to go back and work at the family farm where the restaurant is now located. His dream, he told me, is to build bungalows where people can stay overnight at the farm to expand the restaurant business. But the lack of basic services and goods, state presence, and the continued threat of the armed conflict are obstacles that he and his family face to make that dream come true.

Apart from deficient roads, and lack of public investment in developing the village, the threat of armed actors is very much present. Despite the security situation being better after the 2016 peace agreement, Gerardo said, the threat of violence is still there. 'I am not going to say that it [the 2016 peace agreement] was a super peace process, no, but I have seen results (…)

---

[19] The Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia-AUC*) were a far-right paramilitary group that was born out of the association of different regional death squads that sought to contain the expansion of subversive groups in the late 1970s and early 1980s. Its initial goal was to protect the capital and interests of regional elites, often with the active involvement of members of the state forces (Duncan, 2014). At the height of its economic, armed, and political power in the first half of the 2000s, the group had around 30,000 fighters and reportedly controlled 35% of the Colombian Congress (Álvaro, 2007). The AUC demobilised in 2006, but spinoffs of the group quickly emerged, including what is now the biggest armed group in Colombia, the so-called Gaitanista Self-Defence Forces (*Autodefensas Gaitanistas de Colombia*-AGC).

we have not seen attacks for a long time, we have not heard of kidnappings' (Gerardo (Anonymous participant), 2023b). However, as he also told me, he recently had a group of people from an NGO from Popayán staying over at the farm to evaluate the feasibility of building the tourist bungalows Gerardo dreams about. At one point during the visit, they started hearing gunshots nearby. Understandably, the people from the NGO where frightened. 'The hands of this man were trembling!' Gerardo told me. And he continued 'he told me "Gerardo, you cannot implement something like that here, imagine if this happens when a tourist is around!" (Gerardo (Anonymous participant), 2023b). Gerardo's face showed sadness when he spoke of the words of the frightened NGO representative that day. Those words meant that violence had gotten in the way of his life projects once again.

A Transformative View on Direct and Structural Violence

A key argument of the transformative justice proposal is that the transitional justice field should focus on addressing structural violence. That means tackling the intersecting social, political, and economic inequalities at societal level (McGill, 2019). The focus on structural violence in the transformative justice proposal comes as a response to the almost exclusive focus of the paradigmatic TJ on direct violence—physical violence, war crimes, and human rights violations— during armed conflict, dictatorial rule, or occupation.

The photographs participants of both photovoice projects took, the individual and collective reflections they engaged with around the images, as well as the one-on-one interviews I conducted with them, both support and challenge the attention that the transformative justice proposal places on structural violence. They supported the paramount importance of tackling structural violence in a transitional context like the Colombian one. But they also challenged the direct/structural violence dichotomy that the transformative justice proposal assumes.

Based on the photographs analysed above and the reflections around them, I will further draw from the photovoice projects' reflections that make a case for tapping the transformative potential of transitional justice by understanding direct and structural violence as part of one continuum that must be addressed by transitional justice. In this section I address issues that participants brought up regarding direct violence from armed actors, structural violence in rural areas of Cauca, and the limitations of the 2016 peace agreement's transitional justice framework to produce transformations for social change.

Given the longevity and severity of the effects of the armed conflict that has left more than nine million victims in Colombia —more than half a million of those have been fatalities—, it is to be expected that people in the country, particularly in peripheral rural areas where the conflict has been mostly experienced, talk about direct violence as a key issue to be addressed by transitional justice. Behind the numbers of victims of the armed conflict there are individual stories that give a sense of how people, families, and entire communities have lived, and continue to live in that context.

I did not ask participants directly about their victimisation stories, as those questions can trigger memories of traumatic events that they may prefer to avoid bringing back. However, the photographic tasks, group discussions, and interviews did provide space for those stories, if participants chose to talk about them. Some participants shared their stories when talking about their photographs or reflecting on others' work, as some of the examples that I have shown so far demonstrate. This mostly happened as the projects developed and trust was built between members of the group.

Stories from Gerardo and David above are testimony to that process of confidence building that led to sharing difficult personal experiences with violence. Other participants referred to their experiences with direct violence and the armed conflict, through their interviews, their photographs, and the reflections held during the photovoice workshops. Jean Pierre, a young man who identifies himself as a *campesino* told the group with a broken voice and tears in his eyes that his father was assassinated some years ago. Ruby, an indigenous community leader in El Tambo was forcibly displaced with her small daughter. Melania, a social leader based in Popayán, was also forcibly displaced and dispossessed from her farm in a rural village in Sotará, Cauca, two decades ago. Some years after that, her brother was assassinated. Margoth, a social leader from Nariño, whose husband was forcibly disappeared by paramilitaries, was later a victim of sexual violence and forced displacement. Fredy, a retired army member, was victim of two separate incidents with antipersonnel mines during confrontations with the FARC, which left him with a life-long disability. Even members of my family in Popayán told me about how years ago they hid for hours in a bathroom when FARC guerillas were having a confrontation with the army just around the corner of their house, hearing rifle shots and Black Hawk helicopters flying past while shooting from the air was going on just a few hundred meters away from their place —the house I stayed at during my fieldwork.

Each of those stories deserve attention to their specificities, the harms caused, and how they connected their experiences with what they perceive as the scope of transitional justice. But for now, I focus on how participants of photovoice projects reflect on the interconnectedness of direct and structural violence. One of the photographic exercises that I asked participants to engage with between the two full-day workshops was to take a self-portrait, it could be a literal or figurative self-portrait, that expressed what overcoming violence meant for them. In El Tambo, Jean Pierre took the following photograph for the exercise:

Image 10

Self Portrait – Overcoming Violence, **Jean Pierre Ospina Ante ©**, Photovoice El Tambo, 2023

When describing to the group what he wanted to show with his photograph (image 10), a visually well-balanced image where the hands of himself, his brother, and mother are holding some of the produce of their family farm, Jean Pierre said:

119

This self-portrait expresses what overcoming violence means. In my territory, as a campesino*, the conflict has brought many negative effects to the countryside: forced displacement, being left without land, but also being left without seeds. That is how from the armed conflict, but also form the very laws that prohibited peasants keeping their own seeds*[20]*, we have felt violence. That has been a struggle for many years, but now we can at least keep some seeds, like beans,* chontaduro[21]*, and cherry tomato (…) I asked my mum for help, to get some advice, and we got to the conclusion that as peasants, one of the steps we need to take to overcome violence, which has scarred us for so many years, is to be able to keep our own seeds, but also our own traditions* (Ospina Ante, 2023b)*.*

For Jean Pierre, violence is experienced as a peasant when armed actors attack rural populations, but also when the government in Bogotá enacts laws that affect traditional agricultural practices. After this initial description, Jean Pierre continued explaining other photographs that he had taken for the photographic exercise. When I asked him if he could tell us about some of his thought process during the exercise to capture what overcoming violence meant to him, he elaborated:

I thought about it a lot because I didn't know how to represent it, even though my family has been quite affected by the conflict. In fact, my father was killed in Uribe, which is the area where we lived. After that, we were threatened and had to leave for Bogotá. Later, we decided to go back and see…, and here we are. We find freedom in the countryside by planting our own food. At least if a crisis comes, we will at least have something to eat and we will be able to face the crisis. And that's like, if we are locked up in the farm, we will be able to survive. That's what I wanted to represent (Ospina Ante, 2023b)*.*

Re-reading the transcript of the workshop discussion where Jean Pierre told us about his father takes me back to that moment and Jean Pierre´s sad expression. He was trying to hold back his tears. It was impressive, however, how he and others reflected on the connections of structural and direct violence even with the backdrop of their traumatic experiences. In this instance, Jean Pierre was telling us that he and his family have suffered greatly from the actions

---

[20] Jean Pierre refers here to the presidential decree 970 of 2010 that heavily restricts the use of local seeds that have been traditionally used by peasant, indigenous, and black populations (Bolaños Vásquez, 2022).

[21] A savoury and fibrous fruit of a palm tree, a regional delicacy of Southwestern Colombia.

of armed actors in El Tambo. He, in conversation with his mother, brought to the discussion that they, as peasants, have felt the violence from armed actors, but also from state policies towards rural Colombia. Other participants praised the deep meaning of Jean Pierre's self-portrait, mentioning that they had not thought about violence in terms of agricultural policies that affect peasants, but now that he talked about it, it made sense to consider it as such (Martínez, 2023b; Patricia (Anonymous participant), 2023).

In a similar way in which Gerardo connected direct violence from armed actors with the lack of job opportunities for young people in his own village in El Tambo, Jean Pierre connected the violence his family has suffered from armed actors with policies enacted from Bogotá that restrict the use of seeds by small farmers in rural Colombia. Another participant made clear connections of those sides of the continuum of direct and structural violence. Claribel, who participated in the Popayán photovoice project, lives and works in El Tambo. She made the following photograph for the self-portrait exercise (image 11):

Image 11

Self Portrait – Overcoming Violence, **Claribel Ramírez ©**,
Photovoice Popayán, 2023

Claribel also thought a lot about what to photograph during the week to show what overcoming violence meant to her. In the end, she photographed her house during a rainy day as a symbolic self-portrait (image 9). The image shows a stairway in the foreground that leads to the house in the middle ground, with the town and the gloomy sky in the background. She explained to the group that the house had belonged to her grandparents, then her parents, and now to her. The house is in the outskirts of the urban area of El Tambo, in a strategic high point where armed groups have used over the years to enter the town. For years, the house was damaged by bullets and fragments of bullets following confrontations between guerrillas, paramilitaries, and state forces. At the worst point of the armed conflict in El Tambo, when the paramilitaries arrived —late 1990s to early 2000s (Rutas del Conflicto, 2019)—, was the time when Claribel's only son was born. During those attacks she had to hold her newborn son, enclosing him with her body while lying below a bed in her house:

> *We thought we were going to die in that house. We had the feeling that a bomb was going to fall, or that we were going to be shot, so I kept my son here [mimicking holding her son close to her chest]. That lasted for many years, for five or six years, then my son grew up so he knew where he had to hide* (Ramírez, 2023b).

Claribel said that the house has felt the effects of violence. Her family and herself have been affected as well. Now she proudly showed her house to the group, as she and her family have repaired the roof and the outside walls that once were riddled with bullets. That is why the photograph reflected what overcoming violence means to Claribel: to restore her family home that has passed through three generations, amidst the physical and psychological damages that violence has left. She photographed the house from the path of stairs to symbolise the difficult path towards restoration (Ramírez, 2023b).

When she presented another image for a photographic series that expressed what justice after conflict means to her, the connection between direct and structural violence became clear. Once again, she discussed her son, but this time in his current age:

Image 12

Justice After Conflict – Justice After Conflict series **Claribel Ramírez ©**, Photovoice Popayán, 2023

Describing her photograph (image 12), Claribel said that it represented what justice after conflict means to her because 'justice after conflict means being able to be with my son, that is what is what is most important in my life' (Ramírez, 2023b). She made the photograph in a eucalyptus forest, in the outskirts of El Tambo, near the road that leads to Popayán. With the woods she wanted to convey a sense of aridity to symbolise the harms of the conflict and the scars it has left for her and her family. She edited the photograph with an editing tool we learned to use during the workshops to produce a vignette effect and frame what was most important to Claribel: the unity of herself and her son. In another photograph that Claribel chose for the final exhibition of the project, her son featured again:

Image 13

Resilience **Claribel Ramírez ©,** Photovoice Popayán, 2023

At first, when I saw this photo from Claribel (image 13), as with other photos of the project, I thought it was not useful as data as she did not take the photograph herself, and the photograph was taken before the photovoice project even started. Later, when looking at the photograph again for the analysis phase of the research, I saw how it was very much relevant to delve into the links between direct and structural violence. The photo shows Claribel's only son in what looks like a summer day in Buenos Aires, with an Argentina football jersey and an Argentinian flag painted on his cheek. Other people are seen in the background with Argentinian flags, in what was presumably a football game day. Claribel entitled it 'Resilience' and the description given by her says that her son had to leave El Tambo and go to another country, fleeing violence and looking for life opportunities that he, and herself, could not access in their hometown.

Claribel showed this photograph with pride. And the meaning she gives to it helps to express what justice in times of transition means to her. As she mentioned during her one-on-one interview, her son has been able to attend a university and access opportunities that were not available for him back in El Tambo. Justice after conflict, it seems to Claribel, means for people like her son to be able to access those opportunities where they are born. It means that direct and structural violence do not get in the way of life projects like those of her son (Ramírez, 2023c). Justice after conflict, then, can mean silencing the rifles of armed actors, but

124

also offering equal life chances for all. Both types of violence need to be understood as part of the same continuum of violence, as they feed each other and permeate the lives of people living in conflict-affected contexts.

As shown in this section, photovoice participants made emphasis on the perverse effects of both direct and structural violence in their lives and that of their communities and families. Consequently, when asked —through photographic exercised and interviews — about how to achieve justice after conflict they pointed to the need of addressing structural issues as well as direct violence if a meaningful peace is to be felt. That is, the transformations needed in a transitional context, must address the entire continuum of direct and structural violence at the same time. This is because violence and injustice are felt in communities as the use of force by armed actors, as Jean Pierre's and Claribel's stories clearly show, and at the same time by the marginalisation conditions that some populations live under. Both types of violence get in the way of the full realisation of the potential that people like Claribel, Jean Pierre, their families, and communities can achieve and that is why transitional justice needs to address that full spectrum of violence if it wants to be transformative. As I will address later on, in chapters 9 and 10, part of that transformative effort must be in the form of addressing economic, social, and cultural injustices.

Conclusions

This study challenges the division of direct and structural violence in the transitional justice scholarship and practice. As I argued in this chapter, photovoice participants make a compelling case for tackling direct and structural violence at the same time if transitional justice wants to be transformative. The photographs and stories from David, Gerardo, Yamileth, Jean Pierre, and Claribel, as well as the reactions and collective reflections from participants demonstrate that, for them, direct and structural violence are deeply intertwined. It is not simply that they are different kinds of violence that affect them in different ways. Instead, they are part of a continuum, in a similar way in which radical feminism understands the many expressions of gender-based violence as a continuum (Cockburn, 2004).

This challenges not only the paradigmatic transitional justice as we know it, but also the existing transformative justice literature that overlooks the sheer importance of addressing

direct violence in transitional contexts, particularly in those that continue to grapple with armed conflicts.

The everyday transformative gender justice framework of this thesis, then, understands direct and structural violence as manifestations of the same continuum, which needs to be addressed as such by transitional justice if it wants to be transformative. In the case of Colombia, structural violence —socioeconomic exclusion, lack of state goods and services, urban-rural inequalities— fuels direct violence by creating the conditions that make joining an armed group or cultivating coca crops one of the few options that people have in places like El Tambo. Direct violence from armed actors, in turn, exacerbates structural violence and gets in the way of everyday lives and livelihood projects: from not being able to spend time in public spaces, to having to quit your job as a bus driver or making a decent living in a rural area of Cauca because tourists fear going there, to surviving repeated armed attacks because your house happens to be near a strategic point in town that armed groups fight for.

For transitional justice to work better and be transformative for the people who need it the most, it is imperative to understand violence in its full spectrum and address it accordingly, as photovoice participants suggested. From the interviews I carried out in Bogotá with representatives from transitional justice institutions, and the document analysis I carried out of publications by those institutions, there was a disconnect between what participants in Cauca told me and the institutional framing of the scope of the work of transitional justice when it comes to addressing violence. I turn to those institutional framings in the following chapter.

Chapter 6: Institutional Perspectives on Violence and the Politics of Transitional Justice

The FARC signed a peace agreement with a State that does not exist…

Camila[22], representative of an international organisation

Introduction

After spending a little over two months between Popayan and El Tambo for the photovoice projects of my research, I headed to Bogotá, my hometown and the country's capital. The city's metropolitan area is home to ten million people and is the economic, political, and cultural centre of the country. As several photovoice participants mentioned, Colombia has a hyper-centralist administrative and political structure. This results in policies that are enacted by bureaucrats and technocrats that come from a few dozen traditionally powerful families (Pearce and Velasco, 2022), in offices in Bogotá that are usually oblivious to the realities and needs of the rest of the country, particularly of those of peripheral rural populations. Bogotá is also where all transitional justice institutions are located and hence the city I undertook most of the interviews as part of my fieldwork.

In the previous chapter I argued that photovoice participants support a transformative view on transitional justice when it comes to addressing direct (physical violence from armed actors) and structural violence (social, political, and cultural exclusion). As I showed, participants understand direct and structural violence as part of the same continuum of violence that needs to be addressed in a transitional context.

Drawing from the interviews and document analysis that I conducted as part of my empirical research, I examine in this chapter the views from transitional justice institutions in Colombia as regards structural and direct violence. I focus on two of the three transitional justice mechanisms of the 2016 peace agreement —the Truth Commission (CEV), and the Special Jurisdiction for Peace (JEP)—, and how they offer different framings to their work. As I will show, while the CEV has a strong transformative justice language that calls for tackling

---

[22] Not her real name.

the whole spectrum of violence, while the JEP has a more limited scope that fails to account for structural violence. I leave outside the discussion of this chapter the Unit for the Search of Disappeared Persons (UBPD) but will address the implications of the framing of its work as regards structural and direct violence in the following chapters.

In what follows, I will first address how the CEV frames the scope of transitional justice as regards violence. I argue that the CEV in its landmark final report took a transformative approach by framing the task of transitional justice as a challenge to a spectrum of direct and structural violence, in a similar way in which photovoice participants made the case for. In the second section of the chapter, I turn to how the JEP frames its work as a transitional tribunal with a restorative justice approach. I argue that the transitional tribunal falls short of a transformative justice approach by focusing almost exclusively on the direct side of the violence spectrum.

I also argue here that one way of untapping the transformative potential of transitional justice institutions is by recognising their political nature. This involves paying attention to power relations that operate inside TJ institutions as well as the politics at play between TJ institutions and state institutions at the local, regional, and national levels. Recognising and embracing the political nature of TJ institutions opens the door for those institutions to address the entire spectrum of violence.

Direct and Structural Violence in the Truth Commission's Final Report

The CEV was set up as an extrajudicial transitional justice mechanism, meaning that its findings would not have criminal or judicial effects. It was tasked with delving into the six decades of the Colombian conflict and producing a final report that contributed to a truth about *what* has happened during the conflict and *why* it has happened. Its mandate also included contributing with its work to a peaceful coexistence in the country and contributing to non-repetition of the wrongdoings that have been committed in the country's long war.

The CEV was officially created in 2017 and was given a three-year period to complete its mandate, later extended for an additional seven months due to the difficulties associated to the COVID-19 pandemic (El Tiempo, 2021). The Commission was presided by the catholic Jesuit father Francisco de Roux, and ten other 'truth commissioners' who led the teams in charge of

different sections of the final report. The Commission conducted over 14,900 interviews with nearly 29,000 participants, hosted public hearings where over 2,000 people shared their experiences of the conflict. It also examined secondary data, including databases and reports produced by civil society organisations (Comisión de la Verdad, 2022e). The final report, published in June 2022, is not a single document, but rather a collection of volumes totalling over 8,600 pages. The main chapter of the report, containing the key findings and recommendations, is nearly 800 pages long.

Reading the final report, one gets a clear intention from the CEV to frame the armed conflict as a societal-wide issue that is not limited to victims and perpetrators. To be clear, the report does refer to the responsibility of the different state and non-state armed groups, in perpetrating war crimes, crimes against humanity, and violations of human rights. Different volumes of the report have different approaches, and they frame the task of the Commission and transitional justice differently. However, as a whole, the report acknowledges the personal effects and responsibilities of the wrongdoings of the armed conflict but also emphasizing the collective responsibility of the Colombian society for what has happened, as well as the collective efforts that transformations for a transition to peace require.

In this section of the chapter, I first address how the CEV addressed issues around structural violence in its findings, and then turn to how the recommendations of the report addressed the connection between direct and structural violence. As I show, the way the CEV presented its findings and recommendations regarding violence can be considered as having a transformative approach according to the transformative justice spectrum that guides this thesis. Nonetheless, I also show that power relations played a role inside the CEV to hinder part of its transformative potential as a transitional justice mechanism.

Direct and Structural Violence in the Findings of the Final Report of the CEV

In the main chapter of its final report, where the CEV offers a summary of the contents of the rest of the chapters and a detailed list of its recommendations, the Commission refers to the need to address both structural and direct violence if Colombia wants to put the repeated cycles of the armed conflict behind it. The transformative spirit of the report has limitations, which will be addressed later. However, the findings and recommendations of this landmark final

report make a compelling case for understanding violence in the country not only in terms of direct violence but also in terms of the structural inequalities that fuel violence and exclusion of entire sectors of the Colombian society.

The CEV explicitly talks about structural violence as one main explanation of why the armed conflict has lingered until today. Part of that structural violence comes from a colonial legacy that has mediated social and political relations in the state building process in Colombia. This process has resulted in the exclusions of large sectors of the population. Racism, classism, patriarchy and the hacienda[23] rural economic model have left deep marks in Colombian society and has legitimised violence as a way of advancing sociopolitical projects (Comisión de la Verdad, 2022a, pp.541-542).

Further, to explain direct violence (the actions of armed groups in the conflict), the CEV delves into structural violence as a driver of the armed conflict. In the section of the main chapter of the final report that provides an explanation of why the insurgent war has lingered until today, the CEV says that, apart from the decision of guerrilla groups —FARC, ELN, among others— to maintain their armed struggle, there are two main factors that explain the long war: 1) the economic model, which has favoured the interests of the elites and left behind the most vulnerable sectors of society —peasants, ethnic communities and impoverished urban populations—, and 2) the absence of a democracy with genuine participation and representation of large sectors of the population (Comisión de la Verdad, 2022a, p.184).

When it comes to paramilitarism, on the other hand, the CEV refers to the structural causes of their emergence and expansion in the 1990s and early 2000s to the connection of paramilitaries to economic elites and the protection of extensive private rural land (Comisión de la Verdad, 2022a, p.295). The point raised here by the CEV is that the Colombian economic model and power relations that involve capital and rural land possession in different regions of the country are at the heart of the paramilitary phenomenon in Colombia. This is an important argument from the CEV. The narrative that arguably still dominates the public opinion in Colombia today is that far-right paramilitaries emerged as a response to the threat that left-wing guerrillas posed to rural landowners. In contrast, the CEV offers a much more structural

---

[23] The Hacienda socioeconomic model was a legacy of Spanish and Portuguese colonialism in Latin America. Pseudo-feudal landowners (in that they inherited European feudal practices but also particular colonial domination aspects) exploited the labour of black slaves, indigenous people, and/or peasants for agricultural purposes (Ahumada Escobar, 2012). Sociologist Orlando Fals Borda (2015) referred to the model as capitalist exploitation in a pre-capitalist context.

diagnosis about the paramilitary phenomenon, where economics and the defence of the socioeconomic and political status-quo in rural areas were key.

Further, in its analysis of why the armed conflict has persisted after the 2016 peace agreement, the CEV points at a lack of political will to implement the accord, particularly the most transformative aspects of it. As the report argues, the continued absence of a comprehensive presence of the state in areas formerly dominated by FARC rebels allowed other armed actors to quickly fill the power vacuum and disputing those territories with other groups (Comisión de la Verdad, 2022a, P.243).

Crucially, there have been extremely low levels of implementation of the Territorially Focused Development Programs (*Programas de Desarrollo con Enfoque Territorial* -PDETs) —a measure of the peace agreement that prioritised 170 municipalities hit by the armed conflict to invest and promote structural rural transformation (Rodríguez Iglesias and Rosen, 2022)— and the illicit crop substitution program (*Programa Nacional Integral para la Sustitución de Cultivos de Uso Ilícito* -PNIS) to provide peasants with productive projects as alternatives to coca and other illegal crops (Acero and Machuca, 2021).

El Tambo is one of those 170 municipalities that was prioritised by the PDETs, and where the illegal crop substitution program was also set to operate. As some photovoice participants told me, those promises, were initially met with high expectations by local residents but have not been fulfilled so far (Ombagüe, 2023b; Patricia, 2023). What is more, by relying on social leaders to be at the forefront of coca crop substitution programmes in their communities, the state has put them in a dangerous position, as some armed actors that profit from drug trade economies have opposed the programme (Martínez, 2023c).

Regarding this point, the main findings and recommendations chapter of the final report of the CEV is clear about the limitations of a transitional justice that is not transformative in terms of addressing the whole continuum of violence as established by photovoice participants in the previous chapter. The report states that military means, demobilisation, and peace agreements are not enough as responses to the armed conflict. It is 'without a doubt a structural problem' that has to do with land inequality and political exclusion in the 60s and 70s, which has 'evolved to territorial disputes for economies connected to the war, with the backdrop of a permanent crisis of political representation' (Comisión de la Verdad, 2022a, p.246).

The inequalities in rural Colombia that the CEV refers to are not a thing of the past. Citing a 2017 Oxfam report, the Truth Commission argues that this is very much a present issue: 'just

1% of the largest farms occupied 81% of the land; 42.7% of the owners of the largest farms did not know the legal origin of their land; women only own 26% of the land (…) and a million rural households lived in less land than a single cow has available to graze' (Oxfam, 2017, cited in Comisión de la Verdad, 2022a, pp.531-532).

The need to address structural violence and its connection to direct violence was made very clear by Felipe Rodríguez Fonseca, who worked at the CEV. He had also previously worked at the National Centre for Historical Memory interviewing AUC paramilitaries as part of the transitional justice process with that armed group. What he told me when I asked him if transitional justice should address structural violence as part of its work resonated with what several photovoice participants mentioned:

If there is one thing I have learned in my work interviewing paramilitaries, soldiers, members of the FARC, and on the few occasions that I have interviewed members of the ELN, it is that no one in this world wakes up one day and says, 'Oh! I'm going to join the guerrillas and kill people!' or 'Oh! I'm going to join the army and commit 'false positives'!' No. It is due to conditions of inequality that (...) many see it as a job opportunity. It is nothing more, a secure job option. The conditions of state abandonment and economic inequality lead people to consider carrying a weapon and camouflage and, if necessary, killing others as something acceptable (Rodríguez Fonseca, 2023).

So-called 'false positives' that Felipe refers to, are one of the worst episodes of the armed conflict in Colombia. Members of the military killed innocent civilians and then presented them as illegal armed group members killed in combat —hence the phrase 'false positives' as in false positive results. That practice peaked between 2002 and 2008, when the JEP estimates that at least 6,402 of these extrajudicial killings took place. The practice was the product of commanding officers' pressure to military units to produce combat killings as the sole measure of performance of the military. As the CEV and the JEP have established, those officers in charge of units that achieved more deaths in combat where given days off, promotions, and other incentives (Comisión de la Verdad, 2022b; Jurisdicción Especial para la Paz, 2022a). I will return to 'false positive' cases over the next chapters of the thesis.

Felipe continued, towards the end of the interview, to stress the paramount importance of addressing structural violence when I asked if he had any final reflections or something he wanted to add:

Inequality can be a pattern in every economy in the world, but it is even more important [to address it] in a country that has had a conflict practically since its foundation, which has worsened in the last 60 years and that has affected precisely those rural communities, the most abandoned and most vulnerable. They remain in a constant loop of tragedies and inequality (...) as long as people do not see another option beyond joining an illegal armed group to be able to support their families we cannot expect the conflict in Colombia to end (Rodríguez Fonseca, 2023).

The way in which the CEV frames the answer to *why* the armed conflict has lingered until today as expressed in its final report and by Felipe delves into the intertwined nature of direct and structural violence in the way that photovoice participants addressed this issue.

The transformative framing by the Truth Commission regarding the role of transitional justice when it comes to direct and structural violence has limitations, however. Not all volumes of the final report have a transformative discourse. Even different sections of the findings and recommendations volume seem to contradict each other regarding the scope of the task of transitional justice to address direct and structural violence. Further, perhaps influenced by the leadership of the CEV being in the hands of a Jesuit priest, at times the report falls in a romantic and religious tone to what a transition to peace entails, which depoliticises the task of transitional justice. Religious references are visible in the report of the CEV and its wider work. For instance, the volume of the report that presents a historical account of the armed conflict is entitled 'Thou shall not kill' (*No Matarás)*, a reference to one of the ten commandments of the Judeo-Christian tradition. The document that serves as a prologue to the entire report, further, has a notable biblical tone. The text starts with the following lines: 'We bring a message of hope and future for our broken and shattered nation'. This is later followed by the biblical refence: 'We do so from the question that has challenged humanity from the earliest of times: Where is your brother? And from the perennial claim of the mystery of justice in history: The blood of your brother cries out endlessly from earth' (Comisión de la Verdad, 2022a, p. 12).

The religious tone is not an exclusive issue of the Colombian Truth Commission. The South African TRC, the most famous of truth commissions to date, has been critiqued for several reasons. Among them, critics have pointed to the prominent role of Archbishop Desmond Tutu and other clerics and the religious approach they advanced, which reduced the task of coming

to terms with the apartheid regime to a 'religious conversion model of confession, repentance and forgiveness' (TRC, cited in Mamdani, 2002, p. 55). Other truth commissions in Latin America, notably the Chilean, Argentinean, Salvadorean, Guatemalan, and Peruvian, have had religious actors in leadership roles (Botero Martínez and Rojas-Betancur, 2023).

Religious influence on the CEV is not negative per se, of course. The record of the Catholic church in the armed conflict in Colombia is complex and has a long history[24] that I cannot delve into detail here, but there is no question that the Catholic church has been pivotal in recent peace processes as a mediator. However, there is a caveat to be made about the dangers of putting the weight of the complex societal-wide issues of conflict-affected and transitional contexts on de-politicising discourses of confession, repentance, and forgiveness. Further, given the Catholic's church official positions on matters like reproductive rights, gender equality, LGBTIQ+ rights, and the fact that people of different faiths as well as non-religious people are present in Colombia despite its Catholic majority, there is an argument to be made about the problems that come with a Catholic influence in its transitional justice framework. While this matter is outside the scope of my research, future efforts could address if and how a particular religious perspective in the CEV affected its approach to matters like gender-based and intersecting violences.

Direct and Structural Violence in the Recommendations of the Final Report of the CEV

Following the transformative framing of the findings of the final report of the CEV, I argue in this section that the recommendations of the report of the CEV have an equally strong transformative approach as regards direct and structural violence. I will also argue, however, that the transformative framing of both findings and recommendations in the report are at odds with how power relations manifested in the internal work of the CEV, as I found out with the interviews I caried out with former representatives of the Commission.

---

[24] For instance, in the XIX and first half of the XX century the Catholic church was deeply aligned with the Conservative Party and helped to mobilise conservative forces against those aligned with the Liberal Party during *La Violencia* civil war, one of the bloodiest periods of history in Colombia (1948-1958). On the other hand, leftist sectors of the Church aligned with the liberation theology movement led a number of priests to join guerilla groups, notably the ELN in the second half of the XX century.

The aim of the recommendations of the final report of the CEV, as it explicitly says when introducing the recommendations section of the text, is to contribute to define an agenda towards the transformations that the country needs (structural violence) and to put an end to the armed confrontations (direct violence):

> *The aim of the Commission's recommendations is to help define a future agenda for advancing dialogue on the necessary transformations in the country and to end the ongoing armed confrontations, overcome the factors that perpetuate them, and contribute to rebuilding trust between society and institutions in order to move towards reconciliation and guarantee the non-repetition of the armed conflict. The signing of the Peace Agreement (...) opened up a new opportunity for society to undertake the transformations that are necessary to overcome the factors that have allowed violence to persist and armed actors to recycle themselves over and over again* (Comisión de la Verdad, 2022a, p.624).

The transformative framing of the recommendations that those lines represent is not only focused on structural issues. Rather, direct and structural violence are seen as connected matters by the Commission. What this language suggests is that for transitional justice to be transformative, its institutions can, at least, point to the interconnected nature of structural and direct violence and, crucially, point to the ways in which those transformations can happen. Some of the key recommendations of the final report of the CEV that link structural and direct violence include:

i. Transformative reparations (recommendation #9). Implement reparations that address the poverty conditions in which most victims live. This includes guaranteeing access to state services of education, health, and livelihood projects. As the final report says, 'guaranteeing reparations under a transformative approach is, moreover, a guarantee of non-repetition that drives social development in terms of distributive justice' (Comisión de la Verdad, 2022a. p.650).

ii. Drug policy reform (recommendation #28). Transition from a prohibition regime towards a regulation of the drug market, de-securitising drug trafficking policy, and demilitarising the relationship between state and rural populations.

The CEV also calls on the government to engage with international actors, to advocate for a change in international drug policy towards a regulation regime (Comisión de la Verdad, 2022a. p.672).

iii.   Security sector reform (recommendation #39). Complete transformation of the security agenda and change in the way the state makes presence in the most conflict-affected areas of the country, where poverty and exclusion are rampant. In short, a change in the conception of the security policy towards a human security paradigm that prioritizes the lives and well-being of civilian populations (Comisión de la Verdad, 2022a. p.690).

iv.   'Decentralizing' the country (recommendation #50). Transform the political-administrative structure of the country to give more autonomy to the regions[25] (Comisión de la Verdad, 2022a. p.710).

v.   Rural land reform (recommendation #52). Redistribution of rural lands to 'reverse the high concentration of land and correct the anti-economic and anti-ecological uses of it through an agrarian reform plan' (Comisión de la Verdad, 2022a. p.710).

As these recommendations demonstrate, the CEV framed the task of transitional justice as a transformative one, where direct and structural violence need to be tackled at the same time. It is worth noting, however, that having no political or financial capacities to enforce recommendations by itself, their implementation will depend on political will from the state and, crucially, on civil society's pressure to implement the recommendations, as evidence from truth commissions elsewhere has shown (Bakiner, 2016; Skaar, 2019). Further, even when truth commissions frame their work with a transformative approach, as the case in Peru, broader political contexts where institutions operate can trump aspirations of social change (Friedman, 2018). Also, given the far-reaching and structural nature of many of the recommendations, we will likely have to wait for years, decades, or even generations to see to what extent they are followed. As I will discuss in chapter 9 and 10, Nancy Fraser's (1995, 2007) framework of

---

[25] This was a recurring theme brought up by photovoice participants and institutional representatives alike: part of the obstacles to transition to peace is the extreme concentration of political power in Bogotá, to the detriment of the peripheries of Colombia.

redistribution for socioeconomic injustices and *recognition* for cultural injustices can further inform how to tackle the entire spectrum of violence in transitional contexts.

Nevertheless, there was a clear intention from the Commission to address direct and structural violence as intertwined issues in its final report. The CEV proposes with its recommendations a transformative view of what needs to change to end the cycles of violence in the country. The change that the recommendations call for go well beyond a negative peace by proposing transformations of some of the root causes of the Colombian conflict: inequality at all levels, but particularly in rural land ownership, absence of state goods and services in peripheral territories, and drug policy reform. All those issues were prioritised by photovoice participants.

That is why I was surprised to see a lack of knowledge about the work of the Truth Commission and other transitional justice institutions among photovoice participants. This is surprising given how Cauca and El Tambo have been affected by the armed conflict, but also given that the region (and El Tambo as a municipality) have been explicitly prioritised by both the CEV and the JEP. Further, participants who did know about the Commission were critical of its limited reach in their communities and villages. On the few occasions when photovoice participants saw the Commission going to their municipality, there was a feeling that representatives from the institution where there for a quick in-and-out event, which gave no real chance to local communities to understand the nature of the Commission's work. Moreover, they felt they were not really being listened to, and that their stories about how the armed conflict has affected them and their communities were left out of the work of the CEV (Hoyos, 2023; López, 2023; Martínez, 2023c; Ospina Ante, 2023e; Ramírez, 2023c; Valderrama, 2023b). There was a general feeling among photovoice participants in Popayán and El Tambo that the Truth Commission, based in Bogotá, was far away and detached from their realities.

Marisol, who worked for the CEV during its whole mandate —and had previously worked at the Centre for Historical Memory—, recognised that tension between Bogotá and the peripheries. While the Commission had nineteen regional offices across the country that had the stated purpose of decentralising its work, professionals in the regional offices felt that they had to follow Bogotá's orders (Ortíz Acosta, 2023). The tensions Marisol referred to reflect the broader concentration of power of transitional justice and state institutions in Bogotá.

This is important for the direct-structural violence continuum and how transitional justice can address it. As photovoice participants and institutional representatives alike expressed, the armed conflict is lived and experienced in different ways in different localities of the country. While the final report of the CEV did express a transformative view on the need to address the entire continuum of direct and structural violence, the politics at play inside the work of the Commission constrained the transformative potential of the institution. By reproducing centre-peripheries inequalities that are part of the structural-direct violence continuum of the Colombian conflict, part of its transformative potential was thwarted in the eyes of conflict-affected communities.

Direct and Structural Violence: the JEP

In this section, I turn how the JEP frames its work regarding direct and structural violence. While the representatives of the JEP that I interviewed expressed transformative views on the need to address both direct and structural violence as a continuum, the document analysis I carried out of key documents from that institution revealed a much more paradigmatic view of its work as a judicial transitional tribunal. This may have to do with individual progressive perspectives not reflecting the wider institutional position, or the fact that the JEP is a judicial body that cannot escape the legalistic practices that the critical transitional justice literature has critiqued (Weinstein and Stover, 2004; McEvoy, 2008). A better explanation, as some interviewees told me, may be that the JEP, as other transitional justice institutions, are deeply political. That is, they do not operate in a vacuum. They respond to internal political tensions, as well as to power relations at the institutional state level. As I will argue in this section after a short contextualisation of the JEP, a close examination of some of the most important decisions by this institution to date demonstrate an approach to the direct-structural violence continuum that falls short of the transformative view that photovoice participants prioritised in that regard.

The JEP was set up by the 2016 peace agreement as the judicial mechanism to judge those responsible for the wrongdoings during the armed conflict. It has a 10-year initial mandate ending in 2028, which can be extended for five additional years. The JEP does not pretend to judge all wrongdoings of the armed conflict in Colombia. It prioritises the most representative cases of war crimes and crimes against humanity, and those that have affected most victims, with particular attention on disproportionate effects on vulnerable populations (Jurisdicción

Especial para la Paz, 2018a). Using those criteria, the JEP has opened eleven 'macro-cases', that focus on a representative type of wrongdoing or areas of the country that have been disproportionately affected by the war. The JEP does not judge every single perpetrator among former FARC guerillas, state forces, or civilians involved in the armed conflict. In a similar way in which the Special Court for Sierra Leona operated (Franke, 2006), the JEP focuses on those individuals that, given their role or ranking, bear the greatest responsibility for wrongdoings. Under the terms of the 2016 peace agreement, the JEP offers 'the widest possible amnesty' for former rebels that committed political crimes and crimes linked to rebellion (FARC-EP and Government of Colombia, 2016, p. 147; Congress of Colombia, 2019, p. 11).

Under the transitional justice rules of the JEP, perpetrators can receive three types of sanctions:

1. Special sanctions[26]: five to eight years of restorative and reparative actions with restriction of movement, but no prison time, for those who recognise their responsibility and effectively contribute to truth before the JEP in a dialogical process.

2. Alternative sanctions: five to eight years of prison time for perpetrators who in the first instance do not recognise their responsibility or offer truth before the JEP, but after an adversarial judicial process decide to offer truth and recognise responsibility.

3. Ordinary sanctions: fifteen to twenty years of prison time. The perpetrator does not offer truth or recognise their responsibility for their crimes before the JEP and is found guilty in an adversarial process (Congress of Colombia, 2019, pp. 46–47).

I interviewed one of the JEP's 38 magistrates, Reinere Jaramillo, in her office, which offers a privileged view of Bogotá from the 10th floor of the newly built and modern building that serves as the headquarters of the JEP in an affluent area of the Northeast of the city. I did not visit the offices of the CEV, as its mandate ended before my fieldwork started. But it is worth noting the contrast between the two institution's physical infrastructure. From 2018 to 2019 the offices of the CEV were scattered around three different spaces in Bogotá. In 2019, the CEV moved to a building in the city centre that has hosted different state institutions over the years. The location, unlike the privileged site of the JEP's offices, is one where the chaotic

---

[26] In Spanish, these are called *sanciones propias* which literally translates to 'own sanctions'. In this thesis I prefer to call them 'special sanctions' for language clarity.

urban spirit of Bogotá is palpable, and one where few people would feel safe walking after working hours.

As magistrate Reinere told me, her story is one of those very rare cases in Colombia where people like her, from a poor family and without connections to elites, got to a power position like the one she holds at the JEP. Reinere was one of ten siblings. Her father worked in construction, and her mother was forcibly displaced from a rural area of Antioquia department to a marginalised neighbourhood of Medellín[27]. In the 1980s, when she was a teenager, Reinere saw first-hand how Pablo Escobar's drug trafficking organisation recruited young people her age in her neighbourhood. That left a mark for life. Her upbringing, as well as her background as a law and sociology student at a public university[28], then as a public defendant, and then as local mayor of a rural area of Bogotá, shaped her views on justice.

At some points of the interview with magistrate Reinere, I could hear institutional talking points surfacing. But, thankfully, for most of the interview she went off-script as she passionately talked about how structural and direct violence are connected in Colombia. In words that echoed what Felipe, from the Truth Commission, told me, she said:

> *In the interviews or in the [JEP] proceedings, you ask the soldier why he decided to be a soldier. I have never heard "For love of country, I wanted..." No, it's "I wanted to be a soldier because I had no other job, I didn't have many options". And you ask the young guerrilla, former combatant who is in the process of reincorporation, when he comes to offer truth [before the tribunal], and you ask him "why did you end up there?" "That was it. I didn't have many options"* (Jaramillo, 2023).

Still, the magistrate continued:

> *Many years ago, I was in a small, far-off town as a public defender and teaching human rights classes in schools. And a child, a young boy of 12 or 13, challenged me in a determined way and said "you come to talk to us about peace, you come to talk to us*

---

[27] Medellín is the second largest city in Colombia, and capital city of the Antioquia department, the department that has suffered the most from the armed conflict, as measured by number of victims. The presence of violent drug cartels, paramilitaries, and guerrillas in the 1980s and 1990s gave the city the infamous title of 'murder capital of the world' (Centro Nacional de Memoria Histórica, 2017).
[28] In Colombia, public universities are generally left leaning and much more affordable than private universities, but places are extremely competitive.

*about dreams. If, with much effort, we finish high school, we still don't have options,
the only option we have is war. Either we go to the guerrillas or we go to the public
forces. But all our options have to do with war"* (Jaramillo, 2023).

That is why, magistrate Reinere concluded, transitional justice cannot be applied in a
vacuum: 'judicial decisions that this Special Jurisdiction for Peace imposes must contribute not
only to [negative] peace and reconciliation in our country, but also to overcome the structural
causes that have allowed the conflict to persist over time. That is the challenge' (Jaramillo,
2023). As is evident from magistrate Reinere's remarks, her views on the structural-direct
violence continuum and the need for transitional justice to address it is aligned with the views
from photovoice participants as examined in the previous chapter. Those views are also aligned
with the most transformative language of the CEV in its final report and some of the people
who worked there.

However, by examining some of the key documents and decisions that the JEP has
published to date, one is left with a different feeling about the institutional approach of the
transitional tribunal when it comes to the structural-direct violence continuum. Two of the most
important documents that the transitional tribunal has published to date are the ones with the
preliminary conclusions on the case on FARC kidnappings (Case 1) and state forces'
extrajudicial killings presented as deaths in combat, known as 'false positives' (Case 3). For
the latter case, the document I analysed refers to the sub-case that addresses those crimes in
Catatumbo, a region on the border with Venezuela. These are still not final decisions on those
cases and there are still no sanctions imposed for any of the perpetrators. Those final decisions
will be made by another chamber of the JEP, called the Peace Tribunal. Still, those two cases
are the ones that have advanced the most in the JEP. Importantly, for the purposes of this
chapter, these documents reflect how the JEP and the victim-centred and restorative justice
approach that it claims to follow are working in practice.

Despite having a legalistic tone, both documents are fascinating texts that talk about many
of the challenges that the JEP faces as a transitional justice tribunal that operates in a context
where the armed conflict persists. The tensions and contradictions between the restorative
justice approach of the JEP and the need for some kind of retributive justice are present
throughout the lines of the texts. Reading the documents also gives a sense of the difficulties
that the transitional tribunal is having to define how the much awaited 'special sanctions' are

going to work for the satisfaction of the rights of both victims and former combatants. Overall, as I will show below, there is not much of a transformative spirit in the documents, and even the restorative justice notion that the JEP advances seems limited.

Both documents provide an overview of how the processes have advanced, what each of the perpetrators has offered before the JEP in terms of truth and recognition of responsibility, and the observations that victims and their representatives have made about what perpetrators have said before the transitional tribunal. The documents also provide accounts of how the different hearings, where perpetrators and victims have met with the mediation of JEP magistrates, have developed to date.

As the documents say, and as magistrates Reinere Jaramillo (2023) and Marcela Giraldo (2023) told me, the JEP understands those hearings as part of a process of restorative justice, where both victims and perpetrators go through several stages that prepares them to stand face to face during the hearings. This process, which is done with psychosocial support for all parties, aims to avoid revictimization. During the hearings, all public ones available on the JEP's YouTube channel, perpetrators offer their accounts about the crimes they committed. In turn, some of the victims speak, if they wish to do so, about how the crimes affected them or their relatives.

Those hearings have an emotional component where tears and broken voices are common, as are manifestations of anger from victims. The two documents in mention lack the emotional approach to the process that is palpable by watching the recordings of the hearings. As stated above, they are legalistic in tone and focus mainly on what perpetrators have said before the JEP and how victims or their legal representatives respond to perpetrators' accounts.

Then, the documents turn to an evaluation to establish if perpetrators comply to the JEP's standards of truth and recognition of responsibility. This is important because if perpetrators comply with that standard, they can receive 'special sanctions' that avoid prison time. Perpetrators must include a 'restorative component' in their recognition of truth and responsibility as part of the threshold that the JEP uses to evaluate if perpetrators can receive special sanctions. Given the centrality of the restorative justice discourse in the JEP's work and its framing on how it tackles violence, the next subsection examines how the criminal tribunal uses that concept in its documents, as well as insights from interviewees regarding that matter.

The Restorative Justice Approach of the JEP

The restorative justice approach of the JEP is repeated as a mantra in virtually every document and multimedia content that the transitional tribunal publishes. It was also mentioned repeatedly by the interviewees who work there. In a guidance document for its 'special sanctions', the JEP defines restorative justice as a paradigm of justice that 'allows parties to discuss the solution of the conflicts they face and achieve agreements to overcome wrongdoings'. This kind of justice guarantees the participation of victims, demands truth and recognition of responsibility to perpetrators, which leads to the 'satisfaction of the rights of victims of grave violations of human rights and violations of International Humanitarian Law'. With its 'special sanctions', where perpetrators receive five to eight years of community work to the benefit of victims and their communities, the JEP also seeks to guarantee the reincorporation to society of perpetrators and rebuilding the social fabric destroyed by the armed conflict (Jurisdicción Especial para la Paz, 2024, p. 5).

All these elements of restorative justice are essential for non-repetition of wrongdoings (i.e. direct violence), according to the JEP. This definition of restorative justice is very much in line with what some transitional justice scholars have proposed (Ainley, 2017; Cubillos-Vega et al., 2022). Sympathisers of the transformative justice proposal, in turn, have critiqued the simplistic retributive/restorative justice dichotomy that is present in restorative justice notions, as it fails to reflect the complexities of transitional contexts, where elements of both restorative and retributive justice, as well as approaches outside law can play a role to bring about justice in times of transition (Lambourne, 2009). Further, transformative justice considers that the restorative approach falls short of addressing the fundamental limitations of the field as regards its legalism, state-centric nature, detachment from local realities, one-size-fit-all practices, and disregard to structural violence (Mani, 2002; McGill, 2019).

The limitations of a restorative justice approach to address the direct/structural justice continuum are evident when reading the documents from the JEP and their treatment of direct and structural violence. What is problematic of this approach, I argue, is not that the JEP is too lenient with perpetrators. Rather, that the 'special sanctions' that those perpetrators have received (albeit still preliminarily), which according to the JEP contribute to the satisfaction of victims' rights and non-repetition under its restorative justice approach, are extremely limited in addressing the structural/direct violence continuum. In the following subsection I develop this argument.

Besides evaluating individual perpetrators' contributions to truth and their recognition of responsibility, the documents offer an evaluation of what individual and groups of perpetrators have proposed to the JEP as special sanction projects. This is another feature of the transitional justice model of the JEP, as perpetrators themselves can propose 'works, activities and actions with reparative content' (TOARs for the Spanish acronym) as part of the 'special sanctions' that the JEP can impose on them. Pilot projects and anticipated[29] TOARs have been carried out since 2015. They have included collaboration between FARC members and the Colombian army to demine areas where antipersonnel mines were left by the guerrillas, and the construction of a bridge, a school, a library, and stretches of tarmac in rural roads by former rebels (Sandoval, Martínez-Carrillo and Cruz-Rodríguez, 2022; León, 2023).

The TOARs that perpetrators propose as part of their special sanctions receive comments from victims or their representatives. Then, the JEP modifies the TOAR proposals as needed according to victims' comments and applying the JEP's own criteria of restorative justice. The final versions of the TOAR project proposals then are forwarded to the JEP's Peace Tribunal, which serves as the higher chamber of the JEP and decides to accept or not those TOARs as part of the 'special sanctions' for perpetrators.

For the kidnapping case by FARC, TOAR projects include a pedagogy and memorialisation project for symbolic reparation (includes writing and publishing a book, constructing a pedagogic module, building a monument, and introducing legislative project for victims), actions for searching for forcibly disappeared persons, a project to dismantle antipersonnel mines, and an environmental project in an area that was used by FARC as a transit point with kidnapping victims (Jurisdicción Especial para la Paz, 2022b).

On the other hand, for the 'false positives' case, TOARs include building an exhibition hall for 'false positives' at the National Museum of Memory, building a memorial park for the 6402 victims identified by the JEP, placing commemorative plaques with victims' names in public parks where some of them were apprehended, projects for leisure activities for young people

---

[29] Perpetrators can carry out TOARs before they receive a formal sentence by the JEP as show of goodwill, but also hoping that those anticipated TOARs are considered to deduct time and severity to the 'special sanctions' that they can receive. To date, no final decision has been made by the JEP so it is hard to know if and to what extent those anticipated TOARs will influence the final sentence.

in deprived areas, and filming a documentary (Jurisdicción Especial para la Paz, 2022a). See Table 4 in the annex of the thesis for a list of proposed TOARs for both cases.

The TOARs, as part of the 'special sanctions' that the JEP can impose for perpetrators when they comply to the tribunal's restorative justice threshold, have been highly anticipated in Colombia. The JEP has also been critiqued for its delay in imposing them (Verdad Abierta, 2024). To date (October 2024), the first sanctions are still to be determined by the JEP, seven years after the tribunal started its mandate. I cannot stress enough how important those sanctions and their perceived effectiveness by the public is going to be for how the public evaluates the work of the JEP as a transitional justice tribunal.

My aim here is not to evaluate TOAR projects, but rather to examine institutional perspectives on the transformative potential of transitional justice as regards direct and structural violence. In that sense, what I find from my analysis is that the way the JEP frames its restorative justice approach in its judicial decisions falls short of a transformative approach to the direct/structural violence continuum. This is because the JEP puts the weight of restorative justice and providing measures of non-repetition on what individual perpetrators or small groups of them can say before the JEP and what they can implement through TOARs with little to no state support or funding.

To be clear, TOARS can indeed have a positive symbolic effect when, and if, Colombian society sees perpetrators from the armed forces and former FARC guerrillas working in projects aimed to repair some of the harms they caused in communities across the country. That is not the same as saying that sanctions from the JEP, like building a memorial site or filming a documentary, can satisfy even a narrow standard for restorative justice and non-repetition.

This point was mentioned by Felipe León, who I interviewed in the Chapinero Alto neighbourhood of Bogotá. We sat in a trendy café with a minimalist décor where hipsters, gender-fluid persons, and intellectuals mix, and vegan versions of traditional Colombian food is offered. Felipe works at the office that gives legal advice and represents FARC perpetrators before the JEP, known as the Autonomous System for Legal Advice and Defence —SAAD for another unfortunate Spanish acronym. Felipe coordinates the team inside the SAAD that deals with the TOARs. When I asked him about his views on direct and structural violence, he told me that the 2016 peace agreement had the intention of addressing both structural and direct violence. The problem, as he said, is that the accord has not been implemented thoroughly and

the measures that aimed to tackle structural violence —territorial development projects, coca crop substitution programs, and rural land reform— are particularly lagging (León, 2023).

In an ideal world, Felipe continued, those structural measures would have been taken up seriously, the recommendations of the Truth Commission would be implemented, and the JEP would be imposing sanctions for perpetrators that could fit in some of the transformative projects that the peace accord envisioned. That has not happened, and as a result we have been left with a minimalist approach to transitional justice, where the JEP is dealing with direct violence —specific violations in the macro-cases it studies— but measures to tackle structural violence have been left behind (León, 2023).

Camila[30], a representative from an international organisation, seconded Felipe's views on the limitations of the 2016 peace agreement's implementation to address structural violence. With the caveat that she was giving her opinion in a personal capacity which did not represent the institutional position of the organisation she works for, she told me:

> *The challenging part of this [peace] process (…) is that the FARC signed a peace agreement with a State that does not exist. So, we signed all these [measures] but the State could not fulfil them because it is a State that does not exist (…) It is a State that did not have the institutional architecture nor the people [to implement them]* (Camila, 2023).

In other words, part of the transformative potential of the 2016 agreement has until now failed to live up to its promises to address structural violence. In the latest report on the implementation of the accord's 574 stipulations identified by the Kroc Institute, 49% of the stipulations have a 'minimal' or 'non-initiated' status, for which the report claims there is no evidence to support that the provisions are going to be completed in the period set up by the 2016 agreement. That figure jumps to 76% for the stipulations of point 1 of the agreement, concerned with rural land reform; to 70% for point 2, concerned with political participation; and decrease to 48% for point 4, concerned with illicit drugs (Echavarría Álvarez *et al.*, 2024). These three points contain some of the most transformative measures of the agreement that deal with structural causes of conflict in Colombia. It is telling that these points also present the higher risk of not being implemented in the period that the agreement set up for their

---

[30] Not her real name.

completion. Importantly, among the stipulations of those points, provisions with gender and ethnic components lag even further behind.

To be sure, most of the transformations envisaged by the 2016 agreement were not under the responsibility of the three transitional justice mechanisms that set up by the accord. They were designed to be implemented as a state-wide effort that has not materialised, as Camila candidly expressed when she said that the FARC signed an agreement with a State that does not exist. She was a first-hand witness of how the government signed thousands of agreements with small farmers and peasant in the framework of the PNIS —the coca crop substitution program of the 2016 peace accord that promised development and alternative productive projects. As she told me, she asked herself back then, in the early months after the accord was signed, how was the state going to live up to the expectations it was creating with the local peasants (Camila, 2023). Such alternatives to coca crops for rural populations were prioritised by various photovoice participants, as addressed in the previous chapter. They also expressed disappointment with the realities of their implementation (Martínez, 2023c; Ombagüe, 2023b).

It is in that context of a flawed implementation of the 2016 accord that the JEP operates. This is important to understand the limitations that the JEP, the CEV, and the UBPD face in the Colombian transitional context. Going back to the TOARs, Felipe referred to a dilemma. Given that context of the failure of the state to implement the most transformative aspects of the 2016 peace agreement and the chronic absence of state services and goods provisions in the areas where the armed conflict has been felt the most —in places like El Tambo— what the TOARs can achieve in their aim to deliver some sort of reparation to victims and their communities is extremely limited.

As the JEP recognises in the two documents related to the kidnapping and 'false positives' cases, the State currently lacks an institutional offer where the perpetrators can insert themselves to contribute to works, activities and actions with reparative content as part of their 'special sanctions' (Jurisdicción Especial para la Paz, 2022a, 2022b). This leaves the perpetrators with the burden of addressing the entire continuum of structural and direct violence with their TOARs. This was well summarised by Felipe León:

> *FARC perpetrators need to provide reparations for the direct violences that they committed, many of which are connected to the structural violences from the State. So, the question, to put it in simple terms, is why are we expecting a perpetrator to bring electricity services or water services to a deprived area if the State, which is responsible*

for doing so, has never brought them there? (…) And this is happening in a context
where violence has exacerbated during the last two years of Duque's government, and
the first year of Petro's. So, we are left without actions to address direct violences nor
structural violences. And the places where we should be going [to address structural
violence] are the places where we are least able to go at this moment [because of the
worsening security situation] (León, 2023).

As the literature that explores how certain transitional justice mechanisms can be transformative shows, for reparations and non-repetition measures to be transformative they must go beyond single cases of victimisation and address societal-wide structural issues (Uprimny, 2009; Sandoval, 2017). It has also showed that there needs to be a careful political coordination between transitional justice institutions for them to deliver more transformative outcomes (Friedman and Jillions, 2015). What I have explored in this section shows that political engagement is also necessary between transitional institutions and broader state efforts. That is exactly what the JEP is lacking so far. This does not mean that an institution like the JEP can or should tackle structural issues by itself with its judicial decisions, but it can certainly link its efforts with development and state-led social service policies. Part of the issue, as I hinted at the beginning of this section, is that the JEP does not operate in a political vacuum. The politics around transitional justice in Colombia ever since the 2016 peace agreement was signed, has not favoured a transformative approach to transitional justice. State-wide efforts that were supposed to come as part of the implementation of the accord to address structural inequalities have not materialised, as expressed by Felipe. This fact, along with the worsening security situation in many places of the country, trumps the capacity of the JEP to address the whole continuum of direct and structural violence. In the following section, I turn to how the politics around the JEP has hindered its transformative potential.

The Politics of a Transitional Justice Tribunal

The government of Juan Manuel Santos (2010-2018) spent most of its political capital to get to the 2016 peace accord. A few months after the signing of the agreement, however, difficulties in its implementation became apparent. Differing political interests inside his governing coalition as well as right-wing opposition to the peace agreement acted as spoilers of some of the most transformative aspects of the accord, particularly on rural transformations

(García Trujillo, 2020). Also, slow action from the state to fill the power vacuum that FARC left in its former areas of influence let those territories up for grabs for remaining and emerging armed groups, leading to a worsening of the security situation over the years, with which we are grappling to date in places like El Tambo and Cauca more broadly.

The succeeding government of Iván Duque (2018-2022) was elected on a platform that opposed the peace agreement altogether. Duque tried to severely waken the JEP and its power to judge state forces (Grattan, 2019), and tried to block financial and political support for the transitional justice framework as a whole (Romero, 2020). The hostile environment that the Duque government created for the peace agreement and its transitional justice architecture is key for understanding some of the challenges that their implementation faces today, as several institutional interviewees told me. The damage was acute. The years of Duque's administration were the ones during which the CEV carried out its work, but also the defining early years where the JEP and the UBPD set up their organisational structure and legal framework that guided their work. In the face of the challenges from the executive power, a big part of the energy and time of those institutions were dedicated to defending their existence domestically and mobilising the international community to support their mandate.

On the other hand, the current government of Gustavo Petro (2022-2026), a former M-19 guerrilla member[31], has supported the peace agreement and its transitional justice framework in discourse. But some aspects of its 'Total Peace' policy that seeks to negotiate peace with all armed groups that remain in the country, are at odds with the 2016 peace agreement (Preciado et al., 2023). Former FARC combatants, including Jorge Londoño, their last commander and now head of the political party *Comunes,* have publicly asked president Petro to honour the provisions of the 2016 accord. Of particular importance has been the granting of political status to FARC dissident groups under the Total Peace policy, which effectively legitimates criminal structures that violated the provisions of 2016 peace agreement and are one of the biggest perpetrators of former FARC combatant assassinations (Preciado, 2024).

It is in that political context that the JEP is setting up the TOARs as part of its 'special sanctions', which were supposed to connect to the state's offer of transformative projects. That

---

[31] M-19 stands for *Movimiento 19 de Abril* (19 April Movement). The name of the guerilla group alluded to a fraudulent presidential election held on 19 April 1970. This guerrilla group, unlike the FARC or the ELN, was mostly urban. It was active between 1974 and 1989, when it demobilised and took part in the drafting of the 1991 Colombian Constitution. The former commander of the M-19, Carlos Pizarro, was one of the three presidential candidates who was assassinated in a period of eight months leading to the 1990 elections.

is the 'State that does not exist' in the words of Camila, cited above. Thus, in paper, the transitional justice framework of the 2016 peace agreement was set up to address the entire continuum of violence and to have a tangible impact on the lives of the populations that have suffered the worst effects of the armed conflict. In reality, given that context, as Felipe León argued, the TOARs and the special sanctions that perpetrators will eventually receive have no chance of addressing structural violence, and arguably not even the direct violence part of the continuum (León, 2023).

Juan David Velasco, who works at the prosecution unit of the JEP —which acts as the Prosecutor's Office of the JEP—, offered an alternative view of the TOARs. He talked passionately about his work at the JEP, which is informed by over a decade working in the peace and justice tribunals that were set up for the peace process with AUC paramilitaries in the 2000s.

About TOARs, he cited an example of a scientific project where researchers from a University in the Antioquia department were trying to catalogue species of butterflies in an area that had been dominated by FARC guerrillas before the 2016 peace agreement. When perpetrators from FARC heard about the project they offered to go on an expedition with the researchers and look for the butterflies. Researchers were adamant in the beginning, they feared going to a place known as a no-go zone and where there could be antipersonnel mines. Former FARC combatants reassured the researchers that they knew the area well from wartimes and that they could accompany them at all times. That became part of an anticipated TOAR and resulted in the discovery of new species of endemic butterflies. Juan David expressed with emotion: 'I think that is wonderful, the fact that the knowledge of an ex-combatant contributed to a scientific advancement and discovering new species, in a world that is going through a climate crisis, that had an impact on me' (Velasco, 2023).

Juan David further mentioned that Pastor Alape —former member of the FARC Secretariat— built a stretch of road in Puerto Triunfo, Antioquia, as part of anticipated TOARs, while other former combatants joined efforts during the COVID-19 pandemic to hand out masks and groceries. While those actions are far from addressing structural issues, as Juan David concedes, they are still important as small acts of reconciliation that if multiplied in time and space can contribute to everyday peace (Mac Ginty, 2021), particularly if they go hand in hand with genuine demonstrations of remorse and commitment to peace from perpetrators towards victims and affected communities (Velasco, 2023).

Despite his optimism as regards the potential everyday peace effects of some TOARs, Juan David was not oblivious to the challenges that the JEP faces to deliver transformative justice. For Juan David, it seems, everyday peace works better if it is connected to broader and top-down dynamics of political power that can connect local and hyper-local peace efforts to institutional dynamics. This does not deny the paramount importance of micro-level local dynamics that the everyday peace literature privileges, but it does suggest that, even from an everyday perspective, top-down processes can enable or block everyday peace (and justice) initiatives. He emphasised the point about the Special Jurisdiction for Peace being a political tribunal at its core:

> *What I am going to say may be controversial, but I have always stood by it. Transitional justice is political, and the JEP is a political tribunal. Not in the sense of politicking,* pork barrel[32], *transactional politics, or clientelism. It is political in the sense that we are building truths here. These are truths that will define how history will be taught in schools, in universities. That is deeply political (…) just three weeks or so ago former president Álvaro Uribe[33] recognised in a tweet that the 'false positives' were real. For the first time he overcame his negationist position (…) and that was because of the work of the JEP. That is also political* (Velasco, 2023).

The political nature of the JEP and the broader transitional justice framework does not stop there, according to Juan David. For transitional justice to be more transformative it needs to understand itself as a political process and hence actively engage in political action:

> *There are [JEP] magistrates that say 'we are here only to produce judicial decisions'. But I think that the JEP needs to contribute and provide inputs for public policy. Obviously, that must be done without tearing down the separation of powers (…) But for restorative justice to work you need good relations with governors, with mayors, with ministers, otherwise this is going to fail (…) The JEP needs to persuade those sorts of people to understand that it is in their best interest to contribute to the efforts [of transitional justice] for victims to overcome their victimhood conditions. If we do not*

---

[32] Originally in English.

[33] Under the presidency of Álvaro Uribe (2002-2010) the cases of false positives had a dramatic increase. His 'Democratic Security' policy, backed by the US-funded 'Plan Colombia', prioritised armed confrontations. According to the CEV and the JEP, that security doctrine privileged deaths in combat as a measure of success, leading to the sharp increase of assassinations of innocent civilians or unarmed combatants presented as deaths in combat by the armed forces (Comisión de la Verdad, 2022b; Jurisdicción Especial para la Paz, 2022a).

have a strategy for a permanent relationship with local, regional, and national governments, this [transitional] model will be unsuccessful (Velasco, 2023).

Part of the efforts to have a political incidence from the prosecutor's office of the JEP, the area of the JEP for which Juan David works for, involve enacting precautionary measures directed at state institutions to adjust or produce public policies. For instance, he mentioned, they have produced a precautionary measure for the National Protection Unit to adapt its policy to guarantee the safety of former FARC combatants. From September 2016 to October 2024, 433 former FARC combatants who signed the peace agreement were killed according to NGO Indepaz (2025). This is a tragedy in itself. But further, with every former combatant that is assassinated, a little bit of truth and redress towards victims is lost, which diminishes what the transitional justice framework can achieve.

Those precautionary measures also aim to tackle structural issues, according to Juan David. Partnering with LGBTIQ+ organisations, they produced a precautionary measure directed to the Governor's Office of Nariño department and its local governments to produce action plans for the attention of people with diverse gender identities, including differential approaches for those living with sexually transmitted diseases and victims of sexual violence. As David said, 'well, you may ask me, what does that have to do with transitional justice? It has everything to do, because it is a way of restoring the harms [towards these populations]'. Further, it represents a step towards non-repetition, which is why he considered precautionary measures aimed at policy change as perhaps the most powerful tool to address structural violence (Velasco, 2023).

Magistrate Reinere Jaramillo, as quoted earlier in this chapter, mentioned that a key challenge for the JEP was to connect its judicial work with changes in structural violence in Colombia. Recognising the political nature of the JEP and the broader transitional justice framework of the 2016 peace agreement has implications for tapping the transformative potential of those institutions as regards the continuum of direct and structural violence. This, far from diminishing its value as a judicial transitional mechanism, would unleash the possibilities of enhancing deeper societal transformations that address the entire spectrum of violence by connecting the JEP's work with state institutions at local, regional, and national levels. Creating links between transitional justice mechanisms and the political actors that have the capacity to translate the transformative justice discourse into public policy that responds to the specific needs of different local contexts is paramount to realise the transformative potential

of transitional justice. This does not require the JEP or other transitional justice institutions to take up the task of producing structural change by themselves. But it does need a change in terms of how these institutions understand their work and how they can contribute to addressing a wider part of the continuum of direct and structural violence, even in a political context where, like in Colombia, has been hostile to structural transformation in times of transition.

Conclusions

I examined in this chapter how two of the three transitional justice mechanisms created by the 2016 peace agreement in Colombia frame their work in terms of direct violence (violence from armed actors) and structural violence (social, political, and cultural exclusion). Based on that examination, I argued that part of the transformative potential of transitional justice institutions can be tapped by recognising and delving into the deeply political nature of transitional justice.

I showed that the Truth Commission (CEV) and its final report demonstrate a transformative view of transitional justice by addressing the full continuum of violence in its diagnosis of the Colombian armed conflict and the recommendations it offers. I also showed, however, that part of recognising the politics of TJ involves looking at internal politics of TJ institutions and how power relations play a role in their organisational dynamics. The interviews I carried out with people who worked at the Commission revealed that the transformative discourse of its final report was hindered by practices that reinforced centre-peripheries inequalities, one of the issues that the CEV on its own identified as structural causes of the armed conflict.

I also addressed the Special Jurisdiction for Peace (JEP) and its approach to the continuum of violence. I argued that some of the most important decisions that this transitional tribunal has produced to date do not reflect a transformative framing of its work, as it fails to account for structural violence, and arguable also falls short of addressing direct violence. This can be partly explained by the political context where the JEP operates and the failure in implementing some of the most transformative measures of the 2016 peace agreement. Despite this shortcoming, the institution can tap part of its transformative potential by linking its judicial efforts with state institutions at local, regional, and national levels, which can contribute to structural transformations.

I argued in this chapter that to effectively tackle the entire continuum of direct and structural violence, as understood by photovoice participants, transitional justice institutions must connect the efforts of what we traditionally think of transitional justice—truth commissions, transitional tribunals, reparations, memorialisation initiatives— with state-wide efforts that aimed at tackling the structural conditions that have fed violent conflicts. This entails recognising transitional justice as a project of transformation that is not isolated from its political context. Importantly, this does not mean that transitional justice institutions must take up on the task of societal-wide transformations by themselves. Untapping part of the transformative potential of transitional justice in terms of direct and structural violence as photovoice participants of this research understand it, can be achieved by connecting transitional institutions to wider state-wide policy at local, regional, and local levels.

Chapter 7: Transformative Gender Justice

Justice involves what you eat, what you wear, being where you want to be or avoiding being where you don't want to be, and who you share your time with

Ruby Ombagüe, El Tambo photovoice participant

We are like rubber balls, the hardest they throw us to the floor, the highest we bounce back

Melania Hoyos, Popayán photovoice participant

Introduction

After the first full-day workshop of the photovoice project in Popayán, I joined a walking tour[34] of the historic city centre led by Melania, one of the participants of the project. Apart from myself, two Belgian and one French tourist joined the tour, which started in front of the colonial-era cathedral located in the Caldas Park, the main square of Popayán. In front of the cathedral, painted in white as is the rest of the historic city centre, Melania explained to the group that this was no ordinary walking tour. While we were going to visit some of the tourist landmarks of the city, she was also going to show us some of the places that have been important in her life as a victim of the armed conflict. As she told us, she arrived in the city in 2002, after being forcibly displaced from her home in a rural village of Sotará municipality in Cauca (see map 1 below).

---

[34] The walking tours are offered by Get Up and Go, the NGO I partnered with for the photovoice project in Popayán. The organisation uses local tourism initiatives in the city and surroundings as a peacebuilding tool.

Map 1. Location of Popayán and Sotará, Cauca Colombia

Creative Commons (CC).Milenioscuro (2011). Captioned and modified by the author

After the cathedral, the first place we stopped at was an otherwise unremarkable tree in front of the mayor's office of Popayán (see image 2 in this chapter). As she explained to the small group of tourists, the tree is important to her because it was under that tree that Melania and other women victims of the armed conflict gathered years before to offer support and advice to others on how to access state services that they were entitled to. As Melania said, they gathered under that tree because there was no adequate institutional offer for the care of victims when she started her social leadership role two decades ago. The lack of institutional will or capacity has not stopped Melania and other social leaders, however. During her one-on-one interview, Melania said that in the face of institutional obstacles to access their rights as victims she coined the phrase 'We are like rubber balls, the hardest they throw us to the floor, the highest we bounce back' (Hoyos, 2023). Even when the institutional offer became available at the mayor's office, as she told to the small group of tourists, women who had been victims of gender-based violence or forced displacement still did not feel comfortable going into the building. So, Melania and others kept going back to the tree to offer support to the women who were seeking an institutional response to the harms they have suffered.

During one of the photovoice workshops, Melania told the group that those walking tours have been a way for her to heal by telling her story. The initiative, called Peace Guides, was

the result of a process that Melania, two other participants in the photovoice project —Margoth and Maria Elena—, and others carried out at the NGO Get Up and Go. Before starting to offer the walking tours, they carried out a private process facilitated by the NGO. They told their stories to each other and collectively thought about what they could do to share their experiences in a dignified manner. This resulted in the walking tours of which Melania is a guide.

In the two hours that the tours last, Melania tries to strike a balance between telling her experiences in the context of the armed conflict while not emotionally overwhelming the few tourists who join the tours. From the stop at the main market of Popayán where she was first able to work to make ends meet as a displaced single mother of five, to the nearby stop in front of the local Red Cross' office where she requested refuge when arriving to the city, the abstract ideas that tourists may have about the Colombian armed conflict suddenly felt deeply personal.

In a similar way to Melania's walking tour, the photovoice projects that I carried out in Popayán and El Tambo allowed me and the participants to explore perceptions about the gendered implications of a transition from armed conflict to peace. Those reflections were informed by the lived experiences and the everyday lives of participants, their families, and communities. This did not result in a homogenised account of how gender issues play a role in a transitional context. There were different interpretations about what gender means, as well as some resistance and confusion around the concept and practice of feminism. Further, critical stances towards masculinities and their role in exerting violence, as well as discussions around care and gender emerged from participants that my own prejudice did not prepare me for.

In this chapter, I reflect on how photovoice participants understand the gendered implications of a transition to peace. The chapter is mostly guided by the transformative gender justice literature, one of the three pillars of the *everyday transformative gender justice* framework of this thesis. As argued earlier in this thesis (chapter 3), a transformative gender approach argues that it is not enough for transitional justice to address gender-based violence that happens during violent conflicts. That is because a transformative gender justice approach sees gender-based violence in conflict as one part of the many manifestations of the continuum of gendered violence in societies (Boesten and Wilding, 2015; Ní Aoláin, 2019).

To explain the continuum of gendered violence, Cynthia Cockburn (2004) argues that, much like Galtung's (1969) structural violence idea, where physical violence is only the more visible part of violence, gendered violence also has a structural aspect to it. To understand

gendered violence in war, we need to understand the continuities that link the personal violences with public and international manifestations of violence: the 'battering and marital rape, confinement, "dowry" burnings, honor killings, and genital mutilation in peacetime; military rape, sequestration, prostitution, and sexualized torture in war' (Cockburn, 2004, p. 43). Those continuities challenge a neat distinction between peace, violent conflict, and post-conflict, as gendered power relations are present in the violences that happens across all those times, as well as during peace processes. Crucially, this continuum of violence involves intersecting political, social, economic, and cultural injustices where gendered power dynamics are reproduced (Fraser, 2007).

For transitional justice to be gender-transformative, the full continuum of gender-based violence needs to be addressed in transitional contexts. To illustrate this, Table 1 below presents a transformative gender justice spectrum. The less transformative part of the spectrum understands the role of transitional justice in terms of gender as gender mainstreaming and addressing sexual violence in conflict. To be clear, gender mainstreaming, understood as including women and gender issues in the actions of institutional transitional justice, and prosecution of sexual violence in the framework of armed conflicts are great achievements of feminist movements in the field of transitional justice. These struggles have been paramount to surpass the 'gender-blindness' of transitional justice, to promote the participation of women and LGBTIQ+ people in transitional processes, and to avoid regarding sexual violence as an unfortunate but unavoidable collateral damage of war (Bell and O'Rourke, 2007; Gray and Coonan, 2013; Adams, 2018).

But, while gender mainstreaming and prosecution of sexual violence are necessary, the *everyday transformative gender justice* framework that guides this thesis places those two elements in the less transformative part of the continuum to recognise that this is only part of a broader continuum of gendered violence. The spectrum gets more transformative as it moves to the right of the table (below) to include prosecution of gendered violence, which goes beyond sexual violence to include broader gender harms during armed conflict like reproductive violence and persecution of sexual minorities. Further to the more transformative part of the spectrum I situate addressing the gendered effects of armed conflicts beyond direct gendered violence, which includes issues like the socioeconomic effects of conflicts on women and LGBTIQ+ persons.

Still on the more transformative part of the spectrum, ironically further to the right, I place the transformative gender justice approach and addressing structural gender inequality. These two elements involve tackling structural gender inequality that produces gender-based violence during armed conflicts but also during 'peaceful' and transitional times. This means that transitional contexts must be seen as a window of opportunity to transform deeply held structures in society that result in discrimination and violence (both direct and structural) against women and LGBTIQ+ people. Importantly, the more transformative part of the spectrum of a transformative gender justice, relies less on prosecution and legalistic approaches compared to the less transformative part of the spectrum, recognising that societal-wide transformations are needed to transition to a meaningful peace (Björkdahl and Selimovic, 2015; Dunn, 2017).

Table 1. Transformative Gender Justice Spectrum

Less transformative ← → More transformative		
Gender mainstreaming		
Prosecution of sexual violence		
	Prosecution of gendered violence	
	Address of gendered effects of the armed conflict (beyond gendered violence)	
		Transformative gender justice
		Address of structural gender inequality

Following this table that represents the spectrum of transformative justice as regards gender (table 1), I argue in this chapter that photovoice participants largely understand justice in times of transition as a societal-wide effort to transform structural gender inequality, which goes beyond addressing the gendered wrongdoings committed by armed actors in conflict. In other words, they placed their priorities regarding gender in the more transformative part of the spectrum of transitional justice. What is more, an important lesson from the photovoice projects is that if transitional justice wants to be more transformative when it comes to gender, issues of distributive justice, care, and masculinities must also be included in the scope of a transition to peace.

In what follows in this chapter, I draw from photographs, collective reflections, and individual interviews of the photovoice projects that support the call for transitional justice to address the full continuum of gender-based violence in transitional contexts. As I will show, this means that participants prioritised a transitional justice that, besides focusing on the less transformative aspects of the transformative justice spectrum presented in Table 1 above, also focuses on the three more transformative aspects of it: addressing the gendered effects of armed conflict (beyond gendered violence), transformative gender justice, and addressing structural gender inequality.

I will first show how participants understood the need to address gendered violence in the armed conflict (the left part of the spectrum of Table 1) as inherently connected to addressing broader structural gender injustices in society (right part of the spectrum of Table 1). Second, I discuss how participants understood the role of care and distributive justice (part of the rights hand side of Table 1) as an integral part of the continuum of gender-based violence that transitional justice must address if it wants to be transformative. Third, and lastly, I refer to issues of masculinities and femininities that emerged over the process of the photovoice projects as part of the scope of a transformative gender justice approach (right hand part of the spectrum of Table 1).

The Continuum of Gender-Based Violence and Transformative Justice

As was the case with direct and structural violence explored earlier in this thesis, discussions around gender evolved as the projects developed. Participants shared their photographs, the stories behind them, actively listened to others, and collectively gave meaning to complex issues like the role of gender in a transitional context. For the most part, male participants, who were the minority in both projects, listened to what women and LGBTIQ+ participants said about their lived experiences with gendered violence, what it involved in war but also in their everyday lives.

Not all participants had the same levels of knowledge or awareness around gender issues. For instance, some photovoice participants, both male and female, said during their interviews or during group discussions that while they were all for gender equality, they thought feminism went too far (Gerardo (Anonymous participant), 2023a; Ombagüe, 2023a; Salazar, 2023).

Others said that they were not in favour of *machismo* nor feminism, as if they were analogous concepts (Domínguez Girón, 2023b; Martínez, 2023c).

A spontaneous interaction during one workshop also illustrates some conceptual confusion around gender. For the first photographic exercise that I asked participants to engage with, for which gender was one of the options as a topic for their photograph, Gerardo took an image of a man wearing black clothes, long hair, and a heavy metal band t-shirt. Back at the place of the workshop he asked if the photo could be considered for the gender category. 'Gender' and 'genre' are the same word in Spanish, so Gerardo thought about musical genres when thinking about gender. As women participants kindly explained to him, the prompt of the exercise had a different purpose. As they told him, the question of gender had to do with inequalities between men and women in society, particularly in a context of a transition to peace. As it will be addressed below, Gerardo ended up talking about gender inequality later, reflecting on other participants' photographs that talked about gendered violence. His photograph of the heavy metal fan, and the interaction it produced with some of the women participants, in fact made 'genre' an issue of 'gender' in the end.

This example illustrates how, as the photovoice projects evolved, male participants referred to what female and LGBTIQ+ peers mentioned before, which led them to reflect on how they had seen gender inequality and gender-based violence throughout their lives. Importantly, they also started to recognise the need for transformation of gendered relations in a transition to peace. The process of the photovoice project, in other words, exposed some of the complex gendered implications of a transition to peace. Many of the women and LGBTIQ+ participants already had a sophisticated understanding of gender inequality and how it plays out in conflict, society, and the everyday. But by asking about gender with the photographic exercises and allowing for collective reflections around the topic and its connections to a transition to peace, the project allowed for gender to come into being for many.

When presenting to the group her self-portrait (image 1) that expressed what overcoming violence means to her, Angélica Fernández started by saying that, like the case of Gerardo who only realised that he had been exposed to violence by listening to others, she also realised that she had experienced gender-based violence in her life when thinking about the photographic task. The photograph shows Angélica in a prayer or meditative position on the left half of the image, while a guitar dominates the right half of the frame, with the light from a door in the background in the middle of her and the guitar, giving an overall feel of calm.

Self-portrait - Theme: Overcoming Violence. **Angélica Fernández ©**,
Photovoice Popayán, 2023

When describing the photograph, Angélica said:

> *I think that, as our colleague [Gerardo] said, you start to remember and then you realise that you have in fact been a victim of violence. And not only from the armed conflict, but from society. And as women, I think we all have experienced violence for the fact of being women. So, in my self-portrait I wanted to represent the path that I decided to take to heal from violence, a spiritual path (...) and music is something spiritual for me* (Fernández, 2023a).

The first person to react to Angélica's self-portrait was Gerardo. He said that Angélica's explanation of her self-portrait and reflections around the violence that women suffer in the everyday made him remember an episode that he and his wife had experienced the day before the workshop. They were driving their car near Cauca University in Popayán when they saw

two men harassing a young woman, who had to risk crossing the road with passing cars to try and lose the men. He continued his reflection by linking the episode with broader gender discrimination that he had witnessed in his life. He told us of a former boss of his that used to say that he did not like hiring women because they get pregnant and then they stop working for maternity leave (Gerardo (Anonymous participant), 2023a).

After Gerardo, Karen talked about her own case and how, apart being a victim of physical violence when she was a teenager, she also suffered from psychological violence in a work environment from a male supervisor. As she told us, she was left with deep psychological harms that she has been dealing with for seven years. Karen linked those gender-based violences to masculine privilege in society and the incapacity of men to acknowledge such privileges. As she said, education of young boys in that matter could go a long way in addressing gender-based violence in the everyday, but also the gendered harms when talking about conflict, peace, and justice (Burbano, 2023a). After hearing the comments from other participants regarding her self-portrait, Angélica reflected on the 'window of opportunity' that the 2016 peace agreement opened to talk about gender-based violence, patriarchal orders and masculinities, and how they connect to the gendered harms in the armed conflict (Fernández, 2023a). I will come back to that theme in a later section of the chapter.

The photographs, stories, and reflections by Angélica, Gerardo, and Karen, show that when asked about gender justice in a transitional context, they prioritise a societal-wide effort to challenge the various ways in which gender-based violence is exerted. Based on their life stories and experiences in the everyday, they connect the gendered harms of the armed conflict to what they have experienced directly or indirectly as expressions of the continuum of gender-based violence. From discrimination at work, to street harassment, and personal trauma, they pointed to the need to examine the many ways in which structural gender inequality is present in society. Importantly, as Angélica said, those reflections around gender are deeply connected to transitional justice. The 'window of opportunity' she referred to echoes what transformative gender justice scholars talk about when they argue for transitional justice to tackle the whole extent of the continuum of gender-based violence in transitional contexts.

Other participants added further complexity to the understanding of the gendered harms of the armed conflict and how they connect to gendered violence in wider society. The first day of the photovoice workshop, it was not Melania who took a photograph (image 2) of the tree she spoke about during the walking tour, but Margoth:

Image 2

Untitled. **Margoth Torres ©**, Photovoice Popayán, 2023

Margoth told the group that she wanted to frame the entrance to the mayor's office with the branches of the tree. The tree brought many memories for her, as it used to be the 'office' where Melania, Maria Elena, and herself talked to women victims of the armed conflict to guide them on how to access state services. They also offered psychosocial support to the poorer women who had recently arrived to Popayán as that kind of support was not part of the institutional offer. Back then, the tree was small. It has grown to be sturdier, as have they as social leaders. Now, in part thanks to their long-term activism, support for victims of the armed conflict and differential approaches for women is offered by state institutions. In sum, Margoth said, the tree symbolises an element that is key in a transitional context, and that is access to psychosocial support in the face of institutional barriers, particularly for women victims of the armed conflict (Torres, 2023a). Melania, Maria Elena, and Margoth's experience could be seen as an example of everyday peace (and justice), as they spontaneously organised to provide support to other women victims. But, as their activism made clear, their 'everyday peace' efforts went together with demands for institutional support. This speaks to the risk in the

everyday peace literature of romanticizing local initiatives as examples of everyday peace that arise in the absence of institutional responses.

Margoth did not speak specifically about gender-based violence, but instead of women victims of the armed conflict. That may come as a surprise given that, as she told me later during our one-on-one interview, she is victim of sexual violence in the framework of the armed conflict. But that was only one of the eleven victimisation cases for which she is officially recognised as a victim by the state's Single Registry for Victims (Torres, 2023b). After her husband was kidnapped and forcibly disappeared by AUC paramilitaries, Margoth was victim of forced displacement, and extortion. Throughout the process of searching for her husband and finally finding his remains, she was victimised by armed actors. But Margoth was further revictimized by institutional actors who were unwilling or incapable of guaranteeing her rights.

All the harms Margoth suffered, as was the case with Melania, were shaped by gendered power relations in society. Talking about women victims of the armed conflict does not exclude talking about gender-based violence, of course. But the choice of words and concepts that Margoth used does point to the need to have a broad understanding on how gender permeates the lives and experiences of people living in a conflict-affected context. That broad understanding includes but is not limited to gender-based and sexual violence that happens in the framework of the armed conflict.

As participants mentioned, forced displacement puts a disproportionate burden on women, particularly for single mothers like Melania (Hoyos, 2023) and Margoth (Torres, 2023b). Forced displacement is not usually understood as a gender harm in transitional justice, but the effects of that displacement do have gendered implications. As both Melania and Margoth made clear, their victimisation experience was mediated by structural gender inequality. This was expressed in the sexual violence that Margot was subjected to, but also in the lack of institutional response to their victimisations, the discrimination and harassment they had to navigate at the workplace, all the while carrying the responsibility of being the sole providers of care for their children.

In short, when asked about their priorities in terms of gender in a transitional context, photovoice participants referred to the need to address the full extent of the gender-based violence continuum, as presented in Table 1 above. Redress for sexual violence in the armed conflict (in the less transformative part of the continuum) is necessary, as Margoth's story makes clear. But equally important, as reflections from Margoth herself, Melania, Angélica,

and others showed, is taking the window of opportunity of a transitional process to transform structural gender inequality that manifests in war but also in everyday life and 'peaceful' times. As the next section of the chapter shows, participants further reflected on care and distributive justice as key aspects of the continuum of gender-based violence that transitional justice must address to be transformative.

Gender, Care, and Distributive Justice

Another dimension of the continuum of gender-based violence that came up during the photovoice projects was linked to care and economic issues. During my interview with Melania, for which she was generous enough to inviting me to her house for a meal to share with her family, issues that linked gender and distributive justice came to the fore. She told me that gender-based violence and gender discrimination are some of the many obstacles that survivors of the armed conflict, and victims of forced displacement in particular, face. While she acknowledged that laws for attention of victims and the current transitional justice framework in Colombia represent important progress, survivors still face challenges where gender and economic injustice intersect:

> *I think that one of the main challenges for survivors of the armed conflict, displaced persons and other victimisations, is the lack of knowledge. And I say this because of my own experience. If I do not know the law, I cannot make it effective. And if I do not make it effective, well, the law becomes just a piece paper. And why does this happen? Because when we are forcibly displaced, we are on survival mode, it is a very difficult situation. So, where do I find the time to read? Where do I find the time to write? Where do I find time to inform myself on new laws? There is no time, I am thinking about how to feed my children, of how to get a job.*

> *And if I do find a job, I must focus on how to be liked at work, to avoid being stigmatised for being a displaced person, and above all for being a woman, to avoid being harassed. Most [displaced] women have been sexually assaulted, abused, groped, and what not (…) For the sole fact of being a woman you carry a burden. Many of us were left without our fathers, brothers, so all the burdens lie on us: being women, being responsible [for care duties], navigating rural-urban inequalities. So, we can only focus on surviving, and the laws become just a piece of paper* (Hoyos, 2023).

Melania has more than two decades of experience in activism, as noted in the beginning of this chapter. She now knows the legal framework for victims and the current transitional justice system in detail. But what she tells in that excerpt of her interview is telling of the various ways in which gender inequality plays out in a conflict-affected society. Her story is also representative of the challenges for a transitional justice framework to work for the people who need it the most, particularly for marginalised and impoverished women that have suffered from the armed conflict. Melania was critical of the state's approach to victims of forced displacement. State institutions, as the quote above suggests, do not do nearly enough to guarantee the rights of victims or even let them know what their rights are, something that Margoth and Claribel also mentioned in their interviews (Hoyos, 2023; Ramírez, 2023c; Torres, 2023b).

Melania also expressed criticism towards the 2016 peace accord in terms of gender and socioeconomic measures for victims. As she said, difficulties started from the beginning of the peace negotiations between FARC guerrillas and the government, in 2012. Initially, women and gender issues were not included in the negotiation agenda. Women's groups had to fight to be included in the negotiations. They succeeded in that effort, as Melania said, which led to the creation of a gender subcommittee for the peace talks (GPaz, 2018; Kroc Institute for International Peace Studies, 2018). Melania herself took part in regional and local forums and discussions regarding the gender approach of the peace talks that led to the 2016 accord (Hoyos, 2023).

But the implementation of the 2016 accord has left victims of forced displacement worse off, according to Melania. She particularly resents the benefits in terms of accommodation, monthly incomes, and productive projects that former FARC members have received, which victims of forced displacement cannot access. Moreover, the surge in the assassination of social leaders[35] after the peace agreement was signed, particularly those who defend the rights of victims, led Melania to step aside from her social leadership role. Apart from the worsening security situation for social leaders, Melania said that economic aid for forced displacement victims has shrunk since 2016. While those monetary compensations are not life-changing, at least they can ease the financial burdens of families. But more than monetary compensations,

---

[35] According to NGO Indepaz (2025), 1,678 social leaders and human rights defenders have been assassinated since the 2016 peace accord was signed —up until 27 October 2024.

what women victims need are long-term measures like access to education for themselves and their families. As Melania stated:

Women's issues are paramount in transitional justice. We need to be included in the job market, in education… Look, according to the 1448 Law [Victims Law of 2011] we, as women social leaders, should have access to education. I want to study! I want to be a lawyer, I want to be a social worker, and many women like me want to study, we want to progress in our lives. But we cannot do that, we have to focus on surviving, on providing for our children. We lack education, we lack economic measures, psychosocial support, productive projects (…) (Hoyos, 2023).

Melania continued with her account that linked forced displacement, gender inequality and distributive justice. As she said, her social leadership role led her to visit women victims of forced displacement in Popayán and Bogotá. The conditions in which some of those women and their children lived were not suitable for humans: 'they practically lived in caverns (…) these women lived in unbelievably infra-human conditions, they lived, ate, and dug a latrine at the same place. That was here, right in the middle of the city. You wouldn't even believe' (Hoyos, 2023). One of the photographs Melania made for the final exhibition of the photovoice project addressed this issue (image 3):

Masks. **Melania Hoyos ©**, Photovoice Popayán, 2023

The photograph shows a woman from her backside sitting on a sidewalk. Although we cannot see the woman's face, she seems to be looking towards the horizon, which gives a puzzling feel to the image. The description of the photograph reads 'throughout my [social leadership] process I have fought not only for me, but for everyone else. There needs to be improvement at many levels. As displaced families we have gone through much prejudice'. Melania took the photograph in the streets of Popayán. The woman photographed is presumably a homeless person, which Melania links to the living conditions of many victims of forced displacement, which she has experienced personally. To overcome such duress, Melania insisted, monetary compensations and reparations are not enough. She insisted on the need for economic inclusion with a gender approach: 'What displaced women need are jobs.

But in special conditions. Why? Because we have care duties with children, with elderly and disabled adults, be that as a consequence of the conflict or otherwise' (Hoyos, 2023).

What Melania argued connects armed conflict harms, structural gender inequalities —including unpaid care work— and the need for measures to address structural inequality in terms of education and the job market. This is consistent with what women involved in gender activism and transitional justice have told me elsewhere (Monroy-Santander and Otálora-Gallego, 2024). It is also consistent with what other participants in the photovoice projects said as regards the role of transitional justice in addressing gender inequalities. Margoth and Maria Elena, who have worked with Melania for years, and who are forced displacement victims themselves, mentioned access to job markets and livelihood projects as one of the venues where transitional justice can contribute to addressing gendered harms that have happened in the armed conflict but that are also present in 'peaceful' times (López, 2023; Torres, 2023b).

Hence, there is an intersection between what I argued in the previous chapter —the need for transformative justice to address the direct-structural violence continuum—, with the main argument of this chapter —the need for transformative justice to address the entire continuum of gender-based violence. This is because, as Melania and others made clear, one of the ways in which the continuum of gender-based violence has been felt in their lives is socioeconomic discrimination, which intersects with structural gender inequality. This is precisely the meaning of intersectionality that Crenshaw (1989) advanced it. Importantly, what Melania pointed out also refers to the need for *redistribution* in a feminist approach to redress for socioeconomic injustices as Fraser (2007) proposes. I will come back to this point in following chapters.

Further, this link between gender justice and distributive justice that photovoice participants pointed to further proves the need for a transitional justice that goes beyond gender mainstreaming —the *add women and stir* approach (Cockburn, 2004). That is, for transitional justice to be transformative, it is not enough to state that women and LGBTIQ+ will be considered in the implementation of the work of transitional justice mechanisms. Rather, a transformative view on gender justice calls for concrete ways in which the many manifestations of structural gender inequality and gender-based violence will be addressed in a transitional context, including distributive issues.

As regards care and gender, my own prejudice was not prepared for having Fredy, a participant who is a retired army soldier, talking about those issues in the context of a transition

to peace. For the first photographic exercise of the workshops in Popayán, Fredy presented the following photograph (image 4):

Image 4

Untitled. **Fredy Valderrama ©**, Photovoice Popayán, 2023

Fredy did not take the photo. Instead, he asked a fellow participant to take the photograph, after asking for permission from the people shown in the image. He is shown in the image behind a woman taking care of an elderly man with mobility limitations. When explaining the image, he told us that lower ranking soldiers like himself who retire from the armed forces following a grave injury are left with little to no support from the state. That fact, combined with the fact that lower-ranking army members come from the poorest sectors of society, usually leaves women relatives of those soldiers —wives, mothers, sisters, or daughters— with the burden of unpaid care work of disabled soldiers, usually for life. Not only that, but lower

ranking soldiers get pensions that barely puts them over the national poverty line[36]. Hence, women are usually left in a position of both principal carers and main breadwinners of their household (Valderrama, 2023a, 2023b).

The intersectional harms that Fredy points to also have the effect of making some women invisible as victims of the armed conflict. What he argues is that, in a way that echoes Crenshaw´s (1989) conception of intersectionality, women who take the role of carers also suffer from the harms that men soldiers experienced. Putting attention on care and the intersectional nature of harms in conflict allows to make those women and the connections between different forms of gendered violence visible. Indeed, taking care seriously 'requires asking a different set of questions and documenting a different set of stories than those that focus primarily or exclusively on violence' (Krystalli and Schulz, 2022, p. 3). As I found, photovoice can prove an adequate method to ask those questions and document different kinds of stories, including the invisibility of care and the women who often take up on this (unpaid) work.

Further, when members of the military are killed in service, as Fredy told me during our one-on-one interview, the difference in the sum that families of lower and higher-ranking members of armed forces are left is striking. While the family of an army captain could receive around 2 or 3 million pesos a month, lower ranking army member's families receive as little as 480,000 pesos —four to six times less than an official's family. Many find the sum that the state provides insulting. At that point in the interview Fredy asked, with visible indignation, 'is that what the life of a husband, of a son, is worth for them?' (Valderrama, 2023b).

Fredy's social activism is focused on the recognition of injured and disabled lower-ranking military members like himself as victims of the armed conflict. Again, I must recognise my prejudice when it comes to this matter. When I think of victims of the armed conflict in Colombia, I do not think about members of state forces. If anything, I think about state forces as perpetrators or accomplices of some of the worst atrocities that have been committed in the Colombian armed conflict. What Fredy told me changed my view. Among the millions of victims that the armed conflict has left in the country it can be easy to overlook groups of

---

[36] Someone who earns less than COP 396.864 (82.35 GBP) a month is considered to be under the national monetary poverty line according to the latest data from the National Statistics Department (DANE) of Colombia (2023).

victims like state forces members who died or were injured by landmines, who were kidnapped and/or forcibly disappeared.

Further, as Fredy and Melania noted with their photographs, stories, and reflections, there are gendered implications to their harms in the armed conflict, which intersect with socioeconomic inequalities. This further shows the connections between the need to consider the connections of both continuums —of gender-based violence and structural-direct violence— for transitional justice to be transformative. Importantly, the gendered implications of conflict harms include issues that have been traditionally sidelined from the scope of gender in transitional justice: care and redistribution. If a transition to peace does not consider how care and distributive issues intersect with gender, the transformative potential of transitional justice can remain untapped.

Masculinities and Femininities in Transitional Justice

The emerging literature on masculinities and transitional justice has recently called for attention to the opportunity that transitional contexts offer to transform and mobilise masculinities for peace. Some scholars have pointed to the link between violence and hegemonic masculinities, which tend to be misogynistic, homophobic, and transphobic (Torrão Filho, 2005) and the need to transform those notions among former combatants (Cahn and Ní Aoláin, 2009; Theidon, 2009; Gutiérrez and Murphy, 2022). Still, others focus on the opportunities in transitional justice for transforming how femininities and masculinities interact and are constructed, not only among former combatants, but in the conflict-affected society as a whole (Hamber, 2016; Myrttinen, Khattab and Naujoks, 2017; Friðriksdóttir, 2021). In this section, I address how participants in photovoice projects addressed issues of masculinities in a transitional context as part of the effort to address the entire continuum of gender-based violence.

Giselle, a student representative in El Tambo, prioritised the everyday and challenging traditional gendered roles both in private and public spheres when talking about justice in times of transition. One of the photographs she selected for the final exhibition of the photovoice project talked about this:

Gender Does not Matter. **Giselle Andrea Potosi Fernández ©**, Photovoice El Tambo, 2023

In the image, she depicts a woman —with pink Crocs shoes— in control of a football that dominates the centre of the photograph, as if saying 'I got this' in front of a man —with blue Crocs shoes (image 5). For the description of the photograph she wrote:

> *Everyone, regardless of their gender, must have the same opportunities, rights, and recognition by society. We need to challenge traditional gender roles and promote gender equality in all aspects of life, including education, the job market, politics, and interpersonal relations* (Potosí Fernández, 2023a).

During our one-on-one interview, Giselle further reflected on the themes she addressed in that photograph and others she presented during the workshops, most of them having a gender component. In words that echo Cockburn's (2004) call for attention on the private sphere as sites where the continuum of gender-based violence is manifest, Giselle said that gender violence usually starts at home, and that there is an urgent need to rethink masculinities as part of a gender justice effort:

> *I've heard many times that expression 'the man of the house', which means the one in charge, the one who imposes order. And I think that being a man should not mean "the one in charge", or the one who hits the hardest, or the one who walks around as if he*

had a crown and everyone else must serve him (...) being a man also means grabbing a broom and cleaning up (...) Being a man should not be linked to shouting the loudest or beating women, but rather with knowing how to behave peacefully with their partner and the world in general (Potosí Fernández, 2023b).

When asked about transformations for peace in terms of gender needed in a conflict affected context like El Tambo, Giselle chose to photograph and reflect on the dominant notions about what being a man and being a woman mean in her environment, as well as the way those masculinities and femininities interact. It is telling that Giselle calls for challenging what 'being a man' in relation to others means for a transition to peace to be attained. In the final lines of the quote above, she talks about the need for peaceful masculinities in the household as an alternative to the dominant violent masculine figure. At the end of the quote, when Giselle says 'and the world in general', she links the call for peaceful masculinities in the private sphere with the public sphere. The effort of transforming masculinities for peace in a conflict-affected context, it seems to Giselle, involves a broad spectrum where the interpersonal relations at home and 'the world in general' are connected.

Ruby, another participant in El Tambo photovoice project who is a schoolteacher and indigenous community leader also reflected on issues of masculinities and femininities. She was one of the participants who expressed resistance to feminist thought and practice. As she said during one of the group discussions around a photographic exercise, she considers herself an activist for gender equality. However, Ruby continued, 'I do not do anything that affects men (…) sometimes in our rush we step over men by making our freedom more of a libertinage that is causing harm'. Despite that stance, Ruby talked about gender, femininities and masculinities issues when presenting some of her photographs to the group. For her Justice After Conflict series, she made the following images:

Justice After Conflict series. **Ruby Ombagüe ©**, Photovoice
El Tambo, 2023 [face blur added]

Ruby explained that the first photo of the series (image 6), where she is pictured with half of her face covered, reflects how she used to feel 15 years or so before. She felt voiceless. As she told the group, she was forcibly displaced and arrived to Popayán with her firstborn son, the only child she had back then —the cloth in the photo is her son's actual blanket from when

he was a baby. That voicelessness started to change when she got involved with community-level activism and social movements in the city, which included getting to know LGBTIQ+ struggles. For Ruby, engaging with state institutions in charge of providing services to forced displacement victims was never an option. What helped her was talking to people who were part of social movements. Encountering people involved in various struggles allowed her to accept 'others', which in turn led to better understanding herself and her own struggle. That was when, eleven or twelve years ago, she felt like she had a voice again, as reflected in the second photograph of the series (image 7) where Ruby is shown with her mouth uncovered (Ombagüe, 2023a).

Now, Ruby says that after two decades of social activism for indigenous autonomy and gender equality, the third photo (image 8) is what justice after conflict means to her. Ruby has not felt that justice has been served for victims of forced displacement of the armed conflict. She also feels that gender justice has not been attained. But she thinks of justice as herself and her two daughters living free of violence and discrimination.

The way she works for that justice, Ruby said, is by challenging gender stereotypes and gender roles at home and in the everyday. Ruby says she had to break with the gendered customs she grew up with. She was one of twelve siblings, three men and nine women. Her sisters and herself were forbidden to going outside, and they were expected to serve their male siblings at home. Now, at her home, she has made her husband understand that she is not the only one responsible for housework. That has been a relief for her, as her social leadership role in the indigenous community, where she is one of the nine women who preside the indigenous community council of the area, consumes a lot of her time. That is why, Ruby concluded, '[j]ustice involves what you eat, what you wear, being where you want to be (…) and who you share your time with' (Ombagüe, 2023a).

Even when Ruby says she is wary of feminism, she seems to favour the feminist challenge to the public/private divide when talking about what justice after conflict means to her. Perhaps, Ruby's discomfort with feminism echoes the literature in transitional justice that argues for going beyond equating 'gender' with 'women', something that leaves outside the discussion men as gender subjects (Cahn and Ní Aoláin, 2009) and, more problematically, excludes LGBTIQ+ agendas for gender equality (Biddolph, 2024).

The photographs and reflections from Giselle and Ruby illustrate that to fully address the continuum of gender-based violence and attain gender equality in transitional contexts,

177

discussions around masculinities are paramount. As Connel (2005) and Cockburn (2004) suggest, this does not only involve questioning dominant notions of what being a man in a conflict-affected context mean, but also, crucially, challenging the power relations that mediate the interactions between dominant masculinities and femininities, as well as with subordinate masculinities. This challenge of gendered power relations involves questioning how members of armed groups are trained, act in combat, and interact with civilians. But it also involves, as Ruby and Giselle demonstrate, challenging how dominant notions of, borrowing Connel's terms, *doing male* and *doing female* play out in the private sphere (the household) and the public sphere (the indigenous community council and 'the world in general'). A transition to peace, to be meaningful and transformative, must address that whole spectrum.

Other participants reflected on further aspects of the continuum of gender-based violence in conflict and civilian life directed as people who do not conform to homogenic forms of masculinities and femininities. For instance, Juan Diego, a university student from El Tambo and LGBTIQ+ activist, was vocal during the photovoice project about the violence that gender-diverse persons face not only from armed actors but also from their very own families and communities. For the *Justice After Conflict* photographic series that I asked participants to engage with, Juan Diego made the following image:

Image 9

Untitled - Justice After Conflict series. **Juan Diego Arroyo Acosta**
©, Photovoice El Tambo, 2023

The photograph (image 9) shows Juan Diego's feet on the foreground, one foot wearing a trainer and the other one wearing a high heel shoe, walking on a rocky path towards the horizon. As he told the group, he wanted to picture his story, of a boy from a rural town who left his male shoes —as symbolised by the white and green trainers— behind to seek happiness. His other foot is wearing a high heel shoe, which symbolises his transition, walking towards the horizon on a rocky path which has not been easy to navigate. In the horizon, he noted, there is a light towards where he is going, in the pursuit of happiness (Arroyo Acosta, 2023a).

Juan Diego's photographic series received praise from other participants. Claribel mentioned that she liked how Juan Diego, with his justice after conflict series, did not talk about the armed conflict that we are used to discuss in Colombia. Rather, he discussed the

conflict that the LGBTIQ+ community has lived through in search of transformations in society (Ramírez, 2023a). Diana, further, pointed to the significance of the high heels as a symbol in the image, on how it is harder to walk in them, how easy is to fall down or get hurt, which for her symbolises how hard it is to be a woman in our society (Solano, 2023). Finally, David praised the story-telling capacity of Juan Diego by telling a compelling story with his images, a paramount skill that social leaders must have (Martínez, 2023b).

In another photograph of the Justice After Conflict series, Juan Diego also used shoes to tell a story and reflect on what justice means to him:

Image 10

Your Families of Your Happiness - Justice After Conflict series. **Juan Diego Arroyo Acosta ©**, Photovoice El Tambo, 2023

Juan Diego reinterprets the traditional 'Lady Justice' symbol of justice —the blindfolded woman with a sword representing power in one hand and a scale that represents fairness in the other hand— with this self-portrait (image 10), which was the first photograph of his *Justice After Conflict* series. Instead of a sword and a scale, Juan Diego holds two different kinds of shoes in his hands and is blindfolded by a pink bandana with the background of a cloudy sky. He was inspired by stories he heard in a transfeminist group meeting. One of the stories, Juan Diego told us, was from an indigenous young person who wanted to start their gender transition and was rejected by his indigenous community. As Juan Diego said, he sensed a tension in that story between different conceptions of (in)justice: (in)justice as belonging to an indigenous community that has been historically marginalised and discriminated, and (in)justice for transgender people inside that community. Further, the tension between different perceptions of justice was complemented by Juan Diego with another story that inspired his photograph. In the image, in his right hand, he holds a traditional shoe used by indigenous communities in Cauca, and a heeled shoe in his left hand. He is blindfolded with a bandana with the inscription (in Spanish) *BLACK AND INDIGENOUS WOMEN IN RESISTANCE*, inspired by the story of two indigenous women who wanted to live together, as a couple, for which they had to leave their community (Arroyo Acosta, 2023a).

For Juan Diego, justice after conflict entails, at least from those two stories that inspired his photograph, getting away from your own family or community, rather than transforming the patriarchal gender norms of the community. Juan Diego points here to the same private/public divide mentioned by Ruby, where dominant notions of masculinity and femininity can be challenged but also enforced. But while Ruby argues that gender justice can start at home by building more horizontal gender relationships, Juan Diego shows how gender inequalities can also be reproduced inside communities and inside the household.

It is significant that participants like Juan Diego, Ruby, and Giselle prioritised conceptions of gender justice around masculinities and femininities when asked, through a photographic exercise, what justice after conflict mean to them. This shows that, in a conflict-affected society in a transitional context —like El Tambo and Colombia— gender is of paramount importance but also shows that gender issues involve much more than sexual violence committed by armed actors. To be clear, this does not mean that addressing sexual violence in violent conflicts should not be a priority of transitional justice. The fact that sexual violence cannot longer be considered as 'collateral damage' by transitional justice mechanisms is a great feminist achievement (Nagy, 2008; Adams, 2018), and stories like Margoth's are painful reminders of

the importance of addressing those harms. That is not to say, however, that transitional justice should limit its scope to sexual violence committed by armed actors. The stories of some of the participants support the need to address the full extent of the continuum of gender-based violence and gender inequality in society if a meaningful transition to peace is going to be achieved. This involves addressing structural gendered power relations at a societal level, which in turn involves challenging hegemonic forms of masculinity and their relations with femininities and alternative masculinities.

Conclusions

This chapter started by presenting how the complex and various ways in which gendered power relations play out in the stories of Melania and Margoth, two photovoice participants of my research project who are victims of the armed conflict. As I argued, their stories, as well as the photographs and reflections from photovoice participants prioritise a transitional justice that tackles the full continuum of gender-based violence in society. Tackling the full continuum of gender-based violence in a transitional and conflict-affected context involves a broad spectrum where transitional justice must focus, from the less transformative to the most transformative part of Table 1 presented in the introduction of this chapter.

That is, an *everyday transformative gender justice* approach understands that gender mainstreaming and addressing gendered harms of the armed conflict (the less transformative part of the spectrum) is indeed paramount. But such an approach also pushes transitional justice to tackle structural gender inequality that is manifest in war but also 'peaceful' times if it wants to be transformative (the more transformative part of the spectrum).

While there was no homogeneous view regarding gender in a transitional context, through the photovoice process participants drew from their lived experiences and how they encounter gendered power relations in their everyday, to critically reflect on the need for transformations at societal level regarding gender. Gender-based violence is not an exclusive domain of war, as participants said through their photographs and reflections.

Participants pictured and discussed how gendered violence in the armed conflict is deeply connected to how gendered power relations permeate domestic life, workplace relations, political engagement, and the interactions of victims with state institutions. Hence, they prioritised a transformative gender approach on what justice looks like in a transition to peace,

one where addressing gender and sexual harms that happens in armed conflict is inherently connected to addressing patriarchal gendered orders in society at large.

Also, photovoice projects allowed for discussions that connected the continuum of gender-based violence with the continuum of direct and structural violence. By pointing out how 'gender neutral' victimisations like forced displacement are in fact deeply gendered and reinforce disproportionate care and economic burdens on women, participants took care and distributive issues as key sites of redress and transformation in transitional times. This is a key finding for the transformative justice literature and the broader transitional justice field. If, as Melania lucidly said, women victims of the armed conflict need to worry about bare survival, feeding and caring for their children, and somehow making ends meet, the grand promises of transitional justice for victims risk being mere pieces of paper for the people who need it the most.

Further, participants challenged hegemonic masculinities and femininities that cross through private and public spheres as a key site where gender justice can be advanced in transitional times. Questioning male privilege, as well as how power dynamics between dominant notions of masculinities and femininities operate, was identified by photovoice participants as a key site of transformation for a more peaceful future. Again, the link between what happens in private spaces like the household, and what happens in armed conflict regarding gendered violence was clearly exposed by the photographs and reflections from participants. Accordingly, the effort to address how notions of masculinities and femininities shape gendered wrongdoings in the armed conflict are deeply intertwined to how those gender notions are lived in the everyday and 'peaceful' times. In the following chapter, I examine institutional transitional justice approaches to gender in Colombia and to what extent they correspond to the priorities of photovoice participants explored in this chapter.

Chapter 8: Institutional Perspectives on Transformative Gender Justice

Preface

The first interview I conducted with a representative of the Special Jurisdiction for Peace (JEP) was with magistrate Marcela Giraldo Muñoz. As I described previously, the offices of the JEP are in a newly built building in an affluent area of Bogotá. After going through a security checkpoint on the ground floor of the building and talking to a receptionist, I took the elevator that led me to the floor where the magistrate's office is located. Once there, a woman from the magistrate's team greeted me and showed me the way to the magistrate's office. Marcela greeted me kindly and in a relaxed, almost informal tone, for which I was grateful. The office was located in an upper floor of the tall building, itself located in the Eastern part of the city, where the Andes mountain range dominates the landscape. As in magistrate Reinere Jaramillo's office, the views of the city in magistrate Giraldo Munoz's are privileged.

Her background and how she got involved in transitional justice issues were also privileged, as she admitted. Like magistrate Jaramillo, she comes from Medellin, the country's second largest city. Unlike Reinere, however, Marcela comes from a privileged background, which allowed her to study International Humanitarian Law at a postgraduate level in Switzerland, something that then led her to work at the International Committee of the Red Cross, the Interamerican Court of Human Rights, and the International Criminal Tribunal on Rwanda. After a decade of international experience in international humanitarian rights law, she applied for the open call to fill the 38 positions for magistrates of the JEP that the 2016 peace agreement created (Giraldo Muñoz, 2023).

Half an hour or so into our interview, I asked magistrate Giraldo Munoz about her views on gender issues and how the JEP is addressing them. After stating a caveat about her not being an expert on gender issues, she told me that the first positive sign that she sees in the JEP is the fact that there are more women magistrates than men magistrates in the institution. She also pointed to the fact that the JEP has a gender commission as part of its organisational structure. That gender commission offers advice on gender issues on the judicial proceedings of the macro cases that the JEP handles to guarantee the rights of victims of gender-based violence in

the armed conflict. It is also tasked with promoting gender equality inside the work of the institution. She also mentioned that sexual violence has been studied in the cases that the JEP has opened, but conceded that it was pressure from civil society that led to the opening of the most recent case of the transitional tribunal, dedicated specifically to gender-based and sexual violence (Giraldo Muñoz, 2023).

A few seconds after magistrate Marcela finished her answer to the gender question I posed, magistrate Reinere Jaramillo, who I had not met yet at that point, walked into the office to discuss a video they were planning on recording together regarding the gender approach of the JEP. Magistrate Jaramillo passionately, but briefly, discussed the subject and left the office saying, as if proclaiming to a crowd, 'What is not named does not exist!' (*¡Lo que no se nombra no existe!*), a phrase feminist movements in Spanish-speaking countries have coined to refer to the silencing of gender issues. I took the opportunity to ask magistrate Jaramillo if we could arrange an interview before she left.

During her interview, magistrate Jaramillo seconded the importance of having more women magistrates than men in the JEP. But she made a connection with broader gender inequalities in Colombian society. As she told me, if the process had not been open and transparent, which in her words is not a common thing in Colombia, she would not be there as a magistrate, not only because of her public education and working-class background but because of structural *machismo* in Colombian society, which extends to institutional political institutions, including transitional justice scenarios. Magistrate Jaramillo also talked about how the JEP is addressing gender and sexual violence in its judicial processes. Acknowledging that gender-based violence was widespread before the armed conflict, magistrate Jaramillo also said that the armed conflict has aggravated it, and the challenge of the JEP is precisely to translate its gender approach to judicial decisions that 'repair that which cannot be repaired' (Jaramillo, 2023).

During my interviews with both magistrates, a number of issues that this chapter will address came up. What a gender approach means for the JEP, for instance, was not understood equally by both magistrates. Both mentioned the participation of women like themselves in equal conditions at the highest level of the transitional tribunal as an achievement for the transitional justice framework in Colombia in terms of gender. Magistrate Giraldo Munoz mentioned how having a gender commission inside the JEP that aims to include gender considerations throughout the work of the transitional tribunal, both inside the institution and in its public work, as an important step forward. These arguments can be understood as a gender

mainstreaming and participation discourse in terms of gender, the less transformative part of the transformative gender spectrum presented in the previous chapter. But Magistrate Jaramillo also mentioned structural gender inequality as a site where the transitional tribunal needs to address gender issues through its judicial decisions, which can be placed in the more transformative part of the continuum.

Those different views on the extent to which transitional justice should address a broad spectrum of gender-based violence was apparent in my examination of institutional approaches to transformative gender justice. My interviews with both magistrates also touched upon key debates around gender in transitional justice in this chapter, including the links between gendered violence in conflict and wider societal gendered orders, the work of transitional justice institutions in terms of gender inside their own organisation and towards the public, and the challenges of implementing a gender approach in the practice of transitional justice. Other issues were not addressed in their interviews, however. We did not talk about a topic that was prioritised by photovoice participants, as addressed in the previous chapter, which was issues around masculinities and femininities. This chapter will reflect on such themes.

Introduction

The 2016 peace agreement between the Government of Colombia and FARC rebels has been hailed as one of the most advanced peace agreements in history regarding gender issues (Mersky, 2020). The gender perspective of the accord did not come from a gender consciousness of the mostly male negotiators that initially made up the government's and FARC's delegations, as Melania, quoted in the previous chapter, noted. Rather, it was the result of the struggle of women's groups that have advocated for their rights for decades in Colombia and who pushed for the creation of a gender subcommittee during the peace negotiations (GPaz, 2018; Kroc Institute for International Peace Studies, 2018). That subcommittee ensured that a strong gender perspective was included in the peace agreement.

However, the implementation of the accord has shown that, as is usually the case, gender issues have been sidelined in practice (Demetriou and Hadjipavlou, 2018). The Kroc Institute of the University of Notre Dame, in charge of following up the implementation of the peace accord's provisions, has shown that the measures of the agreement that have a gender component are lagging. Out of the 130 gender stipulations of the accord, only 12% have been

completed, compared with 31% for the accord as a whole, while 70% of the gender measures have a 'minimum' or 'non-initiated' status, compared with 50% for the rest of the accord's stipulations (Echavarría Álvarez *et al.*, 2023).

Beyond quantitative measures of implementation of gender provisions, over my research I found varying degrees of engagement from institutional transitional justice actors with gender issues. There was not a unified position among institutions or even inside them regarding gender. Institutional framings of the scope of their work regarding gender can be placed everywhere from gender mainstreaming and addressing sexual violence —the less transformative part of the spectrum of transformative gender justice presented in the previous chapter— to transformative gender justice —the most transformative part of the spectrum.

In the previous chapter of this thesis, I addressed what I learned from photovoice participants regarding their priorities in terms of gender for transitional justice to be transformative. As I argued there, participants prioritised a transformative gender justice approach, where addressing gendered violence during armed conflict is inherently linked to addressing structural gender inequality in the wider society. Participants pointed to the often-overlooked gendered effects of the armed conflict in Colombia, which go beyond gender violence. They also reflected on how societal-wide gendered orders generate economic and care burdens on women victims, something that further calls for a transformative view on gender justice in times of transition. Finally, participants pointed to dominant notions of masculinities and femininities as sites of change if transitional justice wants to be transformative in terms of gender.

Based on the issues prioritised by photovoice participants in the previous chapter, I will refer to the transformative gender justice spectrum to evaluate to what extent photovoice participants' and institutional perspectives intersect or not. Institutional transitional justice framings from the Truth Commission (CEV), the Special Jurisdiction for Peace (JEP) and the Unit for the Search of Disappeared Persons (UBPD) regarding gender vary significantly. As I will argue, while some institutional representatives and documents frame their gender work with a strong transformative gender approach, others take a gender mainstreaming approach —the less transformative part of the transformative gender justice spectrum. I also argue that while transformative approaches to gender are present in some institutional discourses in spaces that are solely dedicated to gender (for instance the gender chapter of the final report of the CEV), those transformative gender approaches tend to be sidelined in the most visible sites

of those institutions (for instance, the main findings and recommendations chapter of the final report of the CEV).

To support those arguments, I will first analyse how each of those institutions frame their work regarding gender issues and how their views compare to those of photovoice participants, with the spectrum of transformative gender justice presented in the previous chapter as a reference point. Second, I will delve into how the CEV addressed masculinities and femininities in its final report. While this issue was prioritised by photovoice participants, the only transitional justice institution from the 2016 peace agreement in Colombia that has seriously addressed it so far has been the Truth Commission, hence the space for institutional approaches to masculinities is dedicated to the CEV.

Institutional Perspectives: Between Gender Mainstreaming and Transformative Gender Justice

The CEV and the Continuum of Gender-Based Violence

The document analysis of key publications from the three transitional justice institutions of the 2016 peace agreement in Colombia, as well as the interviews I carried out with institutional representatives in Bogotá revealed that the institution that uses the most transformative language on gender was the Truth Commission CEV. One of the eleven volumes of the final report of the CEV, entitled 'My Body is the Truth', is dedicated to gender. In that chapter of around 400 pages, the CEV provides an account of how women and LGBTIQ+ persons have been disproportionally affected by the armed conflict, how they have resisted violence, and mobilised for peace. The chapter also provides an analysis of the factors that explain the patterns of gender-based violence in the Colombian conflict and offers recommendations on how to address those issues.

Among the findings of the gender chapter, the CEV mentions that sexual violence has been exerted by all armed actors in Colombia, leaving 32,446 registered victims. This number, as admitted by the Commission, has under-registration problems, mainly related to the threat of further violence from armed actors, the social stigma that victims face when they report, re-victimisation from institutional actors towards victims who decide to report sexual violence, something that has been also found in other conflict-affected contexts like the Democratic

Republic of Congo (Clark, 2018; Koos and Lindsey, 2022) and the former Yugoslavia (J. N. Clark, 2014).

The gender chapter of the final report of the CEV also reveals that paramilitaries and guerrillas account for 38% and 37% of sexual violence cases, respectively. For 10% of the cases the perpetrator group remains unidentified, and 8% correspond to state forces (Comisión de la Verdad, 2022d). Further, the CEV sets an important precedent by including reproductive violence in its analysis, a type of sexual violence that is usually overlooked by transitional justice mechanisms (Laverty and de Vos, 2022). The report mentions forced sterilisation and contraception, forced pregnancies and abortions, torture during pregnancy, and forced maternity as forms of reproductive violence that armed groups have used inside its ranks and towards civilian populations (Comisión de la Verdad, 2022d, pp. 67, 72–73). In this sense, the CEV took a transformative approach to gender by not limiting its analysis to rape as the sole gender harm of the armed conflict. Instead, it used the social movement-informed reproductive justice framework (Ross, 2017) to broaden the scope of what truth-seeking initiatives of transitional justice often consider in the scope of gender-based violence (Sanchez Parra, 2023).

Further, the gender chapter examines the sociocultural context —a deeply patriarchal society that is misogynistic and prejudiced against gender-diverse persons— as part of the explanation of the gendered harms that have happened in the armed conflict (Comisión de la Verdad, 2022d, p. 115). The chapter is unequivocal in this respect, linking structural gender inequality and the gendered harms of the armed conflict and explicitly talking about the continuum of gendered violence:

> *Patriarchal dynamics rooted in Colombian society have led to the exacerbation of violence against millions of women in the midst of the armed conflict, and are among the causes that explain the existence and permanence of the conflict.*
>
> *Patriarchy is expressed in different dimensions, among which the Truth Commission highlights three: the first is the **continuum of violence**; the second, the mandate of warrior masculinity and its relationship with militarism; and finally, the lack of protection by the State* (Comisión de la Verdad, 2022b, p. 115, emphasis added).

Note that the CEV, in these short paragraphs, refers to the patriarchal societal dynamics in Colombia as part of the explanation of why women —and LGBTIQ+ persons as the CEV later

argues— have suffered disproportionately from the armed conflict. But patriarchal gender relations not only explain the patterns of gendered harms in the armed conflict. They also partly explain why the armed conflict has lingered until today. This is a key point, as it puts gendered power relations at the centre of the discussion about the violent conflict and, consequently, as part of the justice that is needed after conflict. From that argument, addressing gendered power relations at a societal level is paramount for addressing gender-based violence specifically, but also for the effort of transitioning to a more peaceful future in general. This is a transformative gender justice claim.

The recommendations of the chapter are equally transformative in language. The first recommendation that the gender chapter offers is for the Colombian state to address structural gender inequality and transforming patriarchal and racist sociocultural patterns that produce violence in war and civilian life (Comisión de la Verdad, 2022, p. 203).

Ironically, interviewees who worked at the Truth Commission, told me that the work inside the institution was a place where those patriarchal patterns were reproduced (Ortíz Acosta, 2023; Rodríguez Fonseca, 2023). Ángela[37], who also worked at the Commission and was familiar with the drafts of the gender chapter of the final report, told me about how a male truth commissioner deleted entire sections of the draft text and made comments like 'not all men' next to a claim that connected masculinities and the harms suffered during the armed conflict (Ángela, 2023).

What is more, Ángela left the CEV with a diagnosis of post-traumatic stress disorder (PTSD) and burnout. On the one side, gathering and reading testimonies of the different kinds of gendered harms suffered during the armed conflict was emotionally challenging and often resulted in tears. In the long run, that resulted in vicarious PTSD. On the other hand, the work environment and unsustainable workloads for most people inside the CEV made the interviewee and other colleagues inside the institution to experience burnout. Paraphrasing this interviewee, they are the victims of transitional justice that no one talks about.

The burnout and vicarious trauma that some of those professionals experience is further aggravated by the feeling of guilt, as they know that they are privileged compared to most of the direct victims of the armed conflict that they listened to (Ángela, 2023). While the literature on transitional justice professionals has largely focused on the bureaucratisation and

---

[37] Not her real name.

professionalisation of the field (Griveaud and Lefranc, 2020; Krystalli, 2023), further research that delves into the gendered power relations inside transitional justice institutions and the emotional burden that these professionals face in their jobs —particularly those who deal with gender-based harms— is needed. Access to those dynamics is challenging, but research informed by sociological, anthropological, and psychological approaches would be well suited to delve into the reproduction of gendered dynamics inside transitional justice institutions that claim to work for gender equality.

Back to the final report of the CEV, the strong transformative language of the gender chapter does not come across in the main findings and recommendations volume —which is the most likely to be read by anyone. This fact is less surprising after what I heard from interviewees that worked at the Commission and how they saw gendered power dynamics playing out inside the institution. At one point of the main chapter of the report, using legalistic language, the text talks about sexual violence as one of the many international humanitarian law and human rights violations that happen in conflict, with no mention of broader societal-wide gendered dynamics (Comisión de la Verdad, 2022b, pp. 152–153). The first serious mention of gender issues in the main volume of the report comes in on page 555, out of the total of its 790 pages. At that point, a four-page summary presents the findings of the gender chapter, mentioning how patriarchal gendered relations in the Colombian society have produced a continuum of gender-based violence in war and 'peaceful' times (Comisión de la Verdad, 2022a, pp. 555–559).

In the recommendations section of the main volume of the report, the strong recommendations of the gender chapter are not present. Contrary to the gender chapter, the main chapter of the final report the CEV took a mainstreaming approach by including 'women' and 'LGBTIQ+' alongside groups like peasants, minors and teenagers, ethnic populations, disabled persons, poor people, and rural populations as groups that must be taken into account as part of a 'differential approach' to the reforms that the CEV recommends. This approach of the main chapter can be clearly situated in the less transformative part of the transformative gender spectrum presented in the previous chapter and proves that the transformative gender language present in the gender chapter is lost when it comes to the 'core' of the final report.

When recommending a security sector reform, decentralizing the administrative structure of the State, or reforming drug trafficking policy, gender only comes to play a role, usually towards the end of such recommendations, when the report mentions women, LGBTIQ+

persons, and the rest of the populations mentioned above, as populations that need to be included in the making of the reforms (Comisión de la Verdad, 2022b). For instance, towards the end of the recommendations related to the need of a territorial development paradigm in Colombia, the report reads:

> **Finally**, and parallel to the development at the territorial scale, we also suggest that differential and intersectional approaches be strengthened and adopted, and that specific measures be designed for the most marginalized populations affected by inequality and the armed conflict, such as ethnic groups, the peasantry, rural women, LGBTIQ+ people and rural youth (Comisión de la Verdad, 2022a, p. 706, emphasis added).

The 'finally' for which I added emphasis is reflective of how gender was included —or rather excluded— in the main recommendations of the final report of the CEV. Hence, gender issues seem to come as an afterthought, a less important issue to be addressed after the 'important' issues are discussed. Women and LGBTIQ+ people appear as part of a list of boxes to be ticked, with no attention to the specific needs of those groups or concrete recommendations on how exactly to account for how the armed conflict has had a disproportionate effect on them, and how those harms are connected to wider gendered orders in society.

In sum, the CEV had a gender working group inside the institution that pushed for a serious consideration of gender issues and used a strong transformative gender justice approach in the chapter dedicated to women and LGBTIQ+ people. Crucially, the gender chapter of the final report not only included reproductive violence as part of the gendered violence that it addressed, but it also made clear connections between gendered harms in the armed conflict with broader societal-wide gendered orders that need to be transformed in a transition to peace. In this regard, the CEV work on gender can be considered as reflecting the most transformative part of the spectrum of transformative gender justice presented in the previous chapter.

However, the work inside the CEV, as interviewees said, reproduced the very same structural gendered power relations that the gender chapter denounced. Also, the transformative gender justice approach of the gender chapter was not reflected in the main chapter of findings and recommendations of the final report of the Commission, which reflected a gender mainstreaming approach, the least transformative part of the spectrum of transformative gender justice.

The efforts of the gender group of the CEV represent an important advance for transformative gender justice in transitional and conflict-affected contexts that can be taken as a good example by the transitional justice field going forward. But lessons about the risk of watering down transformative approaches to gender justice in the most important and visible scenarios, as well as the reproduction of gendered power dynamics inside transitional justice institutions must also be taken seriously to avoid missing opportunities to advance a more gender-just transitional justice.

The JEP: A Mainstreaming Approach to Gender

The 2016 peace agreement states the JEP must apply a gender, ethnic, and intersectional approach throughout its work (FARC-EP and Government of Colombia, 2016, p. 144). Also, one of the laws that regulate how the JEP works dictates that the tribunal must promote a restorative gender approach when imposing its sanctions in order to "re-dignify activities socially assigned to women, and destroy sexist prejudices and stereotypes" (Congress of Colombia, 2018). In fact, the JEP has a Gender Commission as part of its structure, currently led by magistrate Reinere Jaramillo, which has the purpose of guaranteeing a gender approach across the work of the transitional tribunal (Jurisdicción Especial para la Paz, 2024).

In 2018, the JEP published its guidelines to apply a gender approach in its work, which is mostly centred on ensuring participation of women and LGBTIQ+ victims in JEP proceedings, particularly for cases that involve gender-based violence (Jurisdicción Especial para la Paz, 2018b). That same year, the JEP's division that acts as its Prosecutor's Office published a protocol for communication and attention for women and LGBTIQ+ victims of sexual violence. These documents recognise the barriers, discrimination, and disproportionate effects that the armed conflict, but also state institutions, have exerted against women and LGBTIQ+ populations. As a response, they provide guidelines for the JEP to guarantee the participation, in conditions of equality, for these populations with the transitional tribunal. This is paramount, as the stories of photovoice participants like Margoth, Melania, and thousands of others in Colombia painfully demonstrate.

However, as research in Colombia and elsewhere has shown, the participation discourse in transitional justice has limitations for advancing gender justice. For instance, the 'mere presence' of victims does not guarantee that their agency is recognised (de Waardt and Weber, 2019) or that power relations between institutions and victims disappear (Lundy and

McGovern, 2008a). Further, from a transformative gender justice perspective, the participation discourse risks limiting a gender approach to mainstreaming or the 'add women and stir' approach (Cockburn, 2004). To be clear, participation of women and LGBTIQ+ persons is key for gender issues to be taken into account, as is gender mainstreaming —understood as including gender as an issue to be addressed by transitional justice. Nonetheless, participation and gender mainstreaming, by themselves, cannot produce the transformations needed in terms of gendered power relations at societal level that manifest in armed conflict but also peaceful times. Here lies the transformative gender justice critique to participation and mainstreaming discourses.

The JEP's preliminary decision sentences I examined for my research had little to say about gender, despite the guidelines and laws mentioned above. In the cases they did, the framing of gender issues by this transitional tribunal took a gender mainstreaming approach. Take the two documents that I referred to in the chapter regarding direct and structural violence — preliminary conclusions on kidnappings by FARC and 'false positives' by state agents, the two most advanced cases of the tribunal. These documents, only mention gender when recommending that perpetrators include a gender approach, along with an ethnic and differential approach, to restorative projects that perpetrators can receive as 'special sanctions' (Jurisdicción Especial para la Paz, 2022a, 2022b). Apart from that, the document on the kidnapping case, mentions gender when referring to the reluctant recognition that former FARC combatants have made about their troops committing sexual violence as a crime connected to kidnapping (Jurisdicción Especial para la Paz, 2022b).

In the preliminary decision for the kidnapping case, the JEP evaluates as 'sufficient' that FARC perpetrators mentioned a gender component in the special sanction projects, although they only make explicit how they would do so in two of the four projects that the former combatants would implement as an alternative sanction that avoids jailtime. In the document, there is only one visible mention of a gender component for one of the sanction projects, which says that women victims of the armed conflict will be invited to contribute to the book and audiobook containing life stories of victims and former combatants (Jurisdicción Especial para la Paz, 2022b, p. 178). This is problematic for two reasons. One, as addressed in the direct and structural violence chapter, because it puts the weight of addressing structural gender issues to what individuals or a handful of former combatants can do with limited-time interventions that have little to no state funding or support. Second, because it takes a gender mainstreaming

approach to structural gender inequality —assuming that by including some women in the project a gender approach will be achieved.

The latest macro-case opened by the JEP, as announced in September 2023, will focus solely on gender-based violence in the framework of the armed conflict. The case has the long name of 'Gender-based violence, sexual violence, reproductive violence, and other crimes committed out of prejudice based on sexual orientation, gender expression and/or diverse gender identity in the context of the Colombian armed conflict'. It will examine gender violence committed by FARC rebels and state forces against civilians and inside their own ranks (Jurisdicción Especial para la Paz, 2023). This is a positive step. It is telling, however, that the case took so long to be opened. As Felipe León, who works with the JEP, told me, the delay in opening the case had to do with the legal standards that the JEP established as a threshold to consider that a criminal pattern was 'widespread and systematic'. Sexual and gender-based violence did not fulfil those criteria (León, 2023). The relatively low —but still shocking[38]— numbers of victims and cases mentioned in the reports that the JEP uses as sources did not allow the threshold to be satisfied. The JEP stood by those thresholds as an obstacle to opening the case even when it has been well established that sexual and gender-based violence is under-reported in Colombia (Wirtz *et al.*, 2014) and elsewhere (Wirtz *et al.*, 2013).

It was again in big part the pressure from civil society women's and LGBTIQ+ groups (Cinco Claves, 2020), who pushed for a specific case on gender-based violence, that the JEP eventually decided to open the case, as magistrate Marcela Giraldo Muñoz recognised during her interview (Giraldo Muñoz, 2023). The opening of this case guarantees that direct gender-based and sexual violence will be addressed by the JEP, which is an important achievement. Whether the transitional tribunal takes a more gender-transformative approach in this case by pointing to concrete ways in which the entire spectrum of gender-based violence can be challenged in Colombian society, through sanctions and other tools at its disposal, remains to be seen.

Precautionary measures, as mentioned previously in this thesis, are one of such tools that the JEP has at its disposal to articulate its transitional justice efforts with other state institutions. In ordinary processes of justice, precautionary measures are judicial decisions that aim to

---

[38] When the JEP finally announced the opening of the macro-case it mentioned that it had gathered information for 35.178 victims of sexual and gender-based violence from all armed actors in the armed conflict between 1957 and 2016 (Jurisdicción Especial para la Paz, 2023).

protect people or material evidence that are in imminent risk, and which are fundamental for guaranteeing the judicial process and eventually serving justice. Precautionary measures have been used by international justice institutions, including the Interamerican Court of Human Rights, part of the Organisation of American States (OAS), to protect individuals and collectives of people in imminent danger of human rights violations.

In a similar vein, precautionary measures have been used by the JEP to protect victims and former combatants involved in the transitional tribunal processes who are in imminent risk. The JEP has also produced precautionary measures to protect cemeteries where there are indications that unmarked mass graves with forcibly disappeared people could be present, as well as documentation that can serve as evidence at the JEP's chambers. In general, the goal of those precautionary measures in the JEP is to guarantee the protection of the rights to truth, justice, reparation, and guarantees of non-repetition (Coljuristas, 2020; Jaramillo Chaverra, 2022).

It is in their more expansive sense that precautionary measures can serve as tools to make the work of the JEP more transformative. As Juan David Velasco, an academic and advisor who works at the Prosecutor's Office of the JEP, told me, precautionary measures are a key tool for tapping the transformative potential of the transitional tribunal. That happened, for instance, when the JEP partnered with LGBTIQ+ NGOs to produce precautionary measures that ordered local authorities in the Nariño department to enact policies for the protection of LGBTIQ+ people, as it was clear from the judicial processes at the JEP that their rights were being violated (Velasco, 2023). This is a clear instance where addressing gendered violence during the armed conflict by the JEP can connect to broader efforts to advance gender justice in Colombian society.

Most precautionary measures from the JEP to date have been used as an emergency measure to protect places and groups of people directly involved in the cases of the JEP. However, as David said, given the power of precautionary measures to connect the work of the JEP with broader state efforts, they represent a concrete way in which the tribunal can advance transformative gender justice. Using the framework of the guarantee of rights, precautionary measures directed at state institutions at national and local levels, can prove to be pivotal once the gender case before the JEP gets under way. Further, if such approach can be coupled with *redistribution* for socioeconomic rights violations and *recognition* for cultural rights violations

following Fraser's thinking (1995, 2007), precautionary measures by the JEP could have an even greater transformative potential. I will get back to this point over the next two chapters.

In sum, the documents from the JEP containing some of the most important decisions by the transitional tribunal to date do not frame their landmark (preliminary) decisions with a gender-transformative approach. At best, they take a gender mainstreaming approach. But even this approach comes almost as an afterthought, as was the case for the main chapter of the final report of the CEV. Gender, despite the guideline documents, laws and regulations that call for the transitional justice mechanisms of the 2016 peace agreement to include a strong gender approach, is relegated to the background when the 'important' issues are discussed. This is a missed opportunity for the JEP and the broader transitional justice framework in Colombia. It would be naïve to think that the JEP can produce by itself a transformation of the gendered power relations in Colombia with its judicial decisions. However, given its position as a high court with a constitutional status on a par with the Constitutional and Supreme Courts, it could certainly push for transformative gender justice. Through its sentences and precautionary measures, the JEP could call for state-wide efforts to challenge the structures that produce the continuum of gender-based violence in the country, including the gendered harms of the armed conflict.

The UBPD: A Limited Approach to Gender

As Lía Rodríguez, head of the international cooperation office at the Unit for the Search of Disappeared Persons (UBPD), told me during our interview, the institution has had challenges in implementing a gender approach in its work. Lía mentioned that there is a 'differential approaches' office at the UBPD, in charge of making sure that gender, ethnic, disability, and minors' approaches are considered when the institution carries out its work of searching for the estimated 100,000 people who have been forcibly disappeared during the Colombian armed conflict. This has resulted in gender being mentioned in the national and regional search plans, which are the strategic documents that guide the work of the UBPD —and some of the documents I analysed for this research. However, as Lía said, including in a paragraph or two saying that the institution will apply a gender approach in the search for disappeared people feels like a 'ticking the gender box' exercise. Part of the challenge, as Lía expressed, is figuring out how exactly a forensic search team of the institution can include a gender approach that genuinely incorporates a gender-sensitive approach to their work (Rodríguez, 2023).

The gendered dimensions of forced disappearances are manyfold, as Margoth's story, addressed previously in this thesis, painfully demonstrate. She lost her husband Raúl when AUC paramilitaries kidnapped, killed, and buried his body in a remote area. That left her as the sole carer of her two children, and the household was left financially unstable as her husband was the main breadwinner. Further, she was revictimized by institutional actors when she asked for help in the search for Raúl, and then the very same people who forcibly disappeared Raúl committed sexual violence against her. Even after AUC paramilitaries officially demobilised, former members of the armed group forcibly displaced her, something that produced a further disruption to her and her family (Torres, 2023b).

Throughout all those victimisations that Margoth suffered, gender played a crucial role. Lía mentioned some of those gendered dimensions linked to disappearance: some 70% of people who search for their loved ones, often with no state support, are women. Further, most of the disappeared persons are men, some of whom represented the main source of income for the household, leaving their partners with all domestic and care burdens, but also with the financial stress that searching for loved ones involves (Rodríguez, 2023).

As Lía further said, drawing from her experience in dealing with international actors and funders, feminist agendas from foreign donors prioritise sexual violence as the main site for addressing gender in transitional justice, leaving the gendered implications of victimisations like forced disappearances under-funded (Rodríguez, 2023). This point made by Lía is linked to the critique from transformative gender justice scholars against the 'fixation' on sexual violence in transitional justice (Henry, 2014), which results in neglecting the rest of the continuum of gender-based violence, and the most transformative part of the spectrum of transformative gender justice presented in the previous chapter.

Lía talked mostly about women when talking about the challenges of implementing a gender perspective at the UBPD. But research has shown that the search for disappeared people in Colombia has also important gendered implications for LGBTIQ+ persons. Olarte-Sierra, for instance, argues that the technical and supposedly impartial techniques used by forensic teams that recover bodies of disappeared people can make transgender people invisible during search processes. By prioritising the sex given at birth when exhuming bodies and overlooking clear signs of the gender identity of the person —expressed with the clothes they are wearing, for instance— the forensic work is far from neutral (Olarte-Sierra, 2022).

This is admittedly a single case that may not be representative of the universe of more than 100,000 potential forensic cases that the UBPD addresses. But it illustrates an important point about the visibility and invisibility of gender violences. A neutral, scientific, and impartial forensic work that is oblivious to the gendered implications of forced disappearances can make invisible the gendered implications that are connected to that specific form of victimisation. By limiting the scope of its work to technical-scientific work, the many gendered aspects of what forced disappearances involve for their loved ones —issues of care, economic stress, revictimization, sexual and gendered violence that Margoth's story painfully illustrate— risk being neglected.

In that respect, Caribe Afirmativo an LGBTIQ+ organisation based in Cartagena, urged the UBPD in 2020 to incorporate a gender approach to its work. Such an approach would include the needs of gender-diverse persons, as the reports from the institution up until that point did not include a gender component at all (Caribe Afirmativo, 2020). The UBPD has made progress in the years since, as recognised by the same NGO (Caribe Afirmativo, 2021). The Kroc Institute also recognises the progress of the UBPD in terms of adopting a gender perspective through the adoption of participatory and gender-sensitive approaches (Echavarría Álvarez *et al.*, 2023).

While that progress is important, it is also telling that —as was the case with the JEP's delay in opening a gender case— the UBPD only started to fully incorporate a gender approach four to five years after the institution was created in February 2018. What is more, the institution was given a 'humanitarian and extrajudicial' mandate by the 2016 peace agreement. That, in combination with the nature of its scientific-forensic work, has given the UBPD a halo of neutrality. This has shielded the institution from the political backlash coming from the right in Colombia, which was against the 2016 peace agreement and has focused on attacking the JEP and the CEV as the most visible institutions of the transitional justice framework. But, as ethnographic research has shown, forensic work in transitional justice in Colombia, far from being neutral, is deeply gendered and political (Olarte-Sierra, 2022).

The supposed political neutrality of the UBPD also comes with the cost of leaving the transformative potential of the institution's work untapped. In terms of transformative gender justice this is evident from my research. The documents from the UBPD leave aside any mention of structural gender violence. Including participatory and gender-sensitive approaches to its work is a welcome development. However, by restricting the scope of its work to the

'neutral' task of searching for disappeared people and handing the remains to their loved ones —a monumental task, no question— leaves aside any involvement with the societal transformations needed in terms of gender in Colombia. Importantly, it also leaves aside the many gendered and political implications of forced disappearances that the story of Margoth demonstrates.

Institutional Perspectives on Masculinities and Femininities

The only institution for which I found evidence of attention to femininities and masculinities was the Truth Commission. As discussed earlier in this chapter, the Truth Commission includes a gender volume as part of the contents of its final report. That gender chapter has a strong gender-transformative spirit. Among other themes, it addresses how hegemonic masculinities in Colombian society partly explain the patterns of gender-based violence in the armed conflict and civilian life. The main point regarding masculinities in the chapter is that notions of what being a 'true man' mean in civilian life and what being a good combatant in war have nurtured each other in Colombia. This has resulted in a hegemonic masculinity that is violent, misogynistic, and prejudiced against LGBTIQ+ persons (Comisión de la Verdad, 2022d, p. 122). As addressed in the previous chapter of this thesis, this understanding of masculinities that links gendered violence in conflict and peace is very much in line with what photovoice participants expressed, as they privileged a transitional justice that addresses gender inequality at all levels, not just gender-based violence in conflict.

Further, the CEV includes two additional findings regarding masculinities. First, although women have been part of legal and illegal armed groups —notably in FARC guerrillas, were they accounted for 20%-40% of combatants (Castrillón, 2015; Gómez Polo, 2017)— most combatants in the conflict have been men. That fact, in combination with the long duration of the armed conflict, has deepened the militarisation of dominant notions of masculinities in the country. The CEV states that more than six decades of conflict has made men, and some women, bearing arms throughout the country part of the landscape of everyday life in Colombia, particularly in remote rural locations. In precarious socioeconomic conditions, joining legal or illegal armed groups has been one of the few options to access social mobility, economic resources, power, and prestige, some of the notions associated with the hegemonic forms of masculinity (Comisión de la Verdad, 2022d, pp. 124–125).

Second, life inside regular and irregular armies has been, and continues to be, a space for the reproduction of 'values, ideas, and behaviours of masculinity deemed as necessary to be part of those organisations' (Comisión de la Verdad, 2022b, p. 123). While there are important differences in the way that paramilitaries, guerrillas, and state forces have enforced those ideas, all have reproduced and reinforced misogynistic and prejudiced masculinities in the training process of their troops. This partly explains the patterns of gender-based and sexual violence in the Colombian conflict (Comisión de la Verdad, 2022d, pp. 126–128). The gender chapter of the final report cites a disturbing chant journalist Adriana Villegas heard army members singing at a miliary base as recently as 2020:

> *One minute before dying / I heard the voice of my girlfriend / with the voice of a bitch she said to me / "The policeman will give it to me if you die" / Because I am the black vampire / I never had a mother, and I will never have one / If I ever had one I choke her to death / I never had a girlfriend and I will never have one / If I ever had one, I tore out her eyes*

> *When my mother in law dies / Burry her facing down / So if she wants to get out / She goes deeper down / With the bones of my mother in law / A ladder I'll make / To go down her grave / And kick her skull / With the hair of my mother in law / A scourer I'll make / To scrub her daughter / In the belly button and further down* (Villegas, cited in Comisión de la Verdad, 2022d, p. 126).

Juan Esteban Muñoz, a former Lieutenant of the Army who was involved in 'false positive' cases and has stood before the JEP for those crimes, mentioned another chant that they used to sing during military training. As part of his explanation about how the day to day of military life inside the institution came to justify the killing of innocent people to present them as guerilla members killed in combat, he spoke of the dehumanisation of the enemy. While he did not talk about masculinities, the chant he mentioned is telling about the ways misogynistic notions of the military man were built and reinforced in military training. Back at the army academy, when he was 14 years-old, they would wake up at 4 am to march while chanting *'come on, come on guerrillero, we'll tear your head apart, we'll drink your blood, we'll rape your women'* (*LA TRIBU REPARADORA | Juan Esteban Muñoz*, 2021).

Still other witnesses and former military members have reported chants that include lines like 'All the young men have their joy in their chest / And two handwidths lower, the artillery

cannon' (Shihab Vergara, 2020). According to CEV interviews with former AUC paramilitary members, misogynistic chants were also common among their groups: 'the instructor-commander said "why do women have two lemons in the chest?" and then we would answer "and bit lower they have the morale of men"' (Comisión de la Verdad, 2022d, p. 127).

Hence, life inside armed groups, and how armed men and women were trained for combat, the CEV argues, exacerbated patriarchal notions of male superiority and legitimised extreme forms of violence against women and other men. Dehumanisation, desensitization towards suffering, repression of empathy and similar emotions, are all part of the construction and reproduction of those militarised masculinities that have underpinned some of the worst atrocities of the armed conflict. Women, LGBTIQ+ people, and ethnic populations have been disproportionately affected by that violence, as they are placed in a subordinated power position to the hegemonic violent masculinity model.

This diagnosis from the CEV, which links civilian and 'warrior' masculinities, is further translated to clear recommendations. The following excerpt from the gender chapter of the final report is illustrative of its stance towards masculinities:

> *In summary, the Commission found that all groups, armed and civilian, participating in the war in Colombia, reproduced a model of violent patriarchal masculinity, in many cases misogynistic and prejudiced, which determined their ways they behaved. Therefore, questioning these masculinities and proposing their demilitarization is one of the fundamental ways to de-escalate the conflict and build peace* (Comisión de la Verdad, 2022d, p. 128)*.*

Those few lines carry a powerful message. They make a clear call to challenge dominant notions of masculinity in the country, not only as a way of avoiding further gender-based harms in the conflict, but as a way of de-escalating the ongoing armed conflict as a whole. However, as I argue with Marisol Ortíz-Acosta elsewhere (forthcoming), the important points that the gender chapter raises regarding masculinities are lost in the main findings and recommendations chapter of the final report. As it happened with the transformative continuum of violence approach, the attention to masculinities was lost when the CEV summarised its main findings and recommendations. This represents yet another example of how gender issues have been sidelined in the implementation of the 2016 peace agreement and the work of its transitional justice institutions when it comes to the 'important' matters.

Also, while there is a clear message in the gender chapter of the final report about the link of hegemonic violent masculinities with the armed conflict and gender-based violence more broadly, the recommendations fall short of offering an account on how masculinities can be mobilised for peace. This shortcoming is representative of broader transitional justice debates, where masculinities, if discussed at all, tend to focus on hegemonic warrior masculinities, and alternative or subordinated forms of masculinities that can challenge dominant violent ones are overlooked (Serrano-Amaya, 2024).

The CEV partly addressed this issue by including, as part of its online media contents published in parallel with the written report, life stories of five men who renounced to the traditional ways of 'doing male' (R. Connell, 2005) in Colombia. These short stories are presented with collage-style graphics that accompany and help the reader to follow the storytelling. They are grouped under the title Many Possible Men. All five stories are worth reading and considering in full, as they offer real life experiences of men, their experiences of the armed conflict and how broader gendered orders in society play a role in the notions and resistances towards what being a man mean in society and the power relations at play between dominant masculinities, subordinate ones, and femininities. Due to space constraints, however, I chose one of the stories and one of the graphics (image 1) that support the text to illustrate how the CEV addressed this issue:

The Man Who Caresses:

Image 1
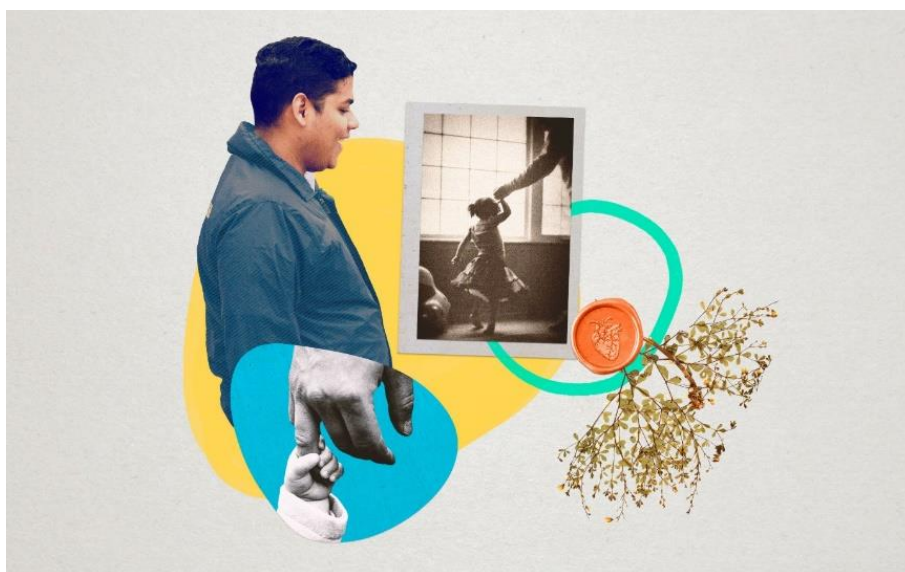
Comisión de la Verdad ©

Joel Toscano lived in Cúcuta, a bordering city with Venezuela. AUC paramilitaries sexually abused Joel several times when he was six and seven. They also assassinated his father around that time. When he was eighteen, he suffered sexual abuse by ELN guerrillas and got badly injured while trying to escape from them. Those harms left Joel with physical and psychological scars, including depression. Joining groups of victims of sexual violence to hear their stories helped his healing process, which eventually led to Joel to tell his own experience to other victims. When Joel's daughter was born, he did not know how to approach and touch her without feeling like a rapist. Now, he knows that sexual violence does not need to be linked to being a man. 'Joel is the man who does not rape, does not abuse, and cares for those who surround him. "That is what being a man means for me"' (Comisión de la Verdad, 2022f).

The other four stories include *The Man Who Fears*, about a man who refused military conscription on moral grounds and is now an activist for conscientious objection; *The Man Who Heals*, about a former army nurse who lost his leg in a landmine explosion and now builds peace through filmmaking and theatre; *The Man Who Wasn't*, about a transgender man, victim of sexual violence by armed groups who is now a LGBTIQ+ and peace activist; and *The Man Who Dances*, a former AUC paramilitary recruited when he was 8 years-old who now teaches dance to young people as a way to keep them away from armed (Comisión de la Verdad, 2022f).

These stories are told in a non-academic language, which along with the illustrations and photo collages, make them much more accessible to a wider public compared to the texts of the final report of the CEV. Further, these stories are included in a series of *fanzine* contents that the CEV made available for schoolteachers and civil society groups to use as a way to spark conversations about alternative and 'many possible masculinities'. It is hard to say if these contents are going to have a wide circulation, but at least they have the potential to do so. As multimedia products that can be consumed by a wide public, this can be a small step but an important tool to challenge dominant masculinities that have fuelled violence in conflict and peace. This is also a good example of how transitional justice can be more gender-transformative by using storytelling and visuals as social change tools, something that can contribute to addressing the full extent of the continuum of gender-based violence in transitional and conflict-affected contexts.

The way the gender chapter of the final report and the multimedia contents that the CEV left as part of its legacy approach masculinities provide hints to the JEP and the UBPD on how to include masculinities in their work in the years to come. With the macro-case on gender-

based violence opened by the JEP, the transitional tribunal has the chance to broaden its scope on gender by including a more transformative gender approach. This should include a clear questioning on how hegemonic masculinities have driven some of the worst wrongdoings of the armed conflict, but also how masculinities can be mobilised for peace and non-repetition. On the other hand, the UBPD has the chance of delving into the many gendered implications of forced disappearances and how traditional notions of masculinities and femininities are related to that phenomenon. Addressing and challenging the complex ways in which gender, masculinities, and femininities are embedded in the continuum of gender-based violence in Colombia and elsewhere can be a powerful contribution to the effort of making transitional justice more transformational, as photovoice participants made clear.

Conclusions

Institutional perspectives from the transitional justice institutions created by the 2016 peace agreement in Colombia varied in terms of how they frame their gender approach. The Truth Commission (CEV) has a strong transformative justice framing in the gender chapter of its final report. However, when it comes to the main findings and recommendations chapter of the final report of the CEV, which is the most likely to be read by anyone, the strong transformative gender approach of the gender chapter does not come across. Further, the same patriarchal gendered dynamics that the gender chapter of the report denounced were reproduced in the institutional dynamics inside the CEV. These two findings —the loss of relevance of gender in the main chapter and the reproduction of patriarchal gendered power dynamic inside the CEV— offer lessons about the obstacles of implementing a transformative gender justice approach for future efforts in Colombia and elsewhere.

The Special Jurisdiction for Peace (JEP), for its part has until now taken a gender mainstreaming approach to its work. The transitional tribunal has taken important steps towards ensuring participation of women and LGBTIQ+ persons in the investigation of its cases. However, in some of the most important decisions of the tribunal that I analysed over my research, gender is almost completely absent. In the few instances where gender is mentioned, it comes in the form of gender mainstreaming. The recent opening of a specific case on gender-based violence by the JEP is a positive step towards addressing gender harms of the armed conflict and provides an opportunity for the JEP to apply a more transformative approach to gender issues.

Finally, the Unit for the Search of Disappeared Persons (UBPD) is lagging in the implementation of a gender approach to its work. While the UBPD has made recent progress in incorporating a gender approach after a very slow start in the first years of its mandate, the institution has so far used a gender mainstreaming approach that is falling short of delving into the gendered implications of forced disappearances. Also, the UBPD's own perception as carrying out a technical, neutral, and apolitical forensic endeavour, greatly limits its transformative potential. So far, thus, the UBPD has approached gender from the less transformative part of the spectrum that guides this thesis, and even its mainstreaming approach looks limited.

Contrasting perspectives from photovoice participants as addressed in the previous chapter, and institutional transitional justice approaches to gender in Colombia as addressed in this chapter leaves three main lessons. First, it is paramount to broaden the scope of transitional justice when it comes to gender. People who have directly suffered gender harms —the vast majority of whom are women and LGBTIQ+ persons— and who live in conflict-affected contexts clearly make the case for the need for societal-wide transformations in gendered power relations that are felt in war but also in their families, communities, and everyday lives. This does not mean that gender mainstreaming and addressing sexual violence and gendered harms in the framework of the conflict should be left aside in a transitional context. But it does mean that those efforts need to be coupled with addressing broader gendered implications of harms in conflict, and, crucially, with addressing structural gender inequality and gendered orders in broader society that allow for gendered harms in conflict to arise in the first place.

Second, gender in transitional justice must go from discourse to practice. Applying a transformative gender justice approach that goes beyond gender mainstreaming is key here to move gender form the margins of transitional justice to is core. This is because despite the laws and mandates that call for transitional justice institutions to apply a gender approach, as the Colombian case shows, gendered power relations are still present in the societies and the institutions in charge of delivering transitional justice. This leads to gender being sidelined from the 'important' scenarios of transitional justice. As this lesson shows, a transformative gender justice approach must be applied inside transitional justice institutions, and not just in its public work.

Third, and finally, a methodological lesson for research and practice of transitional justice is that images and storytelling —or the combination of both— can tap part of the transformative

potential of transitional justice when it comes to gender. As my research using photovoice demonstrates, using images and storytelling to research transitional justice issues has the potential of delving into complex and varied ways in which gendered power relations are experienced by people living in conflict-affected contexts. The use of multimedia contents by the CEV aimed to get to a wider public, including schoolteachers and civil society organisations to spark critical conversations about gender justice in creative ways, can be a powerful tool for transformative gender justice and for addressing the full continuum of gender-based violence in society.

Chapter 9: Green is the Colour of Justice: Economic, Social, and Cultural Rights in Transitional and Transformative Justice

> *We hope that, in these times of peace, we will achieve the right to be recognized as peasants,*
> *because until now we have been illegitimate children of the State.*
> Robert Daza Guevara, peasant leader, cited in Güiza Gómez *et al* (2020, p. 5)

Preface: A *Chontaduro* Oasis in a Coca Desert

During my stay in El Tambo, I visited the family farm of one of the participants in the Popayán photovoice project. I left early in the morning to make it to the farm, which was the furthest area from to the urban centre of the municipality that I visited during my stay there. Deyanira, who helped me arrange my itinerary in El Tambo[39], booked the driver and the car that took us there. As Deyanira told me, we were lucky that we were in the middle of the dry season. During the rainy season it is almost impossible to take the road. As we got further from the urban centre of El Tambo, I started to notice coca crops along the roads, as well as vandalised road signs and houses painted with FARC and ELN graffiti. We barely crossed any cars or motorcycles along the way. After 1.5 hours traversing unpaved roads full of rocks and potholes that are only suitable for four-wheel drive trucks and brave small cars, like the one we were travelling in, we approached the farm.

The peasant family that owns and runs the farm greeted us with a warm welcome, a cup of coffee and generous amounts of steamed chontaduro, a regional delicacy of Southwestern Colombia (image 1). The family was proud to say that the chontaduro of that area of El Tambo is the best in the world.

---

[39] As mentioned in a previous chapter, Deyanira is the head of the community tourism association in El Tambo that supports local business that want to attract tourists to the area.

Freshly cut bunches of *chontaduro* in Ulises' and Lorena's
farm. Photo by the author. El Tambo, 2023.

After the *chontaduro* and coffee, Ulises and his daughter Lorena[40] took us on a tour of the farm, where they showed me and Deyanira (who had already done the tour a couple of times before) how they harvest *chontaduro* and cocoa as the main crops of the farm. It has not been easy for them to run the farm and family business. They take their produce to El Tambo and Popayán, selling not only the *chontaduro* fruit, but also derived products like *chontaduro* jam, sweets, and crisps, which gives them a comparative advantage. But they have struggled to attract visitors to the farm, which, as in Gerardo's case (addressed in previous chapters), they hope to make a local tourist attraction: they invested in a swimming pool and a small restaurant for visitors.

---

[40] Not their real names.

Ulises cuts a bunch of *chontaduro* from his farm.
Photo by the author. El Tambo, 2023.

The difficulty in getting to the farm because of deficient roads, the security situation of El Tambo, and a recent plague that decimated the *chontaduro* palm trees (image2) of the area, are all challenges to their plans for the farm. Further, the family farm is an oasis of legal crops in the middle of hundreds of hectares of coca-crop fields (image 3). Even during the price crisis of coca production, it is extremely hard for peasants like Ulises, Lorena and their family to compete with illegal crops by growing products like *chontaduro* and cocoa. Whereas peasant like them need to figure out how to get their products to local markets and pay the costs of transportation and commercialisation, peasants who turn to coca crops do not have to worry about those issues, as commercialisation and transport are guaranteed by the buyers of the coca leaf who later transform it to coca paste and then cocaine powder.

Image 3

Coca fields. Photo by the author. El Tambo, 2023.

In the face of economic hardship, lack of state goods and services provisions, and difficulties accessing agricultural markets chains due to historical neglect of peasant farmers and rural populations in Colombia, it is understandable that many in the countryside have turned to coca crops[41] for decades in the search of better living standards. These families are not the ones that profit from the billions of dollars that the international cocaine market generates annually. They usually get more income from coca compared to traditional crops, but they make just enough to make ends meet, and are the most vulnerable part of the drug trade chain. Also, as is the case with other monocrops, coca harvesting has a detrimental effect on the lands it is produced on in the long-term, especially if farmers rely on heavy pesticides. I experienced this myself as we walked through a neighbouring farm's arid soil where coca plants had been recently cut down while doing a short hike towards a waterfall from the *chontaduro* farm. The arid soil of the coca farm contrasted with the humid and rich soil where *chontaduro* and cocoa was planted.

What is more, as several photovoice participants in Popayán and El Tambo told me, relying on coca crops has a detrimental effect on traditional peasant populations ways of living, as producing food for their own consumption in their lands, and selling the surplus products is a key part of the peasant culture, along with their attachment to the land they live and grow their

---

[41] According to UN and civil society data, more than 200,000 peasant, indigenous, and Afro-Colombian families depend on coca production as their main source of income (Cajar, 2020; El Espectador, 2024b), while an additional 200,000 families rely on income connected to the drug trade (Griffin, 2023).

produce. People in rural areas can earn much more money working in coca fields than in any other farm, and cultivating coca is more profitable than growing any other agricultural produce. This, in combination with the economic hardships that make rural young people migrate to cities or join armed groups, breaks the social fabric of peasant communities (Burbano, 2023b; Domínguez Girón, 2023b; Gerardo (Anonymous participant), 2023b).

This and other experiences I had during my time in El Tambo and Popayán, as well as the reflections that participants shared throughout the photovoice projects, made me see connections between socioeconomic inequalities (access to land, agricultural markets, and basic services and goods), and cultural issues (peasant and ethnic populations' rights). In the Colombian context, land has been a key issue in the emergence and performance of armed conflict. Rural populations, particularly those inhabited by Black, Indigenous, and peasant populations, have suffered the effects of the armed conflict disproportionally. As photovoice participants said, they have also suffered from societal-wide prejudiced ideas of rural populations and state abandonment of their territories, which in turn has led those territories to be subjected to extreme forms of violence, both direct and structural. That is why from research participants it is clear that social, economic, and cultural rights are a key site where they feel a more transformative justice can be attained in a conflict-affected and transitional context. This chapter explores this argument.

Introduction

One of the main arguments of the transformative justice proposal is that the paradigmatic transitional justice field in theory and practice has focused almost exclusively on violations of civil and political rights during armed conflicts and authoritarian rule. The transformative proposal argues for greater attention on addressing violations of economic, social, and cultural (ESC) rights in transitional contexts to make transitional justice more transformative. This argument is closely related to issues of direct, structural, and gender violence addressed in previous chapters of this thesis. This is because ESC issues (e.g. access to food, work, housing, education, health, social security) are at the heart of structural violence, while direct violence tends to violate ESC rights by affecting or preventing the provision of such rights for populations living in conflict-affected contexts.

Addressing ESC rights is hence one of the ways in which the spectrum of direct/structural violence can be tackled in its whole extent by transitional justice. That is why in the theoretical

framework chapter of this thesis, addressing civil and political rights is placed in the less transformative part of the spectrum of transitional justice, whereas addressing social, economic, and cultural rights is placed in the more transformative part of the spectrum.

In this chapter, I examine what photovoice participants had to say about the kind of rights they prioritise as needing redress in the transitional context of Colombia and contrast those perceptions with those of the transitional justice institutions created by the 2016 peace agreement. I use Nancy Fraser's work (1995, 2000, 2007) on socioeconomic and cultural injustice to argue that one concrete way in which transitional justice can be more transformative is by addressing socioeconomic rights violations with redistribution measures, and cultural rights violations with recognition measures. As I argued in the theoretical framework chapter of this thesis, while Fraser's framework has limitations, it provides a heuristic model that offers a concrete way in which transitional and transformative justice can address violations of ESC rights, and socioeconomic and cultural injustice more broadly, in transitional contexts. Importantly, such a framework helps to make sense of the findings regarding rights in times of transition as understood by photovoice participants.

For the purposes of this chapter, I understand ESC rights along the lines that United Nations human rights conventions and covenants defined them. Social and economic rights include the rights of workers, rights to social security and social protection, protection and assistance to the family, rights to adequate standards of living (including access to food, housing, water, and clothing), and rights to health and education (OHCHR, 2008). Cultural rights are those that seek to protect the rights of individuals and communities 'to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life' (OHCHR, no date).

An important caveat around those definitions is that not all social, economic, and cultural issues in conflict-affected contexts are contained in the UN ESC rights framework. In other words, it is not the same to talk about socioeconomic and cultural issues as it is to talk about socioeconomic and cultural rights as defined by the UN. For instance, when I refer in this thesis about social and economic marginalisation of certain areas and populations of Colombia, I am talking about socioeconomic issues. If I am talking about socioeconomic rights, on the other hand, I refer to the specific rights that have been codified by UN and regional treaties, as well as national legislation on that matter (the right to social security, for example) of which the

state is responsible to respect, protect, and fulfil. This distinction is important, because, as Schmid and Nolan (2014) argue, transitional justice scholars tend to confuse the terminology and concepts around the legal framework of ESC rights and the obligations they impose. Key in their critique of the misuse of the ESCR framework are misconceptions around a division of different kinds of rights and simplistic dichotomies that the scholarship has created around them: discrete vs structural, short vs long term, simple vs complex, and rights violations vs background issues. The warning from Schmid and Nolan is an important one, as they point to the missed opportunity that the lack of conceptual clarity around economic, social, and cultural rights represents to make transitional justice more transformative.

With that caveat in mind, in this chapter I draw from Fraser's work to analyse what I found from the two photovoice projects regarding rights in transitional justice, something that I will further develop in the following chapter to examine to what extent those visions intersect or not with the discourse of transitional justice institutions in Colombia. In the first section of the chapter, I examine how photovoice participants referred to socioeconomic rights as top priority for transitional justice. In the second section I turn to how photovoice participants addressed cultural rights and the need to address them.

Social and Economic Rights

Redistribution as Redress for Socioeconomic Rights Violations

For the photographic task that I asked participants to engage with as a final project after the photovoice workshops, Angélica Fernández, a public schoolteacher based in Popayán, made a photographic series that explored sights of everyday violence that she experiences in the city where she lives and works. In one of the photographs of the series, Angélica showed a homeless person sleeping on a sidewalk (image 4). The person is lying in front of a house, with his back facing the camera, and Angélica blurred the corners of the image to direct the attention of the viewer to the person lying down:

Image 4

The Bedroom – Going Through the Street Below series.
Angélica Fernández ©, Photovoice Popayán, 2023

The prompt of the final project was 'what do we need to transform to transition to peace?' and participants could choose among five themes, for which Angélica chose violence. With the description of her photographic series, she explained that the inequalities that she showed in her images, which she says are invisible for many, were manifestations of violence that need to change to make peace possible. With the title for the photograph, 'The Bedroom', Angélica points to the violation of socioeconomic rights, lack of housing in particular, as a manifestation of violence and injustice that needs to be addressed as part of a transitional process towards peace. In other photographs of the series, Angélica further reflected on expressions of violations of socioeconomic rights in Popayán, with an emphasis on the lack of adequate housing for some:

Those Above, and Those Below – Going Through the Street Below
series. **Angélica Fernández ©**, Photovoice Popayán, 2023

What Angélica shows with this photograph (image 5) is that the problem of violations of socioeconomic rights such as housing is not a problem of absolute lack of resources, but one of inequality and distribution of goods and services. Entitling the image 'Those Above and Those Below' (*Los de Arriba y los de Abajo*) and contrasting a newly built residential building right in front of precarious housing, Angélica frames the issue of socioeconomic rights violations as one that, as argued by Fraser, needs redress in the form of redistribution. That is, when asked about what Angélica perceives as necessary to transition to peace, she prioritised a vision of justice as redistribution of material resources and provision of basic state services like decent housing and provision of shelter. To be transformative, then, Angélica echoes Fraser's thinking about socioeconomic injustice needing redress in the form of redistribution.

Fraser wrote about injustice in the post-Cold War era, something that does not necessarily apply directly to transitional contexts. Further, her work has been critiqued for providing little detail about how exactly to bring about justice with her framework (Young, 1997; Honneth, 2003). In this case, however, Fraser's work helps to make sense of how redistribution can indeed be a form of redress for socioeconomic injustice that some of the people living in a conflict-affected context prioritise as a way of moving towards peace. In this case, Angélica provides what Fraser perhaps lacked in specificity about how to bring about justice through redistribution. In the Colombian transitional context, redistribution of goods and services to address violations of socioeconomic rights, as Angélica reflected with her photographs, can be a way of making transitional justice more transformative.

Other participants also reflected on the manifestations of structural violence and violations of socioeconomic rights with their photographs. For the very first exercise of the photovoice workshops, I asked participants to choose among six themes and take a photograph that captured it according to their own perspective. Génesis, as Angélica above, reflected on manifestations of socioeconomic inequality that she sees in the everyday:

Image 6

Untitled – Theme: Violence. **Génesis Romero ©,**
Photovoice Popayán, 2023

When showing her photograph to the group, Génesis, a Venezuelan migrant who works in a small religious charity organisation in Popayán, said that she had chosen violence as her topic for the photographic exercise. After asking permission from the family, she took the photograph (image 6) that captures a woman with her two children sitting on a sidewalk with their backs on a white wall as people walk past. As she explained to the group, she wanted to show what she experiences as violence in her daily life. 'This is what I see every day', Génesis said (Romero, 2023). Commenting on the photograph, another participant commented that she liked how Génesis captured the contrast of the white wall, a feature of the city centre of Popayán, with the harsh reality of the family, the mother in particular expressing anguish. Still, another participant noted that the contrast Génesis captured was not only about colour, but about social and economic issues, as the impoverished family is shown in contrast to the white, colonial-era city centre buildings that are a symbol of Popayán.

As done by Angélica, Génesis wanted to show how she sees expressions of violence in the everyday of the city, and the inequalities that those socioeconomic injustices expose. In terms of rights, both Angélica and Génesis point to lack of adequate housing, shelter, and social services, and how those are perceived as manifestations of violence that need to be addressed if any meaningful transition to peace is going to be achieved. And, crucially, they hint that one way of addressing the socioeconomic injustices they perceive as obstacles to peace call for redistribution measures. Again, those reflections echo Fraser's thinking, as well as research that focuses on the importance of material and socioeconomic justice in other urban contexts, such as Cape Town in South Africa (Forde, Kappler and Björkdahl, 2021).

The context where participants live and the prompts for the photographic exercises are important to understand how socioeconomic issues and rights are directly linked to transitional justice. Homelessness and deficient public services related to socioeconomic rights is not an exclusive problem of conflict-affected societies. However, what Angélica and Génesis demonstrate with their photographs and reflections around them is that for some of the people living in transitional and conflict-affected contexts, addressing social and economic rights is a top priority. Those issues are seen by them as manifestations of the continuum of violence addressed in the previous chapters of this thesis. This does not mean that addressing direct (physical) violence, as well as political and civil rights are not important to them. But it is telling that when I asked participants to represent what violence looks like for them in the everyday and what kinds of transformations are needed to transition to peace, they chose to prioritise social and economic rights. Even in a context where direct violence is widespread,

like the Cauca department, addressing violations of socioeconomic rights was seen by them as paramount if any meaningful transition to peace is going to be attained. What is more, they pointed to redistribution of public goods and services as a redress measure for those socioeconomic injustices. Fraser's framework is again useful to make sense of how redistribution can work in concrete ways to make transitional justice more transformative.

It is worth reminding that these associations that participants made between transitional justice and socioeconomic issues came from collective critical discussions from the photographs and reflections around them. The process of the photovoice projects allowed for those discussions and collective understandings to develop. Génesis photo above, for instance, informed Angélica's photograph shown before, which was part of her final project. Discussions during the workshops, where participants shared their lived experiences around violence and the armed conflict, led to those conversations that challenged dominant narratives of what violence, conflict, and justice mean, and what addressing those issues entails for peace. For the photovoice project in El Tambo, likewise, issues around socioeconomic rights and the need of redistribution to address them were equally salient. Claribel, for instance, made the following photograph as part of the series that she presented for the final exhibition of the project:

Image 7
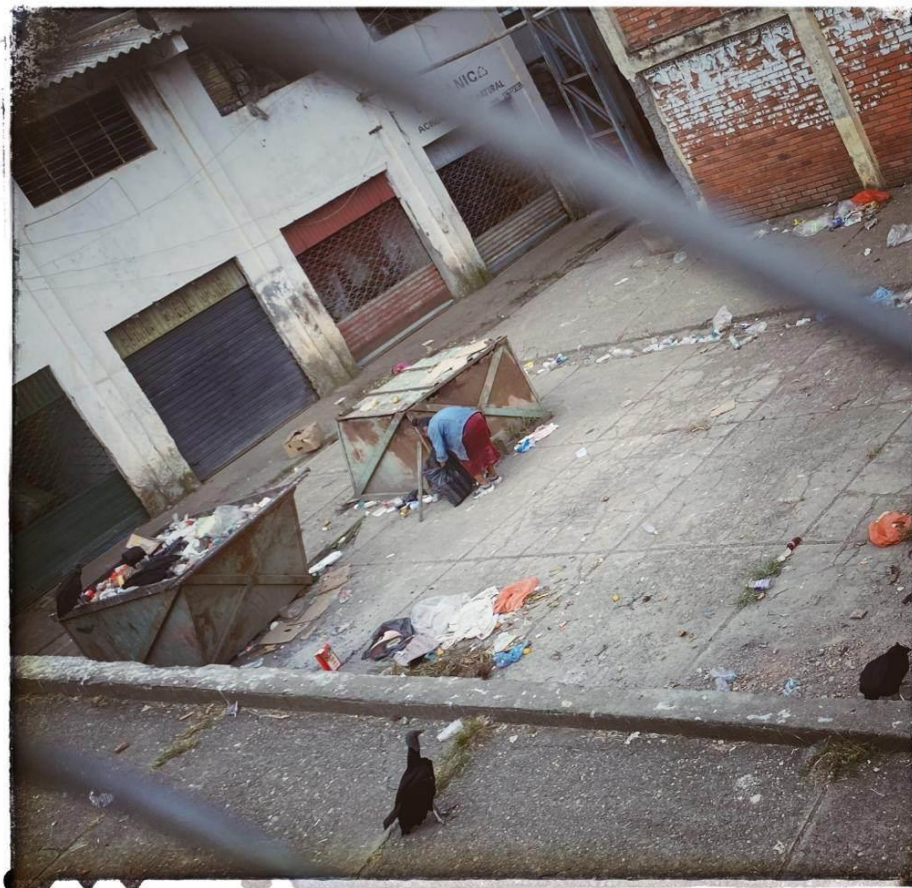
Unnoticed Violence. **Claribel Ramírez ©,**
Photovoice El Tambo, 2023

Claribel entitled the photograph (image 7) 'Unnoticed Violence', and her description reads 'elderly woman in precarious conditions behind the municipal market of El Tambo'. In the image, Claribel frames a woman who presumably is looking for food or recyclable materials in the market's rubbish disposal area. Near the woman, a black vulture appears to wait for its opportunity to dig into the rubbish. With the photograph, its title, and description, Claribel emphasises the age of the woman and the precarious living conditions that pushes her to look in the market's rubbish to make a living. This is directly linked to structural violence as the title of the photograph indicates. But it is also connected to socioeconomic rights as established in international human rights treaties. Social security and assistance, the right to work, and freedom from hunger are some of the socioeconomic rights that Claribel signals in the photograph as needing attention in a transitional context where both direct and structural violence persist, such as in El Tambo.

Fraser's framework allows us to make sense of how what Claribel perceives as socioeconomic injustice, or the 'unnoticed violence' that she points to in her photograph, needs to be addressed through redistribution: redistribution of social security and economic opportunities. And again, while Fraser's thinking can be critiqued for lacking specificity on how to implement redistribution as redress for socioeconomic injustice, what participants like Claribel captured with their photographs and reflections provide concrete examples of what redistribution can mean for a more transformative justice in times of transition. Remembering that Claribel has experienced direct violence from the armed conflict first-hand, at her own house where she hid from bullets below a bed with her newborn son a few hundred meters away from the location where she made the photograph above, her emphasis on the need to address socioeconomic injustices in the Colombian transitional context is even more telling.

The Redistribution-Recognition Link

For another photographic exercise, I asked participants to choose one social media post from one of the three transitional justice institutions of the 2016 peace agreement (Special Jurisdiction for Peace -JEP, Truth Commission -CEV, and Unit for the Search of Disappeared Persons -UBPD) which I had printed beforehand. After each participant chose a post, I asked them to make a photograph that responded to the post. The photograph could be a positive, negative, or neutral reaction to the post. Jean Pierre, in El Tambo, chose an Instagram post by

the UBPD that read 'The UBPD, with its humanitarian and extrajudicial focus, along with the JEP and the Truth Commission, contribute to guaranteeing victims' rights to truth, justice, reparations, and non-repetition'. Then he made the following photograph as a response to the post:

Image 8

What is the Colour of Justice? **Jean Pierre Ospina Ante ©,**
Photovoice El Tambo, 2023

Part of the exercise was to pair with another participant to discuss each other's photograph and come up with a title and a description for the image. Jean Pierre paired up with David and, after fifteen minutes or so of discussing between the two of them their photographs, they entitled the photograph 'What is the Colour or Justice?' (image 8). The image shows two hands holding a plant that has a deep green colour, which dominates the frame. As they explained to the group, Jean Pierre wanted to challenge what the social media post by the UBPD stated about the rights of victims. According to Jean Pierre, reparations to peasants who have suffered from the armed conflict, such as himself and his family[42], have not been satisfactory. Transitional justice, in Jean Pierre's words, has had a focus that is not aligned to the needs of peasant victim populations. With the dominant green colour of his photograph, he wanted to represent a justice that feels tangible and adjusted to the needs of peasant victims in a

---

[42] It is worth remembering that Jean Pierre is a direct victim of the armed conflict: his father was assassinated and as a consequence he and his family were forcibly displaced from the rural area of El Tambo where they used to live. I covered this in chapter four of this thesis, that dealt with the direct-structural violence continuum.

transitional context (Ospina Ante, 2023d). Justice in times in transition, for Jean Pierre, should have a well-defined colour, like the green of his photograph, meaning that peasant populations can see their needs reflected in such a justice. That is why green is the colour of justice.

Jean Pierre continued his reflection around the photograph by saying that justice and reparations are not just about punishing perpetrators, even if that is a necessary step. Along with David, they shared part of the conversation they had around the photograph and what Jean Pierre wanted to express with it. They mentioned that reparations for wrongdoings suffered by peasant populations should mean that they can go back to their lands, have access to education, have food security, as well as basic service provisions in the territories they inhabit (Ospina Ante and Martínez, 2023). All those issues are related to socioeconomic rights, which Jean Pierre and David understand as key sites of redress for peasant victims in a transitional context. If those conditions were met, then they would feel that justice was real as the green in Jean Pierre's photograph.

Jean Pierre and David talked about redistribution as redress for socioeconomic rights violations, in the terms that Fraser's framework suggests. But note that they also talked about the needs of redistribution for peasants and rural populations. Here, *redistribution* as redress for socioeconomic injustices meets *recognition* as redress for cultural injustices which peasants and rural populations have suffered in the Colombian armed conflict. I will develop this argument further in the second section of the chapter, but it is worth noting that the division that Fraser's framework presupposes between socioeconomic and cultural injustices, as well as redistribution and recognition, is an analytical one. As Jean Pierre and David suggest, redistribution and recognition are intertwined as are cultural and socioeconomic rights violations in the Colombian rural context. Fraser herself recognised in her earlier works on justice, reality shows that socioeconomic and cultural injustices are often connected, and so are recognition and redistribution (1995). But, as photovoice participants demonstrated throughout the projects, attention to rural and peasant identities does not displace attention on redistribution needs in terms of material and public service provisions, as Fraser's later works suggest (2000, 2007). In conflict-affected and transitional contexts such as Colombia, photovoice participants showed that attention to recognition as redress for cultural injustices towards peasants does not displace attention to redistribution for socioeconomic injustices. On the contrary, for justice to be transformative in times of transition, the intersecting nature of socioeconomic and cultural rights violations need to be addressed in tandem.

Similar points were raised by other participants in both photovoice projects. During the same exercise in El Tambo, Yamileth reacted to a social media post by the JEP that talked about the institution's restorative justice approach. Yamileth's reaction was not necessarily critical towards the JEP, but she reflected on the rights of victims of the armed conflict, particularly of those who live with a disability as a consequence of violence. Importantly, she did not talk about rights of truth, justice, and reparations, as the rights of victims are framed by the transitional justice institutions in Colombia. Instead, Yamileth talked about the right to work in equal conditions for victims of the conflict. A truly restorative vision of transitional justice, she said, would go beyond monetary compensations for wrongdoings that do not solve anything in the long-term. Drawing from what David and Jean Pierre had shared beforehand, Yamileth said that in the case of rural populations, a restorative justice approach should create the appropriate conditions for peasants to be able to make a decent living. That means, at least in part, creating the conditions for small-scale family farmers to connect to agricultural markets that allow them to sell their produce under fair trade terms (García Ante, 2023b).

During his interview, Jean Pierre echoed what Yamileth raised during the workshop. When I asked him about what kind of justice is needed to make a transition to peace in his context, Jean Pierre said:

> *Concrete actions, such as supporting farmer's markets, where small producers go and sell their products directly to consumers, without having to depend on a wholesaler or a supermarket. In my area, for example, there are no large producers. The largest producer has only 10 hectares of land, which is not enough to sell to a wholesaler. There are often no trade channels for small farmers, only for large ones. It is also very difficult for small farmers to access land to grow 10 hectares of a particular crop. That is too expensive and requires a lot of management. We need market channels for small producers, as well as initiatives to support them* (Ospina Ante, 2023e).

Further, when I asked Jean Pierre as a follow-up question why he thought about things like connecting peasants to the markets as measures of transitional justice, he referred to the historical roots of the Colombian armed conflict over rural land and the role that large companies in the have had in it:

> *To understand the conflict in Colombia, we need to look back at its roots and causes. A significant part of the conflict is due to illicit crops, but it is also rooted in land disputes.*

Armed groups and multinational corporations, such as Smurfit Kappa - Cartón de Colombia[43] *in El Tambo, have played a role in these disputes. Those companies have acquired vast territories, often through forced displacement, leaving farmers without land or means of livelihood. This dispossession of land is a major cause of the conflict* (Ospina Ante, 2023e).

Jean Pierre's argument here is key to understand why socioeconomic rights need to be included in the scope of transitional justice in Colombia, particularly from a transformative perspective. What Jean Pierre refers to has been well documented in different areas of the country. The company Jean Pierre mentions has 67,000 hectares of plantations in Colombia, according to their own figures. In Cauca, the large plantations of that company, while welcomed by some as they generate jobs, have also been challenged by peasant and indigenous communities. The extensive monocrop plantations of eucalyptus and pine trees, both non-native species, pose a threat to rivers, food security, and peasant and indigenous ways of living according to researchers of Cauca University (Erazo Quintero and Lizcano González, 2017) and local social leaders (Gómez, 2022). Further, when communities have manifested their discontent with the company's practices in Cauca, they have been met with violence and threats (Gómez, 2022). Inadvertently, I came across one of those plantations from *Cartón de Colombia* (image 9) while hiking near Popayán:

---

[43] *Cartón de Colombia* is a subsidiary of the Dublin-based Smurfit Kappa Company. In Colombia, it has vast amounts of rural land for growing trees to produce paper, carboard boxes, and related products.

Image 9

A pine tree field owned by *Cartones de Colombia* near
Popayán. Photo by the author, 2023.

It is worth noting that the link between the private sector and the Colombian armed conflict has been a widespread issue. Large companies, including banana company Chiquita Brands, Coca-Cola, Postobón (national soft-drink competition to Coca-Cola), Ecopetrol (state oil company), Canadian coal exploiter Drummond, and others, have been accused of financing AUC paramilitaries to protect their commercial interests, which often involve land dispossessions, selective assassinations of trade unionists, and social leaders (Reyes, Méndez and Cruz, 2018; Morales Correa, 2020). What Jean Pierre shows is that while socioeconomic injustices can be root-causes of the armed conflict, they are also very much present in the dynamics of the Colombian conflict and have resulted in the violation of economic rights of peasants, as well as direct violence.

During the week I was writing these lines, a court in Florida, United States, ordered Chiquita Brands International to provide financial compensation of $38 million dollars to the families of men assassinated by AUC paramilitaries between 1997 and 2004 in Colombia. The paramilitaries killed trade unionists, banana plantation workers, and activists. The links between large-scale companies and paramilitaries has been well established for years in Colombia, but this is the first time a company has been ordered to provide compensations to the victims (Taylor, 2024). The initial design of the Special Jurisdiction for Peace (JEP), created by the 2016 peace accord, included the obligation of economic actors involved in the armed conflict to stand before the transitional tribunal, but a later Constitutional Court ruling said that

obligation was unconstitutional and made economic actors' participation in the JEP optional. This has resulted in a limited participation of economic actors before the JEP and, as a consequence, limited redress for the victims of their crimes (Acosta *et al.*, 2022). A detailed examination of economic actors in the armed conflict and the role of transitional justice in addressing those harms falls outside the scope of my thesis. But a transformative approach to transitional justice where redistribution and recognition is part of the redress for violations of socioeconomic and cultural rights could benefit from further research into the role of economic actors in enhancing or blocking transformations for justice in transitional and conflict-affected contexts.

Importantly, as Jean Pierre said, redress for wrongdoings where economic interests and armed actors have acted in conjunction needs redistribution, by, for instance, providing market channels through which peasants can sell their produce under fair trade terms. Such measures would need a transformation of the economic ordering of the country, which is very much aligned with Fraser's framework of *redistribution* as a response to socioeconomic injustice. As Fraser contends, a transformative remedy for socioeconomic injustices needs a structural change in economic structures, beyond liberal reforms. In the case of Colombia, this means levelling the field of the agricultural market so that peasant producers can compete with large companies that dominate the market, some of which have benefited from violent land dispossession, or otherwise benefited from the lack of a rural land reform in the country.

In sum, the justice that Jean Pierre, David, and Yamileth refer to, related to socioeconomic injustice, calls for redress in terms of redistribution as proposed by Nancy Fraser. As noted above, Angélica, with her photographs and reflections noted that there was a problem of inequality in material resources as well as a lack of social protection, shelter, and housing as manifestation of violence that she sees in the everyday. That kind of violence calls for a redistribution of resources and protection from the state. Also, the issues that they all brought to the fore, including land, peasant populations, education, food security, call for a redistribution of power between the centre and peripheries of the country, and between urban centres and rural areas, something that also involves *recognition* as redress for cultural rights violations. That is, redistribution is not limited to the economic. It also involves a redistribution in how power flows, how it is exerted, and questions who has benefitted from how political and economic power has manifested in the armed conflict to violate the social and economic rights of rural populations and peasants.

Ruby, an indigenous social leader and schoolteacher, illustrated how part of that power redistribution could look like for transitional justice to be more transformative during her interview. When I asked her about her perceptions on the kind of justice that populations in places like El Tambo need to transition to peace, she referred to 'social justice'. One way in which institutional actors can contribute to social justice, Ruby said, was to shift the power dynamics on interventions and development programs:

[Social justice] should not be something that institutions bring, but rather something that comes from the grassroots. That is, asking the rural and peasant community: for you, what is social justice? For many, social justice means investments, education, training, roads, health [services] (…) So, I think one way this could work is, first, to raise, as it were, a statistic, to have the concepts [from the communities]. Because we are used to organizations, NGOs, or whoever it may be, coming here with welfare programs. But they do not take into account the real needs of the peasants, the indigenous, the Afro[-Colombians], and they implement programs or projects that do not fit real needs (…) Perhaps that has been the failure of transitional justice. Perhaps it has not been appropriated by the grassroots because the implementation has not been right. Or perhaps it has not been responding to the needs that people have (Ombagüe, 2023b).

The reflection from Ruby was echoed by several other photovoice participants in their interviews, or when talking to them informally while I was visiting their farms in El Tambo or homes in Popayán. Deyanira, a participant in the Popayán project based in El Tambo, showed me two sophisticated machines that an international cooperation organisation provided to the small organic silk cooperative business she works at, along her sister and mother. The machines, which Deyanira and family hoped would help scale up the production of their textiles have never been used. As she told me while showing me around the farm where they produce the silk products, the machines are just gathering dust there, as they do not work for the kind of textile they produce at the farm. Donors never asked them if the machines would suit the kind of textiles they work with at the farm.

Further, talking specifically about development projects set up by the 2016 peace agreement for the regions that have been most affected by the armed conflict (known as PDETs and already addressed in previous chapters), David mentioned something similar during his interview. According to him, the budget allocated for those projects in El Tambo is significant.

The problem, however, is that a sizable portion of that budget is lost in corruption, something that has been reported by the press since 2022 (Prieto, 2022; El Espectador, 2024a). But, even without considering corruption, David said, most of the resources end up funding the work of people who work at offices in Bogotá, and the impact on the ground feels very limited. When I asked him about how that issue could be solved, David said:

> *We must first start by organizing the associative side of the communities in the municipalities and turn communities into the executors [of the projects]. That way we would have a double economic reactivation: the economy of small businesses is reactivated, and the beneficiaries also obtain first-hand results. I would say that this is one of the main failures of the PDETs (Martínez, 2023c).*

Again, what David is referring to is redistribution as redress for violations of socioeconomic rights and the historic lack of state services and good provisions in areas like El Tambo. This sort of redistribution, as Fraser suggests in her work, is economic in nature, as it involves redistribution of material resources. However, as participants made clear, redistribution in the Colombian transitional context is also political in nature. That is, redistribution as redress for socioeconomic injustice in a conflict-affected context like El Tambo, and Colombia more broadly, needs a redistribution of political power that would give rural communities more power to decide how investments and interventions in their localities are carried out to respond to their needs. This point was identified as paramount by photovoice participants to make transitional justice more transformative, but it escapes Fraser's framework, which does not give space for redistribution of political power. Hence, while Fraser's conceptualisation of redistribution as a remedy for socioeconomic injustice is useful for making sense of the calls for justice that photovoice participants made, it also has important limitations when it comes to the need of redistribution of how power relations play out in a transitional context.

Also, it is worth noting that this aspect of redistribution has not been sufficiently addressed by the transformative justice proposal. It is understandable for the transformative justice literature to focus on economic justice, given the lack of attention that the paradigmatic transitional justice has given to those issues while privileging political and civil rights as sites of redress. But the politics on how exactly to bring about redistribution to make transitional justice more transformative needs to be further explored, as suggested by photovoice

participants. Also, the dichotomy that the transformative justice proposal makes between civil and political rights on the one hand, and socioeconomic rights, on the other hand, is too simplistic and fails to grasp the complex reality of the intertwined nature of all those rights in transitional contexts. Redistribution to redress socioeconomic injustices is fundamentally intertwined with political and civil rights, as expressed by photovoice participants. Both Fraser's framework and the transformative justice proposal make key contributions to understand the need for redistribution in transitional contexts, but they also fall short when it comes to the politics and the intertwined nature of violations of rights that need to be addressed by transitional justice to be more transformative.

Importantly, the concrete ways in which redistribution as redress for socioeconomic injustice takes shape necessarily depends on local and hyper-local contexts. In Colombia, this means a redistribution of power between centre, peripheries, cities, and rural areas. But the details of what redistribution means along those lines will vary depending on region, municipality, town to town, and even neighbourhood to neighbourhood. For instance, the redistribution measures for homelessness and lack of adequate housing and state assistance that Angélica identified with her photographic work in Popayán are very different from the need for redistribution in market access for peasant populations in rural towns of El Tambo, as identified by Jean Pierre. Further, as Ruby suggests, if those local and hyper-local needs are not considered by institutional actors, transitional justice may be doomed to be perceived as a failure by the people who need it the most to succeed.

Cultural Rights

Among the neglected group of ESC rights in transitional justice, cultural rights have received even less attention in the literature and practice of transitional and transformative justice. This section explores the perceptions of photovoice participants around how culture and cultural rights can be included in the scope of transitional justice to make it more transformative. Cultural rights, as enshrined in UN treaties, are those that seek to protect the rights of individuals and communities 'to develop and express their humanity, their world view and the meanings they assign to human existence and development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life' (United Nations General Assembly, 2018). Cultural rights include the rights to education, to 'participate

in the cultural life of community', to benefit from 'scientific advancements', as well as the protection of the rights of ethnic, religious, and linguistic minorities (Symonides, 1998).

Continuing with the use of Nancy Fraser's framework to analyse the findings of my research, I propose here that cultural rights in transitional and conflict-affected contexts need to be addressed with recognition measures. In its most radical sense, recognition means 'transformation of societal patterns of representation, interpretation, and communication' (Fraser, 1995, p. 78) aimed at societal-wide change in the way we perceive and value historically oppressed groups. In what follows, I delve into what I learned from participants in the photovoice projects in Popayán and El Tambo to illustrate how cultural issues and rights can be addressed by transitional justice with recognition measures. As I argued already, and as Fraser herself suggests in earlier works, recognition and redistribution are intertwined, as are socioeconomic and cultural injustices. Photovoice participants made a clear call for redistribution and recognition to go hand in hand for transitional justice to be more transformative.

The self-portrait that Deyanira made, and her reflections around why the photograph represented what overcoming violence means to her, linked issues of socioeconomic and cultural injustices:

Self-portrait – Theme: Overcoming Violence. **Deyanira Domínguez ©**, Photovoice Popayán, 2023

In the photograph (image 10), Deyanira frames herself in the foreground, while her mother and her sister are in the background. They are working at *Agroarte*, the community-run organic silk clothing company located at the farm where I stayed during my time in El Tambo. During the photovoice workshop, Deyanira told her life story while showing the self-portrait to the group. She told us that she was raised in the countryside of El Tambo, in a poor peasant family led by a single mother. When she was 12, she left to Popayán to continue her school studies, as the quality of schools in El Tambo was deficient. In Popayán she faced discrimination because of her peasant background. Psychologically it was challenging for her being in the city: 'I could not show that I was a peasant because I was in that [urban] environment, but I still was and felt like a peasant' (Domínguez Girón, 2023a).

After finishing school and completing a technical business degree with much effort, Deyanira spent a year in Popayán looking for a job to no avail. She felt employers discriminated her because of how she looked and her peasant background. She decided, against her family's advice, to go back to the family farm in El Tambo. 'Why would you come back to the countryside after all those years of study? Why don't you stay in the city where at least you can earn a minimum wage?', her grandfather asked her at the time (Domínguez Girón, 2023a). She does not regret going back to El Tambo, however. As she told us during the workshop, her way of honouring her peasant roots and building peace in El Tambo is by working in the countryside and leading a tourism cooperative that is trying to boost small-scale tourism initiatives in the municipality. That is why her self-portrait represents what overcoming violence in a transitional context means to Deyanira.

Deyanira's reflection around discrimination towards peasants in civilian life is deeply connected to the roots and the effects that the armed conflict in Colombia has had on those populations. Left-wing guerilla groups that emerged in the country in the 1960s, particularly the Marxist-Leninist FARC, represented peasant rights and their access to land. Pedro Antonio Marín (alias Manuel Marulanda Vélez[44]), FARC's founder and the first commander of the guerrilla, came from a peasant family in Quindío, a coffee-growing region of the country. Further, as the CEV final report says, the armed conflict has relied on peasant populations for recruiting combatants, while civilians in rural Colombia have suffered the brunt of the conflict. Peasants, along with indigenous peoples and Afro-Colombians, have suffered disproportionally from assassinations, forced displacement, sexual violence, and forced disappearances from all armed actors (Comisión de la Verdad, 2022b). It is worth noting that each ethnic and social group, has suffered the effects of the conflict in different ways. The CEV in fact points to those specific harms in its final report. In this chapter, however, I focus mostly on peasant populations, and to a lesser degree on indigenous communities, since participants came mostly from those backgrounds.

Figures of the magnitude of the impact of the armed conflict in the peasant population make the need for recognition towards peasant populations in Colombia urgent. According to a 2022 report from peasant organisations handed to the Truth Commission that draws on official databases, out of the total of 432,493 fatal victims of the Colombian armed conflict between 1958 and 2018, at least 251,988 were peasants —that is 58%. Out of the total of 7,275,126

---

[44] Also known as *Tirofijo* (Sharpshooter).

victims of forced displacement in the same period, 4,631,355 were peasants —64% (Bautista Revelo *et al.*, 2022). According to the same report, the armed conflict has not only been catastrophic for peasants due to the armed violence exerted against them, but because it has 'reinforced patterns of violence, exclusion, and discrimination, deepening the deficits of recognition, redistribution, and participation that the peasantry has historically faced' (Bautista Revelo *et al.*, 2022, p. 20).

Jean Pierre, whose photographs and reflections around peasant populations I addressed in the Direct and Structural Violence chapter of this thesis, illustrated how his peasant family has suffered directly from the armed conflict when his father was killed, and as a consequence his family was displaced to Bogotá from El Tambo. He also reflected on how they have suffered violence from the central government, through laws that restrict the use of native seeds that peasant use in their lands (Ospina Ante, 2023b). In the previous section of this chapter, I also showed how Jean Pierre reflected on why issues of land redistribution and access to agricultural markets need to be included in the scope of transitional justice for it to be transformative.

Those issues were also addressed by other photovoice participants. They pointed to the need for recognition measures as means to address how peasant ways of living have been affected by the armed conflict and societal-wide discrimination. For instance, David made the following photographic series for his final project of the photovoice workshops:

Image 11   **Image 12**   **Image 13**
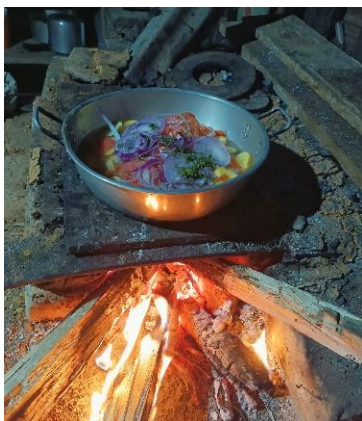

The Pride of Being Peasants series. **David Martínez ©,** Photovoice El Tambo, 2023

David entitled his series 'The Pride of Being Peasants' (images 11, 12, and 13). Remembering that the prompt of the final project was to capture in a photographic series what needs to be transformed to transition to peace, David's attention to revaluing the ways of living

and world visions of peasant populations is telling. The first photograph shows a stew being cooked in a wood-burning stove, a staple of rural homes throughout Colombia. The second image of the series is a self-portrait of David with tall trees in the background. With his arms open and looking to the sky, he seems to be thankful for the privilege (as the title of the series suggests) of being surrounded by nature in the area of El Tambo where he lives. The final image of the series shows two peasant girls in a coffee plantation, one is holding a small coffee tree, while the other is holding freshly collected coffee beans. Part of the description of the series reads 'Despite precarious conditions and lack of resources, we have immense riches such as humility, deep rootedness in our land, the value of our word, solidarity, and the preservation of our culture and tradition' (Martínez, 2023a).

Among the themes that I proposed for the final assignment of the photovoice project, David chose justice/injustice. This suggests that part of what David considers transitional justice can do to be transformative in Colombia is re-examining the representations of peasant communities and their contributions to society. This is *recognition* in the terms of Nancy Fraser, in the sense that addressing the cultural injustices against peasants in the armed conflict in Colombia, which are deeply connected to discrimination and exclusion in civilian life, means in part for 'cultural change to recognise disrespected identities and cultural products of maligned groups' (Fraser, 1995, p. 73).

Countering pejorative and discriminatory cultural representations of peasants was a theme echoed by almost all participants of both projects. This may have to do with the connection that participants have to the countryside: even those based in the city of Popayán came from peasant families or were themselves forcibly displaced from their rural lands. As the previous section addressed with Jean Pierre's photograph entitled 'What is the Colour of Justice?', other photographs and reflections support the idea that green is the colour of justice:

Coffee and Hands. **Jean Pierre Ospina Ante ©**,
Photovoice El Tambo, 2023

In another photograph from Jean Pierre (image 14), green dominates the frame again. Surrounded by a coffee tree's leaves, two hands in the middle of the frame hold coffee beans that are not yet ripe to collect. Jean Pierre entitled it 'Coffee and hands' and the description reads, in a poetic tone, 'Blessed be the hands that harvest the coffee we drink. If our farmers we respect, we walk together towards peace' (Ospina Ante, 2023a). Here, Jean Pierre talks about the need for recognition for the peasants that grow and collect the coffee for which Colombia is famous, even if the coffee industry has historically developed under unfair trade terms (Palacios, 2002).

This photograph was part of Jean Pierre's series for the final exhibition of the photovoice project in El Tambo, for which I asked participants to represent what transformations were needed to make a transition to peace. With this photograph and its description, it is clear for Jean Pierre that part of what needs transforming to make a transition to peace possible is a *recognition* of peasant populations as a redress measure for the historic discrimination and exclusion that they have been subjected to. Those historical cultural structures of power, moreover, manifest themselves in the Colombian armed conflict. The connection that Jean Pierre makes with this photograph between the cultural rights of peasants and the armed conflict in Colombia is key to understanding why cultural rights cannot be ignored by transitional justice if it wants to be more transformative.

Adding yet another layer of complexity to cultural rights and peasant populations in the Colombian transitional context, Juan Diego made the following photograph:

Image 15

The LGBTIQ+ Community is not Only from the City...
Juan Diego Arroyo Acosta ©, Photovoice El Tambo, 2023

In this photo (image15), entitled 'The LGBTIQ+ Community is not Only From the City', the green colour dominates the frame again. The photograph shows another coffee tree, but this time with a rainbow flag ribbon tied to it, seen in the bottom left of the image, which are reflected in the colours of the coffee beans and the hat of the person standing in the background. In the description of the photograph, which was part of Juan Diego's photographic series for the final exhibition of the photovoice project in El Tambo, he wrote:

> *There are many stereotypes about the [gender] diverse workforce: that we are effeminate, that we all work doing nails or hairdressing. That is honest work, but this*

cemented [belief] system is perverse because it has always considered those of us who
live off the land to be of a lower category, and that made me feel inferior in my
childhood. Today, with pride, I acknowledge that my mom, dad, siblings, my family, and
I are campesinxs[45]! (Arroyo Acosta, 2023b).

Juan Diego reflects, as many of his fellow participants did, on the need to transform societal-wide perceptions about peasants in Colombia. He also delves into how gender issues intersect with the need for redress in the form of recognition for rural populations. Juan Diego puts forward one of the many intersectional injustices that he sees as sites for redress through recognition in a transitional and conflict-affected context. The pejorative ways in which peasants are represented in the Colombian context, which made Juan Diego feel inferior as a child, are one site of cultural injustice. But Juan Diego also calls for attention on the need to address an intersecting injustice: that of LGBTIQ+ peasants who experience another layer of injustice from patriarchal norms of what is seen as masculine and feminine in the rural workplace. Fraser's framework, while useful to identify the need for recognition as a measure of redress for cultural rights violations, is less suited to capture the intersectional nature of discrimination that Juan Diego points to, where race, class, and gender play a role in creating intersecting layers of discrimination (Crenshaw, 1989) towards peasant populations, but also inside their own communities. Recognition as redress for cultural injustice, it follows from Juan Diego's photograph and reflections, need to delve into those intersecting injustices.

As I suggested in the previous section of the chapter, the cultural dimensions to *recognition* as redress for cultural rights violations are deeply intertwined with *redistribution* as redress for socioeconomic rights violations. In the case of the photographs and reflections from Deyanira, David, Jean Pierre, and Juan Diego above show, the cultural injustices they highlight for peasants are always connected to socioeconomic injustices. Moreover, prejudice and historical exclusion of peasants from the political and economic centres of power of the country has everything to do with why they have felt a disproportionate effect of the armed conflict from all armed actors. Cultural injustice also has to do with why their economic activity has

---

[45] Originally written 'campesinxs' by Juan Diego. I keep the original word to show the language he used in the description of the photograph. Spanish is a gendered language, and the use of the 'x' instead of vowels that indicate gender in certain words is used by feminist and queer movements to make language more inclusive (Papadopoulos, 2022).

historically been underappreciated, and why large sectors of rural populations continue to struggle to access markets to get their produce sold under fair trade terms.

The intertwined nature of socioeconomic, cultural, and conflict-related injustices indicates that it is important to acknowledge r*ecognition* as redress for cultural injustice as a separate analytical site where transitional justice must focus to be more transformative. But it is equally important to acknowledge that *recognition* must go together with *redistribution* as established in the previous section of this chapter. This, according to photovoice participants, is a concrete way in which transitional justice can be transformative for peasant populations in the Colombian context.

I have focused in this chapter on cultural injustices towards peasants because that was the main theme that photovoice participants referred to when they talked about cultural rights and transitional justice. However, some also addressed the rights of indigenous and Afro-Colombian people in El Tambo and Cauca department[46]. Ruby, an indigenous community leader, brought the following image for the self-portrait exercise that showed what overcoming violence meant to her:

Image 16

Self-portrait. **Ruby Ombagüe ©**, Photovoice El
Tambo, 2023

---

[46] Peasant identities can intersect with Afro-Colombian and indigenous identities (there are Afro-Colombian and indigenous peasants), but each populational group has specific rights and special protection status according to the Colombian constitution. Each group has also followed a different historical organisational process to advocate and advance the recognition of their rights and ancestral lands.

This was an instance where the photograph (image 16) was not taken for the photovoice project. Rather, Ruby brought an image taken beforehand because it had meaning for her, and, crucially, because it represented what overcoming violence means to her. The photograph shows a group of around twenty-three people holding hands a forming a circle, standing on a muddy patch of land. As she told the group, this image has many stories behind it. She told us that she is one of the people in the circle. They were undertaking a nine-day ritual. She described the ritual as a space for word and thought, where members of her indigenous community gather and connect. Ruby said she chose this photo because at the moment when it was taken, in 2023, nine women including herself, made up the indigenous community council that governed the seven towns under the jurisdiction of the indigenous reserve. 'For us [indigenous people], and me as a woman, overcoming violence means living a life free of violence, to be able to gather among men, women, elders (…) Overcoming violence means being able to gather in these spaces and build peace from there' (Ombagüe, 2023a).

During her interview, Ruby furthered her reflections about indigenous communities to address how recognition is connected to redistribution in a transitional context. One way to provide redress in the form of recognition, Ruby suggested, was acknowledging the role that indigenous communities, but also peasant and Afro-Colombian communities, have had in resisting control from legal and illegal armed actors in their territories through non-violent means. When I asked Ruby about what institutional actors could learn from those communities to facilitate a transition to peace, she told me:

> *In the territories, there is the Indigenous Guard, and I also know about the Afro Guard, the Cimarrona Guard, and the Civic Guard[47] in the peasant areas. They carry out territorial controls and control the entry of the public. So, how can we strengthen, for example, their operational capacities? Because it's one thing for me to say, 'I'm going to exert control', but then I don't have the means to do it. So, how can we help guarantee all their processes from the material and training aspects? (…) to train, for example, in human rights, even first aid, what do I know? And, obviously, professional training.*

---

[47] Indigenous, Peasant, and *Cimarrona* (Afro-Colombian) guards are unarmed civil resistance organisations that have emerged as community responses to the abuses of armed groups, including state forces, in territories where those populations live. Cauca in particular has a strong presence of indigenous guards, and to a lesser extent peasant and *cimarrona* guards due to a long history of resistance towards big landowners and armed groups. These non-violent organisations exert territorial control, provide (human) security, among other roles, where the state has been unable or unwilling to do so (Rudqvist and Anrup, 2013; Caicedo, Vélez and Rubiano-Lizarazo, 2022)

So, how can these groups of people, of young people and women be strengthened instead of leaving us alone? In reality we are doing all these by ourselves out of necessity (Ombagüe, 2023).

As Ruby says, the recognition of the role that traditional authorities have had in resisting violence from armed actors through peaceful means is necessary to address widespread prejudice and historical marginalisation of indigenous, peasant, and Afro-Colombian populations. However, besides recognition, there is a need of a redistribution of resources towards those populations and their traditional authorities that have had a continued presence where the state has not. One way of achieving that purpose would be to allocate material resources from the state to those authorities, coupled with training in specific areas. That is, *recognition* risks being left as a purely symbolic gesture if it is not coupled with *redistribution* of material and immaterial resources to these communities and their organisations. This conforms to Fraser's theory, which albeit being critiqued for subordinating cultural and identitarian struggles to redistribution efforts (Butler, 1998), is nonetheless valuable to emphasise the need for recognition redress to be coupled with redistributive justice.

The need for recognition and redistribution for peasant and indigenous populations (as well as for Afro-Colombian and other ethnic populations that I do not address in this thesis) in the Colombian transitional context cannot be stressed enough. As photovoice participants expressed in Popayán and El Tambo, one way in which transitional justice can be more transformative is by taking socioeconomic and cultural rights seriously through recognition and redistribution measures. Fraser's framework can be helpful to analytically distinguish cultural rights violations and how to address them through recognition measures in a transitional context but is less useful when it comes to delving into the intersecting nature of racial, gender, and class injustices. Nonetheless, a transformative approach to transitional justice can benefit from using the concepts developed by Fraser to provide concrete ways in which transitional justice can deliver redress for violations of cultural rights, which as photovoice participants showed, are connected to violations of socioeconomic rights.

Conclusions

I began this chapter with a preface that reflected on my visit to the *chontaduro* farm of one of the participants of the photovoice projects. During that visit I experienced first-hand how disconnected and abandoned are some rural populations of the country. Peasants who live in areas of El Tambo like the one where the farm is located have suffered the effects of the armed conflict disproportionally. Chronic state abandonment of these territories and their inhabitants, violent conflict dynamics over land possession, and armed control over legal and illegal economies are some of the factors that have left peasants and rural populations exposed to some of the worst effects of the armed violence. In a context such as Colombia, where a transitional justice framework coexists with a continued armed conflict, participants of my research project prioritised socioeconomic and cultural rights as sites of redress as a way of making transitional justice more transformative.

I analysed the findings of the photovoice projects I carried out in Popayán and El Tambo through the lens of Nancy Fraser's framework of *redistribution* as redress for socioeconomic injustice, and *recognition* as redress for cultural injustice. As I argued, while Fraser's framework has limitations, it is valuable as a heuristic model that provides concrete ways in which transitional justice can be more transformative by pointing to redistribution and recognition measures to address two groups of rights that have been sidelined in the mainstream transitional justice field. As participants made clear, socioeconomic injustices are deeply connected in reality, and hence redistribution and recognition measures as redress for those injustices need to be understood as connected matters.

As the photographs and reflections from participants demonstrated in the first section of the chapter, part of the violence that they experience in their lives is much more than physical, direct violence from armed actors. They perceive violence when socioeconomic rights like decent housing, shelter, social assistance, work, and a life free of hunger, are violated in the everyday. Consequently, Fraser's concept of redistribution as a remedy for socioeconomic injustice in a transitional context is useful to understand how participants called on transitional justice to address those sites of injustice to make it more transformative. Importantly, participants suggested that redistribution of state protection, services and good provisions, and of economic opportunities, also needs redistribution of political power from urban centres towards rural populations of the country. This finding can further the agenda of the transformative justice proposal, which has so far focused on socioeconomic issues, and

neglected the political power redistribution that is fundamentally linked to socioeconomic injustice.

In the second part of the chapter, I addressed how participants understood the need for recognition as redress for cultural injustice. Photographs and reflections from participants demonstrated the complex connections of the armed conflict with cultural injustices that peasant, indigenous, and rural populations suffer in the Colombian countryside. Societal-wide discrimination and underappreciation of the role of peasants and rural populations in the economy and culture of the country are directly linked to how the armed conflict has been experienced in the countryside. That is why photovoice participants emphasised the need for recognition of these populations. Many called for re-examining how peasants are valued in society, but also connected that call for *recognition* with the need of *redistribution*, as cultural and socioeconomic injustices that cut through the conflict and civilian life are deeply connected. That is why recognition must go beyond the symbolic in a transitional context to include concrete redress measures that re-value rural populations and at the same time provide them with the socioeconomic redress measures that allow them to live a life free of violence and enjoy decent standards of living while keeping their traditional ways of living. Again, while Fraser's framework has limitations, particularly when it comes to cultural injustices, it is useful to shed light on concrete ways in which transitional justice can be more transformative by addressing cultural rights violations (and their connections to socioeconomic rights violations) through recognition and redistribution measures.

Two peasant participants in El Tambo suggested that green is the colour of justice. If transitional justice wants to be more transformative, the context-specific needs of conflict-affected populations in terms of socioeconomic and cultural rights needs to adapt and respond to the colours, so to speak, that each population values as important as sites of redress. This is by no means an easy task for a transitional justice field that grapples with the complex task of addressing past wrongdoings to facilitate a transition to a more peaceful future. But the failure of accounting for those local and hyper-local priorities in terms of economic, social, and cultural needs, carries the risk of being stuck in grand promises of peace and reconciliation that fail to address the real needs of people who need transitional justice to work the most. The following chapter examines to what extent the main transitional justice institutions working in Colombia respond to the need of redistribution and recognition as redress for socioeconomic and cultural injustice as established in this chapter.

Chapter 10: Institutional Approaches to Rights in Transitional Justice

Introduction

The *everyday transformative gender justice* theoretical framework that guides this thesis places civil and political rights in the less transformative part of the continuum of transformative justice; and economic, social, and cultural (ESC) rights in the more transformative part of the continuum. This does not mean that civil and political rights should not be addressed by transitional justice. It means that ESC rights should be given the same level of attention as civil and political rights by the transitional justice field if it wants to be more transformative.

According to Nancy Fraser's (1995) framework proposed in the previous chapter as a lens to analyse the findings of my research as regards rights in transitional justice, violations of social and economic rights need to be addressed with *redistribution*. On the other hand, violations of cultural rights need to be addressed with *recognition*. As Fraser contends, socioeconomic rights and cultural rights tend to be intertwined, as are measures of redistribution and recognition to address violations of such rights. As I argued in the previous chapter, photovoice participants support the call for transitional justice to address a broad set of rights that include ESC rights. They also favoured measures of redistribution and recognition as sites where transitional justice can be transformative and have concrete effects in their communities and their everyday lives. Photovoice participants also understand recognition and redistribution as measures that are must be intertwined in a transitional context. As they expressed, redistribution in terms of public goods and services for populations that have been hit the hardest by the armed conflict (such as El Tambo and Cauca more broadly), must be linked with recognition in terms of shifting societal perceptions towards rural populations in areas where the effects of the armed conflict have been felt more acutely.

In this chapter, I contrast the perceptions of photovoice participants addressed in the previous chapter with those of institutional transitional justice regarding the role of rights to make transitional justice more transformative. Using Fraser's framework of socioeconomic and cultural injustice, and the everyday transformative gender justice framework of this thesis, I examine to what extent institutional approaches from the main three transitional justice

institutions of the 2016 peace agreement in Colombia address ESC rights. More specifically, I explore to what extent those institutions include recognition as redress for cultural rights violations, and redistribution as redress for socioeconomic rights violations in the scope of their work.

In what follows, I first examine how the Truth Commission (CEV) addressed issues of rights in its final report. I argue that the way that the CEV addressed rights in transitional justice can be placed in the more transformative part of the spectrum of transitional justice, resembling the visions from photovoice participants, while using the language of recognition and redistribution as redress for violations of cultural and socioeconomic rights. Second, I examine the institutional discourse regarding rights from the Special Jurisdiction for Peace (JEP). I argue that this institution does consider issues of ESC rights, and representatives from that institution have a vision that aligns with the more transformative part of the spectrum of transformative justice. In contrast, some of the most important decisions to date from this transitional tribunal treat ESC rights as background context, not as sites of redress through recognition and redistribution, which limits the transformative potential of the work of the JEP. Third, and last, I examine how the Unit for the Search of Disappeared Persons (UBPD) included issues of rights to argue that this institution focuses almost exclusively on civil and political rights. By limiting its treatment of ESC rights as background information instead of sites of redress, the UBPD restricts the transformative potential that it can have as an institution in the Colombian context.

Truth Commission (CEV)

As has been the case when examining institutional approaches to direct and structural violence, and gender issues in the previous chapters of this thesis, the Truth Commission was the institution that had the strongest transformative approach regarding rights in transitional justice according to my research. My analysis of the final report of the CEV showed that the Commission in fact addresses political and civil rights violations committed during the armed conflict in Colombia and suggests recommendations on how to address those violations. However, the report sees ESC rights as equally important sites of redress for the Colombian transitional justice framework. What is more, the final report makes clear links between the violation of civil, political, and ESC rights, while proposing to address those violations through redistribution and recognition measures as two sides of the same coin. In this section I draw

from my analysis on the final report of the CEV and the interviews I conducted with people who worked in that institution to show how the Commission framed its work with a transformative approach regarding rights.

The final report of the CEV mentions the violation of civil and political rights as both sources and consequences of the armed conflict in Colombia. As regards civil and political rights, the final report offers a detailed account of the effects of the armed conflict in terms of killings, forced disappearances, forced displacement, torture, forced labour, arbitrary detentions, among other violations. One of the eleven volumes of the final report deals with violations of Human Rights and International Humanitarian Law, which was one of the main mandates that the 2016 peace agreement gave to the CEV. As the introduction of that volume says, while that particular volume focuses on civil and political rights, violations of social, economic and cultural rights are addressed in other volumes of the report (Comisión de la Verdad, 2022c, p. 32).

The fact that the CEV left aside ESC rights in the volume that deals with human rights violations could be read as the CEV giving less importance to those rights compared to civil and political rights in its final report. However, a closer look on how the CEV addressed different kinds of rights in different volumes of the report leads to a different conclusion. As regards political rights, placed in the less transformative part of the transformative justice spectrum that guides this thesis, the CEV in fact addresses them extensively throughout the report. In its main findings and recommendations chapter, for instance, the CEV states that despite having a progressive 1991 Constitution, the flawed opening of the democratic system in the country has resulted in the exclusion of broad sectors of society from participation in the political system, something that has been aggravated by the armed conflict and the alliances between political elites and armed actors (Comisión de la Verdad, 2022b, pp. 184–185) . This is a clear reference to political rights as defined by the United Nations conventions, in particular Article 25 of the International Covenant on Civil and Political Rights that guarantees the right to vote and be represented to all citizens (United Nations General Assembly, 1966).

Importantly, the CEV mentions the flawed opening of the political system as only one part of the puzzle that explains the emergence and persistence of the armed conflict. In the same section of the findings and recommendations chapter, the final report says that another part of the explanation of the persistence of the insurgent war lies in the economic model of the country, which has 'favoured the economic interests of the elites while failing to protect the

most vulnerable sectors of society, such as peasants, ethnic communities, and urban populations subjected to high levels of poverty, economic informality, and lack of public services' (Comisión de la Verdad, 2022b, p. 184). In other words, the CEV includes both civil and political rights violations and ESC rights violations (and how those violations are connected) as part of the explanation of why the armed conflict in Colombia has lingered until today.

This framing of the indivisibility of civil, political, and ESC rights is present throughout the main volume of the final report of the Commission and echoes what participants like Angélica Fernández prioritised with her photographs, when she pictured homelessness and socioeconomic inequalities in urban settings that she sees in her everyday as sites where transformation is needed to transition to peace. The way the CEV addresses violations of ESC rights is also in line with what participants mentioned as regards socioeconomic and cultural rights of peasant and ethnic populations as key sites of redress in times of transition. In this respect, both photovoice participants and the final report of the CEV make clear connections between violations of social and economic rights (extreme poverty, inequality, and lack of state services) with violations of cultural rights (exclusion of peasants and ethnic populations).

Further, the CEV argues for the need of redistribution as redress for violations of socioeconomic rights. Talking about victims of the armed conflict, a quote from a Ministry of Health official in the main chapter of the final report explains why redistribution, in terms of guaranteeing socioeconomic rights, is a key element of redress in the Colombian context:

> *While I may provide the best possible care and the individual may have the utmost willingness to receive it, the fact that [...] a person's basic needs are not met does not create a fertile ground for rehabilitation. This is because a person who lacks access to food, clean water, and a stable shelter finds it much more challenging to address their other needs [...]. This, of course, also has an impact on [health] professionals, as despite their best efforts and commitment to rehabilitation or harm reduction, living in a hostile environment can make them more susceptible to re-victimization (Ministry of Health official, cited in Comisión de la Verdad, 2022, p. 77).*

This quote echoes what Melania, cited in the gender chapter, said about the needs of women victims of forced displacement. As she told me during her interview, a victim of the armed conflict who is forcibly displaced from the countryside to a city is usually on survival mode, a situation that is even more challenging for single mothers like herself. Drawing from her

experience when she was forcibly displaced to Popayán, she told me that victims usually spend all their time and energy on trying to feed their children and themselves, and trying to guarantee a roof over their heads, which leaves no time to inform themselves on their rights as victims of the armed conflict. That is, in the absence of basic socioeconomic rights to food, housing, and social security, the rights of victims set up by transitional justice are likely to be violated as well. In other words, as the quote from the CEV above suggests, the violation of socioeconomic rights leads to re-victimisation.

In another section of the main chapter of its final report, the Truth Commission links the violation of civil, political, economic, social, and cultural rights as drivers of the armed conflict. When presenting its diagnosis about the effects of the armed conflict in the different regions of Colombia, the CEV argues that the links between regional elites and armed actors throughout the conflict has promoted violence against political opposition to those elites. That alliance has also produced violence towards those that oppose the dominant economic model, based on big land ownership and to the detriment of the rights of peasants and ethnic communities. Further, the Commission argues that these violent dynamics in different regions of the country has had a profound effect in socioeconomic relations in society, which also have effects on cultural rights:

> *The violent reconfiguration of the territories over the course of the armed conflict has manifested in the transformations in the structure of land ownership and use, in changes in the political, economic and social relations of the territories, and in modifications in the cultural representations of the inhabitants about space, which at the same time imply transformations in their identity* (Comisión de la Verdad, 2022b, p. 488).

In other words, according to the Commission, the violation of political and civil rights (political violence, killings, disappearances, land dispossession) in the armed conflict are deeply connected to the violation of ESC rights (lack of basic services, insertion in the market economy, breaking of the social fabric and worldviews of peasant and ethnic communities). One set of rights and their violation cannot be understood without the other, as the CEV shows in its final report. This discourse resembles that of photovoice participants like Jean Pierre, who mentioned how an economic model that privileges big land ownership in rural areas and the connections of companies owning extensive lands with armed actors have led to forced displacement and land dispossession, leaving peasants like himself and his family with their

livelihoods and traditional peasant ways of living threatened. As Jean Pierre suggested, the violations of those economic, social, and cultural rights must be a priority if any meaningful justice in times of transition is going to be attained.

This transformative framing as regards rights in the final report is also evident when the CEV addresses the issue of coca crops and the armed conflict. The report connects issues of social and economic rights with cultural rights when it traces the origins of coca crops to the absence of a rural land reform and lack of state services in vast areas of rural Colombia in the 1960s and 1970s, the years when insurgent groups emerged:

> *The loss of food sovereignty has led to coca crops becoming a productive alternative for peasants in many places. The lack of roads connecting agricultural production areas to commercial centres, the precarious technical assistance for rural development (...) and the scarce opportunities for commercializing agricultural products have made the Colombian countryside less competitive and have been an incentive for the adoption of coca leaf cultivation. From the beginning of cultivation to the present day, the stories of peasants from different regions tell of the precarious conditions for commercializing their products and connecting to agricultural markets* (Comisión de la Verdad, 2022b, p. 320).

As the Commission mentions in this excerpt, part of the explanation of why coca crops have soared in Colombia —by far the country with the most hectares of coca leaf and cocaine production according to the United Nations Office on Drugs and Crime (2023)— has to do with state abandonment of peasants and large sectors of rural populations in the country. As done by photovoice participants like Angélica Fernández and Gerardo, who explained that many in rural Cauca turn to coca crops in the absence of economic alternatives (Fernández, 2023b; Gerardo (Anonymous participant), 2023b), the CEV makes a connection between the violation of ESC rights of peasant and rural populations to explain the phenomena of coca production, which in turn fuels direct violence from armed actors.

While the involvement of peasants in the drug trade market chain has brought income and higher standards of living for some rural families, they remain the weakest part of that economic chain, as well as the most vulnerable to the armed repression from legal and illegal armed groups that regulate and profit from the trade. Further, traditional peasant ways of living have been threatened by their involvement in the drug market dynamics, according to the CEV

248

(2022b, p. 320). This is because, as photovoice participants mentioned, a transition from producing food for their own consumption and selling what is left as surplus, to producing a monocrop like the coca bush, which leaves a bigger financial benefit but can be detrimental to self-sufficiency and food security, implies a rupture of the social fabric in many rural areas (Burbano, 2023a; Domínguez Girón, 2023b; Gerardo (Anonymous participant), 2023b).

Apart from making the case for the indivisibility of civil and political and ESC rights in its findings, as shown above, the CEV also addresses those rights in the recommendations of the final report. In a section of the main findings and recommendations chapter of the report where the Commission summarises its main recommendations to address the wrongdoing of the armed conflict, the CEV recommends:

> *To ensure conditions of well-being and a dignified life for communities in the territories, and to build a shared vision of the country that includes historically excluded territories and a commitment towards the future to respect life, different needs and perspectives, in order to overcome the country's structural inequalities that have been exacerbated by the conflict, of which the peasant sector and ethnic peoples have been the main victims (...) To achieve this, land redistribution, preventing and reversing land dispossession must be guaranteed; as is access to public goods and services, including justice and security; and productive opportunities (financial capital, tertiary roads, access to markets) to inhabitants of the countryside (...)* (Comisión de la Verdad, 2022b, p. 630).

In this instance, the CEV explicitly talks about redistribution as redress for socioeconomic injustice in the terms that Nancy Fraser argues for, and which also corresponds to the more transformative part of the transformative justice spectrum that guides this thesis. It mentions land redistribution as a remedy for the harms that peasant, ethnic, and rural populations in general have suffered, something that has been aggravated by the armed conflict. It also echoes what photovoice participants expressed as the needs of indigenous and peasant populations in a transitional and conflict-affected context. Note that the redistribution that the CEV mentions goes beyond land redistribution. It also includes redistribution of economic opportunities and access to markets for rural populations, in the way that photovoice participants prioritised with their photographs, stories, and reflections, addressed in the previous chapter.

It is also telling that in the section of the recommendations where the CEV proposes measures to build a more inclusive democracy (which refers to political rights), recognition comes to the fore. As the section states, one of the six main ways in which the country can move towards a political system that guarantees the representation of the different regions of the country and its citizens is the recognition of historically excluded groups like peasants and ethnic peoples as political subjects. This recognition, the CEV says, must be coupled with measures of judicial and material recognition of the rights and autonomy of these peoples and their authorities (Comisión de la Verdad, 2022b, p. 659).

Again, this is in line with Nancy Fraser's argument for recognition as remedy for cultural injustice. Importantly, it is also aligned with what photovoice participants argued regarding recognition of peasants and indigenous peoples' role in the Colombian society and recognition about the disproportionate effect of the armed conflict on rural populations. Further, the CEV makes a connection between political and civil rights, in terms of democracy and an inclusive political system, with ESC rights, in terms of recognition for peasant and indigenous populations.

The intertwined nature of recognition and redistribution measures that the CEV mentions was also present in the closing remarks of the chapter that serves as a preface to the final report. One of the main calls for action to the Colombian society that the Commission makes in that introductory chapter has to do with recognition and redistribution to address the violation of rights of peasants during the armed conflict. The Commission calls on:

> *[A]ll Colombians, [to] give great recognition to the peasants who are essential to Colombia's life, ensure a fair redistribution of land, prevent and reverse land dispossession, a multimodal cadastre[48], conditions for sustainable production —including access to public goods and services like high-quality education relevant to rural areas, safety, and justice (...)* (Comisión de la Verdad, 2022a, pp. 48–49).

---

[48] This cadastre is one of the measures included in the 2016 peace agreement as part of the rural land distribution point agreed between the former FARC guerrillas and the Colombian Government. It is intended to be a tool for rural land reform by providing detailed information about land possession in rural areas that currently is lacking (Barney, 2022).

This call for action from the CEV links recognition as a measure for the disproportionate effect that the armed conflict has had in the peasant population of the country with calls for redistribution of lands and other public goods and services as redress for socioeconomic rights violations. Recognition for the CEV, then, is not exhausted in a symbolic gesture to acknowledge the importance of peasants in society. Instead, symbolic recognition is coupled with material redistribution. This framing of recognition and redistribution as going hand in hand in transitional justice is very much aligned with what peasant photovoice participants expressed as one way of making transitional justice more transformative. It also corresponds to Fraser's thinking, which notes that redistribution as a measure to address socioeconomic injustices tends to be intertwined with recognition as redress for cultural injustices.

In sum, the scope of the CEV regarding rights in times of transition can be placed in the more transformative part of the continuum of transformative justice that I propose in this thesis. This is because it frames the task of transitional justice regarding rights in a way that considers political and civil rights, but also ESC rights as equally important sites of redress. Under Fraser's framework, the way that the final report of the CEV addressed ESC rights echoed what photovoice participants prioritised in terms of recognition as redress for cultural injustice and redistribution as redress for socioeconomic injustice.

In the following section, I turn to the JEP and how that institution addresses the issue of rights in its work. As I will show, that institution has a different approach to that of the CEV, which points to some of the obstacles that a more transformative view of transitional justice can meet when trying to include a broader scope of rights in a transitional and conflict-affected context.

Special Jurisdiction for Peace (JEP)

As Juan David from the JEP's Attorney's office told me, the transitional justice model in Colombia has changed over the past years. With the transitional justice process that followed the demobilisation of around 31,000 members of the far-right United Self-Defence Forces of Colombia (AUC) paramilitaries in 2004, a retributive approach to justice where former paramilitaries received of 8 years in prison was combined with what he called a 'taximeter approach' to reparations: 'You basically got a calculator and did the math: "this many million pesos for a forced disappearance, this many million pesos for a torture…", and the taximeter went up, but that ended up unfulfilling the expectations of victims' (Velasco, 2023). The

problem with that approach of monetary compensations, as Juan David said, was that it did nothing to address the living conditions of victims and wider conflict-affected communities in terms of basic needs —i.e. their social, economic, and cultural rights.

From that experience, the transitional justice system that emerged from the 2016 peace agreement learnt that a wider effort to address rights of the populations that have been affected the most by the armed conflict was needed. One way in which the JEP is doing that, according to Juan David, is through its restorative justice approach, as expressed in measures like the works, activities and actions with reparative content (TOARs) that perpetrators can be sentenced to complete as alternative sanctions imposed by the JEP (Velasco, 2023). According to the terms of the 2016 peace accord, those sanctions that perpetrators can receive when they comply to the terms of the JEP (providing truth and recognition of their responsibility towards the tribunal and victims), are aimed at 'satisfying the rights of victims and consolidate peace' (FARC-EP and Government of Colombia, 2016, p. 164).

Magistrate Marcela Giraldo Muñoz from the JEP had a similar view to Juan David. As she told me, a retributive model of justice is ill-suited to satisfy the rights of victims. But the challenge that the JEP has when it comes to impose sanctions to perpetrators is precisely how to foster structural change for communities and go beyond redress for individual victims with its judicial decisions (Giraldo Muñoz, 2023).

JEP magistrate Reinere Jaramillo's views on the socioeconomic and cultural rights of victims were similar to Juan David's and magistrate Marcela. As she told me, her views were shaped by her own experience growing up in an impoverished environment in Medellín, in a household where she was one of the ten children of a mother who was forcibly displaced and a father working in construction. That is why she talked about the need for redistribution to promote peace. Talking about the right of education as a way to address the violent conflict in Colombia, magistrate Reinere said:

> *Despite having a peace agreement, the structural causes of the armed conflict that have to do with income inequality are not being addressed. And more inequality means more violence (…) And one way of overcoming insecurity and guarantee life opportunities for children is to change models, including that of education, where we can all freely access education* (Jaramillo, 2023).

As magistrate Reinere said, it is very hard for her not to see that guaranteeing the rights to education and basic state services is relevant for transitional justice. It is hard not to see it because of her own experience growing up, but also because of her experience representing victims before she joined the JEP, and her experience as a local mayor for the Sumapaz rural region of Bogotá. As she told me when reflecting on how her life experience has shaped her views on transitional justice: 'That is the only way of changing our lives, by accessing education, meaning high-quality public education, as well as other services. I see this all the time, it is very hard for me not to see it because I lived it too' (Jaramillo, 2023).

Magistrate Reinere talks about the right to high quality public education —a key cultural right under the UN framework of ESC rights— as a site where transitional justice can contribute to tackling the structural causes of the armed conflict in Colombia. What is more, as done by photovoice participants like Angélica Fernández, she framed the issue of the violation of these rights as a matter of inequality that needs to be solved through redistribution: redistribution of income but also redistribution of the delivery of public goods and services.

Of course, it would be unrealistic to expect transitional justice institutions like the JEP, CEV, or UBPD, with their limited timeframes, institutional capacities, and budget constraint, to produce change in terms of recognition and redistribution by themselves. If anything, as Franke (2006) notes using Fraser's thinking on injustices, formal transitional justice mechanisms by themselves can seldom achieve more than symbolic measures of recognition. But, by connecting their work with wider state efforts to address socioeconomic and cultural rights issues, I argue, transitional justice institutions can make their work more transformative, without overstretching their already challenging mandates. In the following sub-section of the chapter, I illustrate this based on my analysis of one of the most important preliminary decisions that the JEP has published to date.

Economic, Social, and Cultural Rights in the 'False Positive' Case

My analysis of one of the main decisions that the JEP has published to date, reveals that addressing ESC rights has not been a priority for the criminal transitional tribunal. I refer here to the so-called 'false positives' case, where members of the army killed innocent people and made them appear as guerrilla fighters killed in combat, or 'operational positives' in the military language. The preliminary decision document for that case that I analysed focuses on the 'false positives' committed by a mobile brigade of the army in Norte de Santander

department. The region in focus, known as Catatumbo (see Map 1 below), borders Venezuela and has seen some of the worst effects of the Colombian armed conflict. In a span of 20 months between January 2007 and August 2008, as the document says, members of the army brigade in question killed 120 civilians to present them as guerrilla fighters killed in combat (Jurisdicción Especial para la Paz, 2022a, p. 23).

Creative Commons (CC).Milenioscuro (Milenioscuro, 2013).
Captioned and modified by the author

Social and economic rights are addressed to some extent in the section of the document where the JEP summarises what happened in Catatumbo and how the perpetrators under consideration in the sub-case (ten army members and one civilian) acted. The document refers to the socioeconomic conditions of the victims and how military members targeted them. There were two moments in what the JEP calls the macro-criminal practice of army members. First, army members targeted peasants and informal workers of the area surrounding the military base to capture, kill them, dress them up as guerrilla fighters, and present them as killed in combat to boost their operational results (Jurisdicción Especial para la Paz, 2022a).

When local peasants, local authorities, and NGOs noticed the crimes and raised the issue to the regional military commander, the way that members of the brigade targeted their victims changed. Moving forward, they lured young men from other areas of the country to take them to Catatumbo, where they would eventually be assassinated and registered as guerrillas killed in combat. Military members, together with civilian accomplices, targeted urban young men

living in precarious conditions who could be tempted with the false promise of job prospects outside the cities where they lived. Victims included unemployed and homeless men, informal workers, people with mental disabilities, and people with drug addictions. By targeting people from other areas of the country, the military made sure that locals did not recognise those falsely presented as dead in combat (Jurisdicción Especial para la Paz, 2022a).

The JEP's document refers to socioeconomic rights when it acknowledges the social and economic impact that the killing of the direct victims had on their families, who already lived in precarious conditions. The document mentions that the victims in the sub-case were all men between 14 and 35 years of age, while most surviving victims, relatives of those killed, were women. The material impacts for the surviving victims include the loss of a substantive source of income for the household, which in some instances led to the loss of their homes and ultimately being left homeless (Jurisdicción Especial para la Paz, 2022a, p. 28).

Despite referring to socioeconomic rights in those terms, the way that the JEP does so is problematic for two reasons. First, the violation of those rights is presented as background context, instead of treating them as sites of redress. The preliminary decision document mentions socioeconomic issues when providing information about the victims and when it mentions the material consequences that the killing of the direct victims had on their families. However, socioeconomic rights are missing when the JEP turns to the sanctions section of its preliminary decision.

This is precisely what some of the critical literature on transitional justice has pointed out as a limitation of the field: dealing with ESC rights as background context, but not as sites of redress (Schmid and Nolan, 2014). The South African Truth and Reconciliation Commission, for instance, has been critiqued for this same reason and failing to address socioeconomic and distributive issues (Mamdani, 2002; McEvoy and McGregor, 2008; Miller, 2008). The problem here is not that institutional transitional justice, in this instance the JEP, is oblivious to ESC rights. The problem is that when and if those rights are considered at all, they tend to be included only as part of the background of the violations that matter as sites of redress (in this case the assassinations of civilians to make them look like guerrillas killed in combat) instead of violations that need redress by themselves. Sidelining ESC rights, in turn, leads to redistribution and recognition as measures of redress for socioeconomic and cultural injustices to be left outside the scope of the work of transitional justice.

The second reason why the treatment of ESC rights in the preliminary decision document by the JEP is problematic is that it frames the issue of those rights only as a consequence of the crimes of the military. It fails to frame the violation of those rights as an integral part of the explanation of why those impoverished young men were in a condition that led them to be lured by the promise of a job in the first place. This framing then leads to ignoring the social, economic, and cultural conditions that allowed for the pervasive criminal practice to occur as a site of redress by the transitional tribunal. This is despite the fact that, as the same JEP document says, during the hearings of the case, victims have prioritised measures of reparation and alternative sanctions for perpetrators that address issues of housing, employment, food security, public services, education, and rural development (Jurisdicción Especial para la Paz, 2022a, p. 140).

As I mentioned in the chapter that dealt with institutional perspectives on the direct/structural justice continuum, the JEP says that, under the terms of the 2016 peace agreement the restorative sanctions it imposes should be linked to the institutional offer of projects that stem from measures of the accord like the rural land reform, the Development Programmes with Territorial Focus (PDET), the National Programme for Substitution of Illegal Crops (PNIS), as well as the collective reparation programmes from the state's Victims Unit. As the document explains, however, the JEP did not receive evidence of any state institution dealing with those initiatives where the perpetrators could insert themselves as part of their sanctions (Jurisdicción Especial para la Paz, 2022a, p. 134). That context leaves the transformative potential of the alternative sanctions for perpetrators in the JEP extremely limited, as the burden of producing change for victims and wider communities, as envisioned by the 2016 accord, is left to what the eleven perpetrators included in this sub-case can do with their own means.

This caveat from the JEP points to the limits to a transformative transitional justice approach in the Colombian case. The programmes and policies mentioned by the JEP as initiatives where perpetrators could be included to fulfil their sentences are some of the most transformative aspects of the 2016 peace agreement. The rural land reform aimed to make a profound redistribution of rural land in Colombia. The PDETs were thought as a tool for transforming the regions that have been affected the most by the armed conflict through development programmes tailored to the needs of the territories and communities living there. The illicit crop substitution programmes aimed to offer viable alternatives to small farmers and peasants who depended on illegal crops to insert themselves in the agricultural market.

All those measures have faced difficulties in their implementation. The challenges are related to lack of political will, corruption in the distribution of resources, and deficient planning, which has left potential beneficiaries disappointed as researchers (Ramírez Sarmiento, 2021; Rodríguez Iglesias and Rosen, 2022; Weintraub *et al.*, 2023) and follow-up reports of the implementation of the agreement (Echavarría Álvarez *et al.*, 2024; Pinto *et al.*, 2024) demonstrate.

As photovoice participants told me, in El Tambo, a municipality prioritised by both PDET and coca crop substitution programmes, those projects were met with high expectations shortly after the 2016 peace accord was signed. As time has gone by, communities there have realised that a considerable part of the resources are spent in administration costs in offices in Bogotá, Popayán, or the urban area of El Tambo. At the same time, local political elites who act as intermediaries between national, regional and local policymaking have appropriated the distribution of those resources, which local communities perceive as another site where resources get lost. Further, when social leaders get involved in the implementation of those programmes, particularly on coca crop substitution, they are usually left at the forefront of the dangerous task of confronting the economic interests of armed groups that profit from drug trade (Martínez, 2023c; Ombagüe, 2023b). Those obstacles in the implementation of measures to address some of the socioeconomic issues that local communities prioritise in a transition to peace have not only led to disappointment, but also to a lack of programmes where former combatants can contribute to addressing socioeconomic and cultural rights issues through the alternative sanctions of the JEP.

Also, the collective reparations measures of the Unit for Victims, which comes from the 2011 Victims Law but is a key component of the 'Comprehensive Peace System' set up by the 2016 accord, have been slow in their implementation. This is due in part to the continued armed conflict in many areas of the country, which not only produces more victims every day but also trumps reparation efforts due to security issues. Photovoice participants like Melania and Margoth who have been involved in victim advocacy groups for two decades pointed to those difficulties when they told me about how part of their struggle is to make reparations work for tackling socioeconomic injustice, something that involves going beyond monetary compensations for single victims (Hoyos, 2023; Torres, 2023b). In the absence or insufficiency of such collective reparation efforts to tackle social, economic, and cultural injustices, the JEP faces a further obstacle in making their alternative sanctions for perpetrators work as it was intended by the 2016 accord.

Remembering the words of Felipe León (2023), who works with the JEP, the problem is that the ideal scenario that the 2016 peace accord envisaged, where all the institutions, measures, and programmes set up by the peace agreement would work in synergy with the transitional justice framework, looks very different in reality. Natalia Restrepo, who works for the Kroc Institute (in charge of following up the implementation of the peace accord's stipulations), told me during an interview that another part of the problem is that the three transitional justice institutions have worked with different timings. This has posed an additional challenge to make the transitional justice system work, in fact, as a system, and not as disconnected institutions with different mandates to fulfil (Restrepo, 2023). Crucially, for the purposes of this chapter, that means that ESC rights have been sidelined as sites of redress, as an institutional offer where the JEP could link its alternative sanctions to perpetrators is lacking.

Given that scenario, the demands of victims for reparations in terms of fulfilment of ESC rights, which requires a state-wide effort, are not likely to be fulfilled with what a handful of former army members and some civilians who were involved in 'false positives' can achieve with their proposed sanctions. For the 'false positives' case in Norte de Santander, projected sanctions include projects like an exhibition room in a museum, a memorialisation park, commemorative plaques in some of the places where some of the victims were illegally captured, leisure projects for young people in vulnerable areas, and a documentary film about these crimes (Jurisdicción Especial para la Paz, 2022a).

To be clear, some of those projects do have an approach that can be considered to address cultural rights. For instance, the description of the project about leisure infrastructure for young people reads:

Development, implementation, and construction of infrastructure for recreation, sports, and leisure activities for young people in contexts of social and economic vulnerability, who are residents of the areas of origin of the victims. This is because most of the victims in this case were vulnerable young people who, due to their circumstances, accepted false job offers made by the defendants. They had no idea that these were scams to be later murdered by state agents and presented as casualties in combat (Jurisdicción Especial para la Paz, 2022a, p. 164).

Components of cultural rights, as defined by UN treaties and covenants, are addressed in this proposed sanction for perpetrators when the JEP refers to recreation, sports and leisure

activities as part of what the sanction would seek to achieve in some of the areas of origin of the victims. But, on the other hand, social and economic rights are only mentioned as background context, not as sites of redress where the sanctions could aim to transform those conditions. An approach to the alternative sanctions that in fact addresses ESC rights, instead of taking them as background context, would involve redistributive efforts in the form of policies and development programmes where the construction of a sports court by former combatants as proposed in the sanctions would be part of wider transformative efforts for impoverished communities where the victims of 'false positives' came from. Such policies and development programmes are included in the 2016 peace agreement as part of a state-wide effort that goes beyond what the JEP alone can do. But, again, those policies have failed to materialise, which leaves the special sanctions imposed by the JEP with a limited reach when it comes to addressing ESC rights.

What is more, as mentioned above, the impact of such a project for the cultural rights that it addresses, is limited to what the eleven perpetrators included in this preliminary sentence can physically and financially achieve, as there is no public funding or state support for these sanctions to be fulfilled, as admitted by the JEP itself. To be sure, the symbolic act of seeing perpetrators building or restoring leisure sites in some of the areas where their victims used to live could be a powerful message towards Colombian society and surviving victims. However, by leaving the weight of fulfilling the ESC rights that those populations have historically lacked, and which should be progressively guaranteed by the state, on what a small number of perpetrators can achieve with limited time and resources, will not have the material effects that the 2016 peace agreement envisaged for transforming the living conditions of the most vulnerable sectors of the Colombian society.

In sum, despite what interviewees who work at the JEP told me, redistribution as redress for socioeconomic rights violations and recognition as redress for cultural rights violations do not seem to be present so far in the main decisions of the JEP. The transitional criminal tribunal can be right in pointing to a lack of state offer where the perpetrators who receive sanctions short of prison time could insert themselves to contribute to wider transformational efforts. But the way the preliminary decision of the 'false positives' case in Norte de Santander, which is representative of other preliminary decisions, frames issues of ESC rights, represents a further limitation to the transformative effects that the sanctions of the JEP can have in a context of flawed implementation of the broader peace agreement.

In the next section of the chapter, I turn to another transitional justice institution set up by the 2016 peace agreement, the UBPD, and the extent to which it considers ESC rights as part of the scope of its work.

Unit for the Search of Disappeared Persons (UBPD)

Lía, who I interviewed in the headquarters of the UBPD in Bogotá, referred to how the violation of social and economic rights affects the extent to which people in different areas of Colombia can be involved in the work of transitional justice institutions. Lía asked how we can expect of people who struggle daily to secure a plate of food or to find shelter for the night to take part of events and workshops that institutions like the UBPD organise to gather the testimonies of relatives of victims of forced disappearances. Those words echo what Melania, a photovoice participant, told me in Popayán about the hardships of women who are forcibly displaced but do not have the time to access institutional channels for the attention of victims as they find themselves busy trying to meet their basic needs and that of their families (Hoyos, 2023). As Lía said, this will continue to be a challenge for any transitional justice efforts until a state-wide effort to guarantee the rights of housing, education, health, and food security in most of the country gets under way (Rodríguez, 2023). In other words, for many people in Colombia who see their ESC rights unfulfilled every day and who, consequently, struggle to secure the bare minimum to survive, the work of transitional justice institutions will mean very little, even for some of those who are direct victims of the armed conflict. This is yet another reason why addressing ESC rights should be a priority for transitional justice to make it more transformative.

Despite Lía's position in this matter, she said that guaranteeing those rights is not a task for transitional justice institutions like the UBPD to undertake. Echoing what other institutional interviewees told me, Lía said that 'transitional justice has a specific mandate, and it should focus on that' (Rodríguez, 2023). Representatives from other institutions expressed this in the form of 'those should be different agendas' (Ortíz Acosta, 2023), referring to what transitional justice and development efforts can achieve as regards transformations at societal level. This tension between expansive and more cautious approaches to the scope of transitional justice is representative of debates in the literature between those who call on transitional justice to be more transformative (Lambourne, 2009; Gready and Robins, 2019a), and those who caution

against the perils of overloading transitional justice with tasks that it cannot or should not fulfil (Sandoval, 2017; Waldorf, 2019).

This tension, as I have addressed earlier in the thesis, needs to be taken seriously. There are indeed dangers of placing expectations on transitional justice institutions that already have challenging mandates to fulfil, even by less transformative standards (addressing civil and political rights violations, for instance). Nonetheless, as I learned from photovoice participants and from some institutional transitional justice representatives, there is a loud and clear call from people and communities that have been affected the most by the armed conflict for transitional justice to be more transformative. This involves expanding the usual focus on political and civil rights to include economic, social, and cultural rights. And as I have argued in the previous and current chapter, recognition and redistribution measures to violations of those rights is one key site where the field can be more transformative to make it work for the people who need it the most.

The document analysis of institutional transitional justice publications I carried out as part of my research showed that the UBPD places little to no attention on ESC rights. What is arguably the flagship document of the UBPD, its latest National Search Plan (2022), does not include in the scope of the work of the institution addressing ESC rights beyond treating them as background context. On the other hand, it does include an emphasis on addressing civil and political rights violations, as forced disappearances are included in the UN covenant on those type of rights, as well as other human rights conventions and declarations (United Nations, 2023a).

In the previous version of the National Search Plan, published in 2020, the UBPD dedicates a chapter of the document to ethnic peoples in Colombia and how the work of the institution aims to address the specific impact that disappearances have had on indigenous and Afro-Colombian communities. While the UBPD does not use the language of rights, it does talk explicitly about *recognition* of the effects of forced disappearances on ethnic populations. The UBPD states in the document that the participation of these communities and the articulation of the institution with their traditional authorities is paramount in the search of indigenous and Afro-Colombian community members deemed as disappeared, as well as the search for people presumably buried in their territories that may not be members of the ethnic communities (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2020, pp. 49–55, 55–60).

The UBPD also recognises the need to respect and include in its work indigenous and Black traditional knowledges in processes of identity recognition of their community members or their remains that the institution finds as part of its work. Part of the effort of recognition of those communities from the UBPD, as the document says, has been in the form of participation of representatives of Black and indigenous communities in the planning phases of the National Search Plan (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2020, pp. 49–55, 55–60).

This represents a step towards recognition as redress for violations of cultural rights under Fraser's framework: it acknowledges the disproportionate effect that the Colombian armed conflict has had for indigenous and Afro-Colombian peoples and their territories. And, as a measure to redress these harms, it recognises the role that those communities and their authorities can play in the task of searching for disappeared persons. However, my analysis of some of the main documents published by the UBPD shows that the treatment of ESC rights by that institution is limited to participation as a measure of redress of the violation of those rights. Also, as was the case with the JEP's treatment of those rights addressed in the previous section of this chapter, the UBPD included ESC rights almost exclusively as background context to the work if the institution, not at sites of redress.

Further, beyond recognition, this treatment of ESC rights leaves outside the scope of the work of the UBPD as a transitional justice institution the other key part of Fraser's justice framework, which is redistribution as redress for socioeconomic injustice. As I have argued, for transitional justice to be transformative, as understood by photovoice participants, recognition measures must go together with redistribution measures. This point is missed by the UBPD in its framing of its work.

To be sure, the UBPD does mention social and economic issues (although not in the language of rights) when it mentions that one of many aspects the institution needs to consider when formulating hypothesis about where a person deemed as disappeared may be located is 'the worsening of the socioeconomic conditions and the quality of life in general of the PDM [Person Deemed as Missing]' (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2020, p. 33).

What is more, the language of the UBPD's documents have turned more attentive to these issues in more recent documents. This is in part due to the demands of women's and LGBTIQ+

organisations towards the institution. Note how the UBPD's most recent report talks about its differential and gender approaches:

> *Differential and gender approaches are also useful for analysing the contexts of discrimination, vulnerabilities, marginalization, violence, and exclusion that may have led to the disappearance of women, children, adolescents, and youth, LGBTI people, older adults, social leaders and defenders of Human Rights, people belonging to ethnic groups, people with disabilities, or the peasant population. In turn, they allow us to understand how these same contexts act to make invisible, hinder, and generate situations of discrimination and violence associated with the search for PDM undertaken by those who belong to these population groups* (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2023, p. 11).

The fact that the UBPD considers socioeconomic and cultural rights as part of the gender and differential lenses that it uses in its more recent work must be valued. But the way the institution approaches these rights is still problematic from a transformative justice perspective. This is because the UBPD only considers ESC rights as background context to the work it carries out, instead of treating the violation of those rights as sites of redress where recognition and redistribution could play a transformative role for surviving victims and their wider communities. Presumably, this is because, as Lía told me, as important as guaranteeing ESC rights are in the Colombian transitional context, the UBPD must focus on the mandate it was given by the 2016 peace agreement.

Still, another sign that the UBPD has progressively changed its approach to include a broader scope to its work as a transitional justice institution is that it now places greater importance on joining efforts with other state and transitional justice institutions. Whereas in previous yearly reports this issue was absent, the first achievement that the UBPD presents in its 2023 report is the articulation of its work with other institutions. This includes Joining efforts with the JEP so that perpetrators can join search efforts of the UBPD as part of their alternative sanctions that are aimed at repairing victims and promote non-repetition through community work and projects (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2024, p. 8). While, as addressed in the previous section of this chapter, those sanctions from the JEP have fundamental limitations when it comes to addressing ESC rights, this still represents a step forward to make the work of the UBPD more transformative.

Another institution mentioned in the 2023 report is the Ministry of Health, for which the UBPD has worked recently to guarantee that surviving victims have psychosocial and health support throughout the search process for their loved ones (Unidad de Búsqueda de Personas dadas por Desaparecidas, 2024, p. 12). Considering that photovoice participants, including Margoth, a surviving victim of forced disappearance, prioritised psychosocial support for victims of the armed conflict in a transitional justice context, this is another important step to make the UBPD's work more transformative.

It can well be the case that, as argued by Lía, given the budget and time constraints of a transitional justice institution like the UBPD, it must focus on the already challenging mandate that it was given, and that addressing ESC rights and broader structural issues should be the undertaken by other state institutions. It can also be true that putting the weight of recognition and redistribution to address cultural and socioeconomic injustices, even when directly related to the armed conflict, is asking too much of transitional justice institutions.

However, a lesson from my research is that part of the transformative potential of transitional justice can be enhanced when institutions like the UBPD connect the efforts of their mandate with other state and transitional justice institutions to address ESC rights. The examples given above about the links between the UBPD with the JEP and the ministry of health can be small steps. But they indicate that an expansion of the scope of transitional justice to address ESC rights does not necessarily mean overloading these institutions with tasks they are not designed or able to undertake, like producing societal-wide change. In other words, making the work of the UBPD more transformative in terms of ESC rights does not mean that it must shift its focus on its core mandate of searching for the more than 100,000 people deemed as disappeared in the country. It can do so while at the same time considering the cultural and socioeconomic effects of those victimisations as sites of redress. It is unlikely that the UBPD by itself can produce the recognition and redistribution measures that are needed as redress for socioeconomic and cultural injustices. But it can certainly contribute to the effort of making transitional justice more transformative by connecting its work to wider state efforts.

This is important for surviving victims of forced disappearances like Margoth who call for redress for the effects that such a crime brings for the lives of people who are not only left without their loved ones, but who are also left with the socioeconomic consequences that those victimisations bring, often for the rest of their lives. Redress for those injustices need recognition of the wrongdoings and the recognition of the work that people who search for

their loved ones with no institutional support have been doing for decades in Colombia, something that the UBPD in fact acknowledges in its documents. Crucially, redress also calls for measures that bring recognition and redistribution together to fully address the effects that forced disappearances have on surviving victims and the violation of those rights for wider populations, which often include rights to housing, work, social security, health, food security, and education. Redress for those issues through recognition and redistribution need a coordinated institutional effort that includes but is not limited to transitional justice institutions.

Conclusions

In this chapter I examined how the three transitional institutions set up by the 2016 peace agreement in Colombia —CEV, JEP, and UBPD— address civil and political rights, and economic, social, and cultural rights. I analysed how those institutions frame their work in the transitional and conflict affected context of Colombia based on the everyday transformative gender justice framework that guides this thesis. My analysis was also guided by Nancy Fraser's framework for redress of socioeconomic and cultural injustices through recognition and redistribution measures.

I examined the final report of the CEV and argued that the way this institution framed its work regarding rights can be placed in the more transformative part of the spectrum of transitional justice that guides this thesis. This is because it addressed ESC rights as equally important to civil and political rights, while also pointing to the intertwined nature of all those types of rights in a transitional context. Also, the final report of the Commission understood cultural and socioeconomic rights as sites of redress through recognition and redistribution measures, something that corresponds to the visions of photovoice participants in my research, and with Nancy Fraser's framework of recognition and redistribution as redress for socioeconomic and cultural injustices.

On the other hand, my analysis of how the JEP frames its work as regards rights in times of transition showed that this institution has practiced a less transformative approach. Interviewees of this transitional criminal tribunal expressed transformational views that included socioeconomic and cultural rights as sites of redress by the JEP. However, a close look at one of the most important decisions that the tribunal has published to date, reveals that the institutional approach to rights is mostly concerned with civil and political rights, which is the less transformative part of the transformative justice continuum that guides this thesis. Further,

265

in the few instances where the JEP's decision mentions ESC rights, it does so as part of a background context, not as main sites of redress. While some elements of recognition as redress for cultural rights violations are present in the JEP's work, redistribution as redress for socioeconomic rights violation is absent. This is partly because the JEP views its restorative justice sanctions as ways of producing change and potentially address socioeconomic and cultural issues. Those sanctions have limitations that are associated with flaws in the implementation of the 2016 peace agreement, but also related to the tribunal putting the weight of producing societal transformations on what a handful of perpetrators can achieve with small-scale projects that have little to no state support.

Finally, similarly to the JEP, the UBPD in its task to search for more than 100,000 people deemed as disappeared, views its work as addressing political and civil rights, while leaving ESC rights aside. As with the case of the JEP, when economic, social, and cultural rights are included in the UBPD's documents, they are used as background context of disappearances, and not as sites of redress. That vision contrasts with what I learned from victims who took part on the photovoice projects of my research, who prioritise addressing ESC rights as part of the scope of transitional justice. As I argued, however, the UBPD has taken steps forward in its most recent work to articulate its efforts with other transitional justice and wider state institutions, something that has the potential to expand its scope regarding ESC rights of surviving victims of disappearances. For that articulated work to have a transformational effect, however, the UBPD must shift its understanding of ESC rights as sites of redress through recognition and redistribution measures, instead of considering those issues as a separate agenda that does not concern transitional justice institutions. Further, understanding ESC rights as sites of redress needs to be coupled with allocation of state efforts and resources towards the kinds of development programmes that transitional justice institutions can articulate their work with. This is true for the UBPD but also for the JEP.

As the examination of how the CEV, JEP, and UBPD frame their work regarding rights in a transitional and conflict-affected context shows, including a wider scope of rights in the work of transitional justice is a challenging task. Careful planning of how different transitional justice institutions can work together is paramount. But even in a case like Colombia, where a transitional justice framework was carefully planned to work together and in articulation with other state institutions to produce transformational effects in society, challenges remain. Lack of political will to implement parts of the 2016 peace agreement, much of which builds on political and economic elites' interests in preserving the status quo, have trumped the

transformative potential of transitional justice in terms of addressing economic, social, and cultural injustices so far. Yet, articulation between transitional justice and other state institutions to advance a transformative justice approach that addresses civil and political rights, but also economic, social, and cultural rights is paramount. This is important because people and communities that have been affected the most by the armed conflict prioritise these issues as sites of redress for transitional justice to be transformative, as photovoice projects demonstrated.

Chapter 11: Conclusions

I started the introduction of this thesis with a story about how back in 2016 I watched live on TV as the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) officially ended five decades of armed conflict by signing a peace agreement. Seven years after, in 2023, I found myself in El Tambo, one of the municipalities that was prioritised by the measures of the peace accord that sought to transform the country and lay the conditions for a more peaceful future. For the final exhibition of the photovoice project that I carried out there as part of my research, I met with participants of the project in the sports court of the urban centre of the municipality. Participants suggested that date and place for the exhibition, as international NGOs and local authorities had planned an event where local young people and local authorities of El Tambo would attend, making for a broad audience to the photographs that they were proud to present.

I got there at around 8:30 am to prepare the exhibition. The first participant I met had a visibly sad face. She told me that it was a day of grief in El Tambo. The day before, a fellow schoolteacher and his wife, both social leaders in the area, had been found dead in an unmarked mass grave days after being reported as missing. They had been killed by one of the armed groups that operate in the area. Some of the photovoice participants knew the victims personally, and they were visibly shocked by the news.

For me, being there to research transitional justice issues, this was a blunt reminder of the difficulties of working for peace and justice in some of the most conflict-affected regions of the country. The victims could have been any of the other social leaders that took part in the photovoice project, I thought. The assassinations of those two local social leaders of El Tambo are part of the gruesome figure of 1,678 social leaders and human rights defenders who have been killed in Colombia since the 2016 peace accord was signed up to October 2024 when I am writing these lines (Indepaz, 2025).

It was in that context, where a transitional justice framework created by a peace agreement that includes a Truth Commission (CEV), a transitional tribunal called Special Jurisdiction for Peace (JEP), and a Unit for the Search of Disappeared Persons (UBPD) coexists with a continued armed conflict, that I carried out my research for this thesis. For this research project, I asked some of the people living in one of the most conflict-affected areas of the country about

their perceptions around the transformative potential of transitional justice. I also asked to what extent institutional transitional justice discourses intersect with those local 'everyday' perspectives. The answers I got to those questions are only partial. But they were clear in making the case for a more transformative transitional justice, one that can respond to the expressed needs of the people and communities that have suffered, and continue to suffer, from armed conflict. The partial but clear answers I got point out that transitional justice needs to be more transformative by tackling the entire spectrum of direct and structural violence, addressing the entire continuum of gender-based violence, and by addressing not only civil and political rights but also socioeconomic and cultural rights. This does not mean that those are the only ways of making the field more transformative, or that there are no problems in pushing transitional justice to be more comprehensive when addressing wrongdoings of armed conflicts. Nonetheless, the *everyday transformative gender justice* framework I proposed in this work can help to make sense of how transitional justice can respond better to the demands of the people who need it the most. In the reminder of this concluding pages, I reflect on what those findings entail for the theory and practice of transitional justice in Colombian and beyond.

A More Transformative Justice

The research process I followed offers important lessons for making transitional justice more transformative so that it works for the people who need it the most. I set up in the second chapter of this thesis an *everyday transformative gender justice* framework to guide my research. And, in the third chapter, I presented the methods I used to answer the questions I posed for this project. The photovoice projects and the ethnographically informed field research I carried out allowed for unexpected answers and paths in my research process. Further, aligning the *everyday transformative gender justice* framework that guided this thesis with a visual and participatory method that gave space for critical dialogues driven by participants, led to research findings that both support a more transformative approach to transitional justice and challenge some of the assumptions of the field of transitional (and transformative) justice.

In the theoretical framework chapter, I formulated five different criteria to examine the transformative potential of transitional justice: violence, gender, rights, time, and academic disciplines. Perhaps unsurprisingly, almost no one I talked to mentioned academic disciplines when I asked about the transformative potential of transitional justice. While I would still argue that a more transformative transitional justice needs more diverse disciplinary approaches to

inform its scholarship and practice, this topic did not emerge as a major theme in the research process. On the other hand, the time of transitional justice (limited time interventions vs long-term processes to put it simply) did come up in the conversations, but it was not salient enough to make it a main topic in the empirical chapters of the thesis. In some ways, the timing of transitional justice was included in the themes that were salient enough to write complete chapters. While those two topics ended up being beyond the scope of the chapters of this thesis, both the times of transitional justice and the disciplinary diversity in the field can be fruitful avenues for future research into the transformative potential of transitional justice.

The three main themes that I addressed in the empirical chapters of this thesis were violence, gender, and rights in transitional justice. In the two chapters where I addressed violence, I argued that photovoice participants make the case for a transitional justice that addresses both direct (physical) violence and structural violence (socioeconomic, political, and cultural exclusion). Crucially, they perceive violence as a continuum where both direct and structural violence gets in the way of their livelihoods, life projects, and everyday lives. The lesson I took from contrasting views from photovoice participants and institutional framings of their role in addressing violence, is that if transitional justice wants to have an impact on the communities that need it the most, the entire continuum of direct/structural violence needs to be tackled. This can be done, in part, by acknowledging and embracing the political nature of transitional justice, and by recognising the place of transitional institutions in wider state-wide processes that can be mobilised to address the entire continuum of direct and structural violence in conflict-affected contexts.

Second, I addressed gender in transitional justice. Photovoice projects led to an understanding of a continuum of gender-based violence, in the way that Cockburn (2004) defined it, that needs to be tackled in its entirety for transitional justice to be transformative. That is, in a transitional context, gendered violence that happens during armed conflict must be addressed, as well as the structural gendered inequalities that translate to gendered violence and discrimination in the everyday. The critical conversations that emerged from photovoice participants also prioritised a transformative gender justice that considers distributive issues, care, and change in dominant notions of masculinities and femininities. While the Colombian transitional justice framework can be hailed for its forward-looking approach to gender, I also pointed out that these institutions continue to reproduce patriarchal gender norms in their public and internal work, even when part of their discourse seems to be aligned with the more

transformative part of the transformative gender justice spectrum proposed in chapter 7 of this thesis.

Third, as regards rights in transitional justice, I found that photovoice participants echo the call from the transformative justice proposal to include a broader set of human rights in the scope of the field. While they still regard civil and political rights (killings, torture, disappearances) as necessary sites of redress, they also call on transitional justice to be more transformative by tackling economic, social, and cultural rights issues that are at the heart of the conditions that allow for violent conflict to emerge in the first place. To go beyond symbolic gestures, however, measures of *recognition* for cultural rights violations (the disproportionate effects of the armed conflict on peasants, for instance), need to go hand in hand with measures of *redistribution* of public goods, services, and political power that can address the historical exclusion of certain populations in the country. One way in which institutional transitional justice can work towards that purpose, I argued, is by connecting their mandates with wider governmental and state-wide efforts of redistribution and recognition.

Taken together, the findings of my thesis make five key contributions to transitional justice and the broader peace and conflict field. First, I make an empirical contribution to the literature by identifying precise ways in which transitional justice can be more transformative as regards violence, gender, and rights. While I also challenge some assumptions of the transformative justice literature, this contribution advances the transformative proposal by grounding its conceptual underpinnings with empirical insights. Second, I shed light on specific tensions between institutional and everyday understandings and priorities on peace and justice. As I argued, the photovoice projects demonstrated that people living in conflict-affected contexts favour a transformative view of transitional justice, while institutions have varying approaches to their work when it comes to enhancing societal transformations. Nonetheless, I also pointed to how those institutions can better respond to local and everyday needs. Third, and related to the previous point, I contribute to the transitional justice and broader peace and conflict literatures by demonstrating how different forms of violence are connected, as experienced by people living in conflict-affected contexts. If people perceive direct and structural violence as a continuum, as I argue, the scholarship and practice of transitional justice and peacebuilding need to tackle it as such. Fourth, I delve into the internal power relations and politics of transitional justice institutions. Those internal dynamics can be drivers but also potential obstacles for the transformative potential of the work of transitional institutions. Fifth, I make the case for the use of participatory and arts-based methods for researching conflict-affected

societies. As I have argued, methods like photovoice, while not perfect, offer researchers and participants alternative and more horizontal ways of producing knowledge that can lead to research findings that challenge assumptions of what issues like violence, peace, and justice entail. I will get back to this point later in this conclusion.

Beyond Transformative vs 'Good Enough' Transitional Justice

The arguments I make here can raise questions about the expansion and ambition of transitional justice. Transitional justice professionals I interviewed referred to a dilemma they face in Colombia between prioritising their core mandates, which are already challenging due to time and budget constraints, and making transitional justice more transformative. In the literature, this tension is apparent between those who champion a transformative view of the field (Lambourne, 2009; Gready and Robins, 2019b) and those who defend a 'good enough' transitional justice (Sandoval, 2017; Waldorf, 2019).

We would certainly be setting a more transformative vision of transitional justice to fail if we expect institutions like the CEV, JEP, and UBPD to include in the scope of their work issues of socioeconomic and cultural recognition and redistribution, structural change in gendered power relations at societal level, and addressing structural causes of conflict. But this is a false dilemma. It is not an 'either/or' of choice between a paradigmatic transitional justice that focuses on narrow, albeit challenging, mandates of its institutions and a transformative justice that expands the scope of the field to include societal change. What is needed to attain a more transformative justice, I have argued here, is to change of how we think about transitional justice in academia and the ways we do transitional justice in practice.

A more transformative justice does not need transitional institutions to take on tasks that include development, poverty reduction, or change in gendered power relations at societal level. Rather, by changing concrete ways in which those institutions carry out their work, they can push their work towards the more transformative side of the transformative justice spectrum. In other words, a more transformative view of transitional justice does not need transitional justice to do more things, but instead do what they already do differently. As I argued in chapter eight, for instance, a more transformative gender approach in the work of the UBPD does need for the institution to produce change in gendered relations at societal level in

Colombia, but it can contribute to that effort by expanding its understanding of the gendered dimensions of forced disappearances that some photovoice participants painfully pointed to.

Crucially, a more transformative justice also involves thinking about transitional justice as an effort that goes well beyond what institutions like truth commissions and criminal tribunals can achieve. I showed how the JEP, for instance, could contribute to addressing structural violence not by taking on development programmes itself, but by connecting its 'special sanctions' for perpetrators with the work of state institutions and programmes that have the capacity to do so. A more transformative transitional justice, in that sense, does require an expansion, one of how we see the boundaries of what and where transitional justice is. Such an effort involves scholars and practitioners of the field to break the silo where it has placed itself.

Justice in times of transition, to be transformative, needs a well-planned and coordinated state-wide effort. It also needs to consider that transitional justice, often in its more transformative forms, happens outside its institutions: it happens in grassroots women organisations, indigenous communities, LGBTIQ+ movements, and in small-scale peasant and rural initiatives. This makes for a much more complex and messy transitional justice landscape compared to a vision where transitional justice is the exclusive domain of institutions and its experts. But as I found, asking different questions to different people in different ways about what they understand as justice in times of transition necessarily leads to a complex and messy picture, one where the frames that contain what we understand as the scope of transitional justice are challenged. Such an understanding of transformative justice also leads to questioning the timeframes of transitional justice, a theme that I did not address in detail in this thesis, but one that further research can shed light on how institutional transitional justice can foster the kinds of long-term transformations that participants in my research favoured.

The effort of making transitional justice more transformative is paramount because, as my fieldwork demonstrated, some of the people who are directly affected by the work of transitional justice demand it. Based on my research in Colombia, I have proposed that transitional justice can be more transformative in four key ways. There are of course other ways in which this can be done, but the following are some of the areas where my research pointed to:

1. Transitional justice institutions can strive to be more transformative by themselves.

There are specific ways in which institutions like the CEV, JEP, and UPBD, and transitional justice institutions in other contexts can be more transformative without overstretching their

mandates. The CEV, for instance, provides a good example of how to frame findings and recommendations by pointing to the interconnectedness of direct and structural violence, addressing a broad set of rights, making explicit links between sexual and gender-based violence that happens in conflict with the gendered power relations at societal level, and providing recommendations that are equally transformative. While not without flaws, the CEV broadly echoed the calls from photovoice participants on how to make transitional justice more transformative. Admittedly, it can be easier for truth commissions to adopt a transformative discourse in their reports than for other transitional institutions, like criminal tribunals, to implement it. Nonetheless, while there are context-specific limitations on how transformative transitional institutions can be, they can start by considering how to include in their work the most transformative part of the transformative justice spectrum I propose here.

2. A transformative approach to transitional justice must recognise that justice in times of transition goes beyond its transitional institutions.

While transitional institutions can be more transformative by themselves, a good part of the transformative potential of transitional justice can be enhanced by recognising that they are, on the one hand, only part of a wider state-wide effort. On the other hand, recognising that part of the transformative potential of transitional justice lies in the local and hyper-local initiatives and interactions that happen far away from institutional mechanisms. Think, for instance, on the work that photovoice participants who are social leaders in their communities do. Some of their work happens at municipal levels by leading community councils where they advance transformative approaches to what a transition to peace entails. Others are victim representatives that have worked for decades in defence of the rights of victims (especially women) of forced displacement or enforced disappearances. Still, others promote small-scale tourism in areas that are still grappling with the effects of the armed conflict, and others proudly defend their peasant identity and ways of living in a context where peasants have suffered the brunt of the violent conflict. Those are some of the sites where the needs for justice in times of transition are lived and experienced in the everyday. They are also sites where people and communities below the level of civil society already work for the transformations that they want to see for a meaningful transition to peace to happen. There is a challenge in accounting for those hyper-local needs and capacities for transformative justice, as they can be different from town to town, but even from neighbourhood to neighbourhood. But for transitional justice to mean something for those communities, it is paramount that those nuances are accounted

for. In such an effort, drawing from academic disciplines like anthropology and sociology that can delve into those hyper-local dynamics can help to make transitional justice more transformative.

3. Acknowledge the political nature of transitional justice

Acknowledging the political nature of transitional justice can lead to a more transformative justice at two levels. First, by recognising that institutional transitional justice does not operate in a political vacuum, we can better identify the obstacles and opportunities for transformative justice. The work of the JEP was one clear example of this. The 'special sanctions' that this tribunal can impose on perpetrators who avoid prison time and instead do community work as part of their sentence, were designed by the 2016 peace agreement to produce transformations in some of the communities that have suffered the most from the armed conflict. But the implementation of initiatives like local development plans and illegal crop substitution programmes that perpetrators were supposed to be included in to serve as part of their sanctions has been limited. Those projects fall outside the scope of the work of transitional justice institutions, and they have not been implemented in part because of lack of political will. In other words, part of the transformative potential of the JEP's work does not depend on the JEP itself, but on wider political dynamics. This is an important lesson for transitional justice institutions in Colombia and elsewhere. The political context will necessarily be different in each place, and so will be the dynamics at play that foster or trump the transformational effects of transitional justice. But acknowledging that transitional justice institutions are inherently political actors that need to connect their efforts to local, regional, national, and international political dynamics, can open avenues for enhancing the transformative potential of transitional justice.

Second, we need to be attentive to the ways in which power relations are exerted inside transitional justice institutions. I was surprised to learn from interviewees how an institution like the CEV, which produced a final report that reflects a transformative view of transitional justice at all levels, reproduced patriarchal gender relations and centralising power dynamics inside its own organisation. The reproduction of unequal power relations inside the institution trumped part of the transformative potential that the Commission could produce by watering down its transformative gender approach in the final report. Power dynamics also diminished the ability of its regional offices in directing the work of the institution. Again, the power

dynamics will vary greatly depending on the context where transitional justice institutions operate, but this can be a research area where interdisciplinary approaches that draw from sociological and anthropological methods can contribute to explore opportunities and obstacles for transformative justice.

4. A more transformative justice calls for more transformative methods of research

One thing that I struggle to put across when someone asks me about my research is explaining what the participatory photography method I use is about. Saying that photovoice is a method where participants themselves take photographs related to the research topic does not really get to the core of it. I try to explain that while the photographs are important by themselves, this method is much more about the process of research, where the Freirean and feminist pillars that inspired early photovoice researchers (Wang and Burris, 1997) work together with the visual aspects of the method. In that process, critical dialogues emerge between participants, informed by the lived experiences and knowledge that they have around the issue in question. It is that process which lies at the heart of photovoice, as I understand it, which allowed for the insights and findings that I present in this thesis. There was something powerful about asking so-called ordinary people living in a conflict-affected context about what they understand as their needs and strengths in a transition to peace and what transformations they think are necessary for them to feel that justice in times of transition is attained. To be sure, the methods I used have their shortcomings, but relying on a participatory and visual method with emancipatory underpinnings allowed for insights that challenged assumptions of transitional (and transformative) justice. I reflect further on these issues in the following section.

How do We Know What We Know About Transitional Justice?

The attention in the literature about the limitations and critiques of the paradigmatic transitional justice has not been matched with attention to the epistemology (how we know what we know) and methods (the ways in which we conduct research) in transitional justice. Robert Cox famously stated that 'Theory is always *for* someone and *for* some purpose' (1981, p. 129). Equally true is that the methods we use and the epistemologies that support them work *for* someone and *for* some purpose. Some of the few authors who address epistemological and

methodological debates in the field have argued that our choice of research methods is a political one (Jones, 2021; Lühe, 2023). This is because our methods can limit or broaden the scope of what issues and which actors are considered part of the research agenda in transitional justice.

If our research focuses exclusively on the work of transitional institutions and what they understand as the scope of the field, we are helping to reproduce the status-quo of the field, as well as the assumptions about what counts as transitional justice. If, on the other hand, we turn to epistemological positions and research methods that delve into traditionally excluded voices and issues, we can contribute to pushing the boundaries of transitional justice. Researchers using qualitative, quantitative, or mixed methods cannot escape the power dynamics of knowledge production that defines what transitional justice *is* and whose voices and what issues count in the scope of the field. The effort of making the field more transformative does not exclude qualitative nor quantitative methods, but it does urge researchers to recognise the political implications of their methodological choices and the epistemologies that underpin them.

The insights I got from this research were possible in part because of the process of the photovoice projects. The visual component of photovoice and the storytelling that comes with it were paramount in allowing for reflections around difficult topics related to peace, conflict, and justice. The projects did not 'teach' participants what direct or structural violence means, or what transitional justice scholarship and practice understands by those concepts. The research process assumed that people who live in a conflict-affected context are in the best position to convey how those issues are experienced, as well as how they should be addressed if any meaningful transition to peace is to be achieved. This is what a participatory visual method can contribute to a more transformative vision of justice in times of transition.

The low 'n' numbers of participatory photography projects like the ones I carried out do pose challenges to any generalisation of findings. A similar project in a different country, town, or even a different neighbourhood could lead to different findings and priorities from participants. I recognise this limitation of my study. That shortcoming can be partially addressed by using a combination of methods, like the document analysis and semi-structured interviews I carried out for my research. Still, the generalisations that can be derived from a study like this one are necessarily limited. I also experienced firsthand that using participatory

research methods like photovoice can be rewarding but also extremely time consuming and emotionally challenging for both participants and researchers.

I also contend, however, that there is value in delving into how some of the people living in transitional and conflict-affected contexts understand what a meaningful transition to peace entails, as low as the number of them may be, because they are the ones who are affected by the successes and failures of transitional justice. Their perspectives can challenge and expand our understanding of what transitional justice is, how it can work better, and alternative ways of knowing what we know about justice in times of transition. Participatory arts-based methods, informed by emancipatory research principles and feminist thinking, are not the only way of achieving those purposes. But they are in a good position to do so by putting images, storytelling, and collective critical reflections from some of the people most affected by armed conflicts at the centre of research.

That is how a photograph of hands holding the produce of a small family farm led the photovoice group in El Tambo (page 117) to reflect about violence being experienced in their lives from the actions of armed actors, but also from agricultural policies coming from Bogotá. And that is also how they engaged in discussions that led to an understanding that justice for them involves peasants in rural Colombia being able to make a decent living, free of violence and economic hardship. A photograph of a tree in the city centre of Popayán (page 162) led to critical discussions about how gender violence is experienced in war but also in the everyday of many women, and hence the need to transform gendered power relations if any meaningful transition to peace is to be attained. Still, a photograph of an elderly woman looking for scraps in the town market of El Tambo (page 216) brought reflections on the need to redistribute access to state protection and services, as those socioeconomic rights violations are also expressions of violence. Those photographs and others, but above all the stories and lived experiences behind them, and the dialogue that participants engaged with, challenge what we understand as the frontiers of transitional justice and how to make it work better for them.

Further Research

Further research that delves into the gaps between local, everyday perspectives and institutional approaches to transitional justice and how to bridge them in practical ways is needed. This can include research that examines how exactly institutional transitional justice

can include, without co-opting, hyper-local needs and perspectives. Regarding the three main themes of my research, future empirical research in Colombia and elsewhere can examine how exactly institutional transitional justice can contribute to long-term efforts to tackle structural violence, structural gender inequality, as well as socioeconomic and cultural rights, without overwhelming their already challenging mandates.

Understandably, most of the research on transitional justice has focused on the public work and the outcomes of transitional justice mechanisms. However, as my research indicated for cases like the CEV, the way that unequal structural power relations are experienced in the internal work of those institutions also calls for scholarly attention. Research informed by sociological, ethnographic, and psychological approaches can be particularly well suited to delve into these issues. Examining how those power relations affect the workloads and emotional burdens that transitional justice professionals face can lead to a more nuanced understanding of the drivers and obstacles for a more transformative justice. This is especially true for mid-level and lower ranking professionals and those working with gender-based harms.

Also, research that pays close attention to the gendered effects of conflict in transitional societies, beyond sexual and gender-based violence, can shed light on how transitional justice can connect its efforts to broader societal wide transformations for gender equality. In this respect, issues that are still marginal in the field, like care, masculinities and femininities, have the potential to enrich academic and practical efforts to make the field more transformative. Further, investigating how care, as well as masculinities and femininities can be mobilised for justice and peace, rather than exclusively focusing on how they produce violence, can be a productive venue for future research.

Given the centrality of socioeconomic and cultural issues for a more transformative justice established in this thesis, further research that investigates the role of economic actors and elites in enhancing or resisting *redistribution* and *recognition* is needed. Such an effort must include a wider understanding of the stakeholders and issues at the heart of the transitional justice field to examine how economic systems resist or enhance transformations for justice and peace.

Finally, further research is needed to understand the power of visuals and storytelling to make transitional justice more transformative. Examining how institutional transitional justice, civil society, and community-level initiatives use and challenge transitional justice discourses through arts, visuals, and storytelling can allow for a richer narrative landscape about the limits

of transitional justice. If such an effort is coupled with participatory and feminist research methods, we can help to make the study of transitional justice itself more emancipatory.

Annex

Table 1.

Photovoice project workshop structure

DAY ONE

Day one (week one)	Morning session 9-12 am	Personal presentations, ground rules and setting up goals of the project
		Training session: Introduction to photography
		Photo-exercise (in groups): photo literacy exercise around third-party photographs about armed conflicts.
		Photo-task for lunch break: take 5 photos in the surrounding neighbourhood or the workshop location. Choose among one of the following topics: violence, security, gender, conflict, peace, reconciliation.
	Lunch break	
		Discussion around photos taken during lunch break
		Training session: How to take better photographs

	Afternoon session 1-4 pm	Photo exercises for next week: - Self-portrait exercise: make a photograph that reflects what overcoming violence means to me, my family and/or community. - Photographic series exercise: take 3 photographs that express what 'justice' means to me o *Hint for the exercises: does being a woman or a man leads to different experiences/opportunities/needs around conflict, peace, and justice? Why? And how can we capture this in a photograph?*

DAY TWO

		Training session: the exposure triangle in photography / editing photographs

		Discussion of the photo exercises for last week:
		- Each participant presents their photographs.
		      o **Other participants react to the photograph or series of photographs presented**
		- General discussion and dialogue around the photos/themes: justice and peace
		      o What can we find in common?

Day two (week two)		

	Morning session 9-12 am	o What is different?
		- Reflection: how did the photo exercises help (or not) to reflect and discuss these themes? What did we learn?
		Photo-task for lunch break: select one of the printed social media publications from a transitional justice institution (CEV, JEP, UBPD) that catches your attention. Make one photograph in reaction to that social media post. • *Tip for the exercise: your reaction can be neutral, positive, or negative.*
	Lunch break	
	Afternoon session 1-4 pm	Training session: how to tell stories and express emotions with photography
		Photo-exercise: in groups of two, discuss the photograph you took over lunch break. Give a title and caption the other person's photograph to help to express what the photographer wanted to convey.
		Photo exercises for next week (final project): *transformations for peace and justice:* - Take a series of photos (three to five) that tell a story of expresses emotions/feelings using the tools we addressed over the workshops.

| | | ○ Theme of the project: What do we need to transform to make a transition to peace possible? ○ *Hint for the exercise: select one or more of the following sub-themes for the project:* ▪ *Rights* ▪ *Gender equality* ▪ *Violence* ▪ *Justice/Injustice* ▪ *Non-Repetition* *Write titles and captions for your photographs.* |
| | | Closing of the photovoice workshops: - How did we feel about this? - What did we learn? - What do we want to do with the photos and what we learned in the process? Options include (but are not limited to): ○ Photo exhibition ○ Digital publication for outreach |

Week 3	**Semi-structured individual interviews around the photos and topics discussed during the workshops and photo-exercises.**

Week 4	**Photo exhibition (chosen by participants).**

Table 2

List of documents for document analysis

Institution	Document
Special Jurisdiction for Peace (JEP)	Preliminary Decision on Case 03 - Killings and enforced disappearances presented as deaths in combat – Norte de Santander sub-case (Chamber for Recognition of Truth). October 2022, available here.
	Preliminary Decision on Case 01- Kidnapping macro-case against former FARC members (Chamber for Recognition of Truth). November 2022, available here.
	Criteria and methodology on the prioritisation of cases (Chamber for the recognition of truth). June 2018, available here.
	Guidelines for the imposition of sanctions and restorative measures (Peace Tribunal). April 2020, available here.
	Communication protocol of the Unit of Investigation and Accusation of the JEP with Victims of Sexual Violence. February 2020, available here.
	Guidelines for the Implementation of a Gender Approach in the Special Jurisdiction for Peace. December 2021, available here.
	The Recognition Audiences of the JEP (Chamber for Recognition of Truth). March 2023, available here.
	Justa-mente: Pedagogical Guide to Foster Learning About Transitional Justice and Everyday Justice Practices. 2023, available here.
	Guidelines for the preparation of reports (by organizations of victims, indigenous, Black, Afro-Colombian, raizal, palenquera, Rom, and human rights) directed to the Special Jurisdiction for Peace (JEP). November 2018, available here.
	Get to Know the JEP. April 2019, available here.
Truth Commission (CEV)	Final Report of the Truth Commission, Findings and Recommendations Chapter. June 2022, available here.
	Final Report of the Truth Commission, Gender Chapter, June 2022, available here.
	Final Report of the Truth Commission, Human Rights and International Humanitarian Law Violations, June 2022, available here.

	Final Report of the Truth Commission, Nariño and Southern Cauca Chapter. June 2022, available [here](#).
	Call for a GREAT PEACE. June 2022, available [here](#).
	The Man Who Fears. 2022, available [here](#).
	The Man Who Caresses. 2022, available [here](#).
	The Man Who Was Not. 2022, available [here](#).
	The Man Who Heals. 2022, available [here](#).
	The Man Who Dances. 2022, available [here](#).
Unit for the Search of Disappeared Persons (UBPD)	National Search Plan – Phase I, May 2020, available [here](#).
	National Search Plan – Phase II, December 2022, available [here](#).
	Annual Report – 2022 (Published 2023), available [here](#).
	Annual Report – 2023 (Published 2024), available [here](#).
	Gender Policy (Working Group on Differential and Gender Approaches). February 2023, available [here](#).
	What is the Unit for the Search of Disappeared Persons in the Context of the Armed Conflict? 2021, available [here](#).
JEP, CEV, UBPD	What is the Comprehensive System for Truth, Justice, Reparations, and Non-Repetition? [here](#).

Table 3

Semi-structured Interviews participants

Institution	Interviewee
Special Jurisdiction for Peace (JEP)	Marcela Giraldo Muñoz
	Reinere Jaramillo
	Juan David Velasco
	Felipe León
Truth Commission (CEV)	Felipe Rodríguez Fonseca
	Marisol Ortíz
	Anonymous interviewee (Ángela)
Unit for the Search of Disappeared Persons (UBPD)	Lía Rodríguez
Kroc Institute	Natalia Restrepo
International Organisation (undisclosed due to institution's policy)	Anonymous participant (Camila)
Humanas (NGO)	Laura Colmenares

Table 4.

TOARs proposed and accepted by the JEP for Case 1 – kidnapping by FARC and Case 3 – 'false positives' by state forces (Sub-case Catatumbo region)

Case 1 – Kidnapping by FARC		Case 3 – 'false positives' by state forces
Pedagogy and memorialisation project for symbolic reparation (includes a book, a pedagogic module, building a monument, and introducing legislative project for victims).	- Book and audiobook containing life stories of victims. - Pedagogic module for transformative memorialisation - Monument with the names of kidnapping victims	Exhibition hall within the National Museum of Memory of Colombia on killings and forced disappearances of people to be presented as casualties in combat by state agents

	- Backing of legislative projects for victims and historical memory	
Search for missing persons (promote actions that contribute to the historical memory and to reparation and restoration)	- National and regional mapping of possible burial sites - National information-seeking days - Days for the delivery of remains in dignified conditions - Personal letters of acknowledgement of responsibility - Regional meetings to ask for forgiveness "speaking to the victims" - Public lecture series "Never Again to Enforced Disappearances" - Promotion of bills for searching families: educational debt forgiveness, housing credits, university scholarships, pensions, forgiveness of tax debts. - Book "in memoriam" victims of disappearance and searching families - Street renaming - Memory tiles	Memorial park for the 6,402 victims of killings and forced disappearances.

Comprehensive project against antipersonnel mines	- Provision of information on contaminated territories - Symbolic reparation to MAP survivors and their families - Mine Risk Education (MRE) - Public Advocacy for the Compliance of the Ottawa Convention	Plaques located in the parks where the victims were apprehended, later to be killed and forcibly disappeared.
Recognition of the environment as a victim of the armed conflict	- Environmental Restoration Actions - Ecotourism Actions and a Story about the Effects of Guerrilla Presence on the Ecosystem - Environmental Education Actions	Construction of spaces where victims can gather and carry out activities to strengthen their organizational capacity
		Projects for recreation, sport, and leisure activities for young people in contexts of social and economic vulnerability.
		Documentary film "The Truths of Catatumbo"
		Public lecture series for non-repetition.

References

Primary Sources

Ángela (2023) 'Personal interview, Anonymous Interviewee, Bogotá, Colombia'.

Arroyo Acosta, J.D. (2023a) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Arroyo Acosta, J.D. (2023b) *The LGBTIQ+ Community is not only From the City... (La comunidad lgbtiq+ no solo somos de ciudad...)* [Digital photograph].

Burbano, K. (2023a) 'Group Discussion 1, Popayán photovoice workshop #2, Popayán, Cauca, Colombia'.

Burbano, K. (2023b) 'Personal interview, Karen Burbano, Popayán, Cauca, Colombia'.

Camila (2023) 'Personal interview, Anonymous interviewee, International Organisation, Bogotá, Colombia'.

Comisión de la Verdad (2022a) *Convocatoria a la paz grande: declaración de la comisión para el esclarecimiento de la verdad, la convivencia y la no repetición*. Primera edición. Bogotá: Comisión de la Verdad (Hay futuro si hay verdad, Tomo 1).

Comisión de la Verdad (2022b) *Hallazgos y recomendaciones de la Comisión de la Verdad de Colombia*. Primera edición. Bogotá, Colombia: Comisión de la Verdad.

Comisión de la Verdad (2022c) *Hasta la guerra tiene límites. Violaciones de los derechos humanos, infracciones al derecho internacional humanitario y responsabilidades colectivas*. Primera edición. Bogotá, Colombia: Comisión de la Verdad.

Comisión de la Verdad (2022d) *Mi cuerpo es la verdad. Experiencias de mujeres y personas LGBTIQ+ en el conflicto armado*. Primera edición. Bogotá, Colombia: Comisión de la Verdad.

Comisión de la Verdad (2022f) *Vidas en Re-Existencia*. Available at: https://www.comisiondelaverdad.co/mujeres-y-personas-lgbtiq (Accessed: 27 October 2022).

Domínguez Girón, D. (2023a) 'Group Discussion 1, Popayán photovoice workshop #2, Popayán, Cauca, Colombia'.

Domínguez Girón, D. (2023b) 'Personal Interview, Deyanira Domínguez, El Tambo, Cauca, Colombia'.

Fernández, A. (2023a) 'Group Discussion 1, Popayán photovoice workshop #2, Popayán, Cauca, Colombia'.

Fernández, A. (2023b) 'Personal Interview, Angélica Fernández , Popayán, Cauca, Colombia'.

García Ante, Y. (2023a) 'Group Discussion 2, El Tambo photovoice workshop #1, El Tambo, Cauca, Colombia'.

García Ante, Y. (2023b) 'Group Discussion 2, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Gerardo (2023a) 'Group Discussion 1, El Tambo photovoice workshop #2, Anonymous participant, El Tambo, Cauca, Colombia'.

Gerardo (2023b) 'Personal Interview, Anonymous participant, El Tambo, Cauca, Colombia,'.

Giraldo Muñoz, M. (2023) 'Personal interview, Marcela Giraldo, Bogotá, Colombia'.

Hoyos, M. (2023) 'Personal interview, Melania Hoyos, Popayán, Cauca, Colombia'.

Jaramillo, R. (2023) 'Personal interview, Reinere Jaramillo, Bogotá, Colombia'.

Jurisdicción Especial para la Paz (2018a) 'Criterios y Metodología de Priorización'. Jurisdicción Especial para la Paz. Available at: https://www.jep.gov.co/Documents/CriteriosYMetodologiaDePriorizacion.pdf.

Jurisdicción Especial para la Paz (2018b) 'Lineamientos para la Implementación del Enfoque de Género en la Jurisdicción Especial para la Paz'.

Jurisdicción Especial para la Paz (2022a) 'Resolución de conclusiones: Caso No. 03. Asesinatos y desapariciones forzadas presentados como bajas en combate por agentes del Estado – Subcaso Norte de Santander'. Jurisdicción Especial para la Paz. Available at: https://jurinfo.jep.gov.co/normograma/compilacion/docs/pdf/Resolución_SRVR-01_20-octubre-2022.pdf (Accessed: 22 March 2024).

Jurisdicción Especial para la Paz (2022b) 'Resolución de conclusiones respecto de los comparecientes individualizados en el Auto No. 19 de 2021 del último Secretariado de las FARC-EP'. Jurisdicción Especial para la Paz. Available at: https://jurinfo.jep.gov.co/normograma/compilacion/docs/pdf/Resolución_SRVR-02_24-noviembre-2022.pdf (Accessed: 22 March 2024).

León, F. (2023) 'Personal interview, Felipe León, Bogotá, Colombia'.

López, M.E. (2023) 'Personal interview, Maria Elena López, Popayán, Cauca, Colombia'.

Martínez, D. (2023a) *Being a Peasant is a Privilege (El privilegio de ser campesinos)* [Digital photograph].

Martínez, D. (2023b) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Martínez, D. (2023c) 'Personal Interview, David Martínez, El Tambo, Cauca, Colombia'.

Ombagüe, R. (2023a) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Ombagüe, R. (2023b) 'Personal Interview, Ruby Ombagüe, El Tambo, Cauca, Colombia'.

Ortíz Acosta, M. (2023) 'Personal interview, Marisol Ortíz Acosta, Bogotá, Colombia'.

Ospina Ante, J.P. (2023a) *Coffee and Hands (Café y manos)* [Digital photograph].

Ospina Ante, J.P. (2023b) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Ospina Ante, J.P. (2023c) 'Group Discussion 2, El Tambo photovoice workshop #1, El Tambo, Cauca, Colombia'.

Ospina Ante, J.P. (2023d) 'Group Discussion 2, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Ospina Ante, J.P. (2023e) 'Personal interview, Jean Pierre Ospina Ante, El Tambo, Cauca, Colombia'.

Ospina Ante, J.P. and Martínez, D. (2023) 'Group Discussion 2, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Patricia (2023a) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Patricia (2023b) 'Personal Interview, Anonymous participant, El Tambo, Cauca, Colombia'.

Potosí Fernández, G.A. (2023a) *Gender Does Not Matter (El género no importa)* [Digital photograph].

Potosí Fernández, G.A. (2023b) 'Personal interview, Giselle Andrea Potosí Fernández, El Tambo, Cauca, Colombia'.

Ramírez, C. (2023a) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Ramírez, C. (2023b) 'Group Discussion 2, Popayán photovoice workshop #2, Popayán, Cauca, Colombia'.

Ramírez, C. (2023c) 'Personal interview, Claribel Ramírez, El Tambo, Cauca, Colombia'.

Restrepo, N. (2023) 'Personal interview, Natalia Restrepo, Bogotá, Colombia'.

Rodríguez Fonseca, F. (2023) 'Personal interview, Felipe Rodríguez Fonseca, Toronto, Canada'.

Romero, G. (2023) 'Group Discussion 2, Popayán photovoice workshop #1, Popayán, Cauca, Colombia'.

Rodríguez, L. (2023) 'Personal interview, Lía Rodríguez, Bogotá, Colombia'.

Salazar, A. (2023) 'Personal interview, Angélica Salazar, Popayán, Cauca, Colombia'.

Solano, D. (2023) 'Group Discussion 1, El Tambo photovoice workshop #2, El Tambo, Cauca, Colombia'.

Torres, M. (2023a) 'Group Discussion 2, Popayán photovoice workshop #1, Popayán, Cauca, Colombia''.

Torres, M. (2023b) 'Personal Interview, Margoth Torres, Popayán, Cauca, Colombia'.

Unidad de Búsqueda de Personas dadas por Desaparecidas (2020) *Plan Nacional de Busqueda*. Bogotá. Available at: https://unidadbusqueda.gov.co/wp-content/uploads/2023/12/Plan_Nacional_Busqueda-2020.pdf. (Accessed: 24 July 2024).

Unidad de Búsqueda de Personas dadas por Desaparecidas (2022) *Plan Nacional de Busqueda*. Bogotá. Available at: https://unidadbusqueda.gov.co/wp-content/uploads/2023/12/Plan_Nacional_Busqueda_2022.pdf. (Accessed: 24 July 2024).

Unidad de Búsqueda de Personas dadas por Desaparecidas (2023) I*nforme de gestión y rendición de cuentas 2022*. UBPD - Unidad de Búsqueda de Personas Dadas por Desaparecidas. Available at: https://ubpdbusquedadesaparecidos.co/wp-content/uploads/2023/01/Informe-de-gestio%CC%81n-2022-VFinal-a-publicar.pdf (Accessed: 24 July 2024).

Unidad de Búsqueda de Personas dadas por Desaparecidas (2024) *Informe de gestión y resultados*. UBPD - Unidad de Búsqueda de Personas Dadas por Desaparecidas. Available at: https://unidadbusqueda.gov.co/wp-content/uploads/2024/01/Informe-de-gestion-y-resultados-2023_UBPD.pdf (Accessed: 24 July 2024).

Valderrama, F. (2023a) 'Group Discussion 2, Popayán photovoice workshop #1, Popayán, Cauca, Colombia'.

Valderrama, F. (2023b) 'Personal Interview, Fredy Valderrama, Popayán, Cauca, Colombia'.

Velasco, J.D. (2023) 'Personal Interview, Juan David Velasco, New York, United States'.

Secondary Sources

Abe, T. (2022) *Unintended Consequences in Transitional Justice: Social Recovery at the Local Level*. Lynne Rienner Publishers. Available at: https://doi.org/10.1515/9781626377479 (Accessed: 26 July 2022).

Acero, C. and Machuca, D. (2021) 'The substitution program on trial: progress and setbacks of the peace agreement in the policy against illicit crops in Colombia', *International Journal of Drug Policy*, 89, p. 103158. Available at: https://doi.org/10.1016/j.drugpo.2021.103158.

Acosta, A.A. *et al.* (2022) *Justicia restaurativa, diálogo, reparación y rendición de cuentas de actores económicos en Colombia*. 1st edn. Dejusticia. Available at: https://doi.org/10.2307/jj.16192160.

Adams, A. (2018) 'The Legacy of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and Their Contribution to the Crime of Rape', *European Journal of International Law*, 29(3), pp. 749–769. Available at: https://doi.org/10.1093/ejil/chy043.

Ahumada Escobar, C. (2012) 'El estudio de las haciendas. Un balance historiográfico', *Historia Y Espacio*, 6(35), p. 97. Available at: https://doi.org/10.25100/hye.v6i35.1752.

Ainley, K. (2013) 'Transitional Justice in Cambodia', in R. Jeffery and H.J. Kim (eds) *Transitional Justice in the Asia-Pacific*. New York: Cambridge University Press, pp. 125–156. Available at: https://doi.org/10.1017/CBO9781139628914.005.

Ainley, K. (2017) 'Evaluating the Evaluators: Transitional Justice and the Contest of Values', *International Journal of Transitional Justice*, 11(3), pp. 421–442. Available at: https://doi.org/10.1093/ijtj/ijx022.

Alcoff, L.M. (2007) 'Fraser on Redistribution, Recognition, and Identity', *European Journal of Political Theory*, 6(3), pp. 255–265. Available at: https://doi.org/10.1177/1474885107077305.

Almeida, B. (2021) 'The Law and Its Limits: Land Grievances, Wicked Problems, and Transitional Justice in Timor-Leste', *International Journal of Transitional Justice*, 15(1), pp. 128–147. Available at: https://doi.org/10.1093/ijtj/ijaa030.

Álvarez, J. (1999) 'Crimes of States/Crimes of Hate: Lessons from Rwanda', *Yale Journal of International Law*, 24(2), pp. 365–484.

Álvaro, M. (2007) 'La Parapolítica: la infiltración paramilitar en la clase política colombiana', *Nuevo mundo mundos nuevos* [Preprint]. Available at: https://doi.org/10.4000/nuevomundo.4636.

Andrieu, K. (2010) 'Civilizing Peacebuilding: Transitional Justice, Civil Society and the Liberal Paradigm', *Security Dialogue*, 41(5), pp. 537–558. Available at: https://doi.org/10.1177/0967010610382109.

An-Na'im, A.A. (2013) 'Editorial Note: From the Neocolonial "Transitional" to Indigenous Formations of Justice', *International Journal of Transitional Justice*, 7(2), pp. 197–204. Available at: https://doi.org/10.1093/ijtj/ijt012.

Arbour, L. (2007) 'Economic and Social Justice for Societies in Transition', *New York University Journal of International Law and Politics*, 40(1), pp. 1–28.

Arthur, P. (2009) 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice', *Human Rights Quarterly*, 31(2), pp. 321–367. Available at: https://doi.org/10.1353/hrq.0.0069.

Autesserre, S. (2021) *The Frontlines of Peace: An Insider's Guide to Changing the World*. Oxford University Press. Available at: https://doi.org/10.1093/oso/9780197530351.003.0005.

Bakiner, O. (2016) 'Nation and (Its New) Narration: A Critical Reading of Truth Commissions', in *Truth Commissions: Memory, Power, and Legitimacy*. University of Pennsylvania Press, pp. 209–227. Available at: https://doi.org/10.9783/9780812291926-012.

Barney, G.C. (2022) 'Catastro Multipropósito en el Acuerdo de Paz'. Indepaz. Available at: https://indepaz.org.co/catastro-multiproposito-en-el-acuerdo-de-paz-por-gloria-c-barney/ (Accessed: 19 July 2024).

Bautista Revelo, A.J. *et al.* (2022) *Guerra contra el campesinado (1958-2019): dinámicas de la violencia y trayectorias de lucha*. 1. ed. Bogotá, D.C., Colombia: Editorial Dejusticia (Anfibia / Editorial Dejusticia).

Bell, C. (2009) 'Transitional Justice, Interdisciplinarity and the State of the "Field" or "Non-Field"', *International Journal of Transitional Justice*, 3(1), pp. 5–27. Available at: https://doi.org/10.1093/ijtj/ijn044.

Bell, C. (2022) 'Transitional justice', in Evans, M., *Beyond Transitional Justice*. 1st edn. London: Routledge, pp. 89–98. Available at: https://doi.org/10.4324/9781003169451-13.

Bell, C. and O'Rourke, C. (2007) 'Does Feminism Need a Theory of Transitional Justice? An Introductory Essay', *International Journal of Transitional Justice*, 1(1), pp. 23–44. Available at: https://doi.org/10.1093/ijtj/ijm002.

Berents, H. (2015) 'An embodied everyday peace in the midst of violence', *Peacebuilding*, 3(2), pp. 1–14. Available at: https://doi.org/10.1080/21647259.2015.1052632.

Bermúdez Liévano, A. (2018) *Paso a paso: de la hoja de coca a la cocaína*, *PACIFISTA!* Available at: https://pacifista.tv/notas/paso-a-paso-de-la-hoja-de-coca-a-la-cocaina/ (Accessed: 5 March 2024).

Betts, A. (2005) 'Should Approaches to Post-conflict Justice and Reconciliation be Determined Globally, Nationally or Locally?', *The European Journal of Development Research*, 17(4), pp. 735–752. Available at: https://doi.org/10.1080/09578810500367508.

Biddolph, C. (2024) 'Queering the Global Governance of Transitional Justice: Tensions and (Im)Possibilities', *International Journal of Transitional Justice*, pp. 1–18. Available at: https://doi.org/10.1093/ijtj/ijae019.

Björkdahl, A. and Selimovic, J.M. (2015) 'Gendering agency in transitional justice', *Security Dialogue*, 46(2), pp. 165–182. Available at: https://doi.org/10.1177/0967010614552547.

Bleiker, R. (2015) 'Pluralist Methods for Visual Global Politics', *Millennium: Journal of International Studies*, 43(3), pp. 872–890. Available at: https://doi.org/10.1177/0305829815583084.

Boesten, J. and Wilding, P. (2015) 'Transformative gender justice: Setting an agenda', *Women's Studies International Forum*, 51, pp. 75–80. Available at: https://doi.org/10.1016/j.wsif.2014.11.001.

Bolaños Vásquez, Z. (2022) *Detector: el decreto 970 perjudica a las semillas sin certificación del ICA*, *La Silla Vacía*. Available at: https://www.lasillavacia.com/detector-de-mentiras/detector-el-decreto-970-perjudica-a-las-semillas-sin-certificacion-del-ica/ (Accessed: 28 March 2024).

Bollaert, C. (2019) 'Culture: The missing link in transitional justice; an imperative for transformative justice', in M. Evans (ed.) *Transitional and transformative justice: critical and international perspectives*. Abingdon, Oxon ; New York, NY: Routledge (Transitional justice).

Boraine, A. (2006) 'Transitional Justice: A Holistic Interpretation', *Journal of International Affairs*, 60(1), p. 12.

Botero Martínez, J.L. and Rojas-Betancur, M.A. (2023) 'Los actores religiosos en las comisiones de la verdad de Argentina, Chile, El Salvador, Guatemala, Perú y Colombia', *Perfiles Latinoamericanos*, 31(62). Available at: https://doi.org/10.18504/pl3162-004-2023.

Bourgois, P. (1990) 'Confronting Anthropological Ethics: Ethnographic Lessons from Central America', *Journal of Peace Research*, 27(1), pp. 43–54. Available at: https://doi.org/10.1177/0022343390027001005.

Bowd, R., Özerdem, A. and Kassa, D.G. (2010) 'A Theoretical and Practical Exposition of "Participatory" Research Methods', in R. Bowd, A. Özerdem, and D.G. Kassa (eds) *Participatory Research Methodologies: Development and Post-Disaster/Conflict Reconstruction*, pp. 1–18.

Bowen, G.A. (2009) 'Document Analysis as a Qualitative Research Method', *Qualitative Research Journal*, 9(2), pp. 27–40. Available at: https://doi.org/10.3316/QRJ0902027.

Bowen, R.E. (2019) 'The Weight of the Continuous Past: Transitional (In)Justice and Impunity States in Central America', *Latin American Politics and Society*, 61(1), pp. 126–147. Available at: https://doi.org/10.1017/lap.2018.62.

Braithwaite, J. and Daly, K. (1998) 'Masculinities, Violence and Communitarian Control', in Miller, S., *Crime Control and Women: Feminist Implications of Criminal Justice Policy*. 2455 Teller Road, Thousand Oaks California 91320 United States: SAGE Publications, Inc., pp. 151–180. Available at: https://doi.org/10.4135/9781452243207.n9.

Brett, R.L. (2020) 'Facing Violence in the Field', in R. Mac Ginty, R.L. Brett, and B. Vogel (eds) *The companion to peace and conflict fieldwork*. Cham: Palgrave Macmillan imprint publ. by Springer Nature.

Browne, B.C. and McBride, R.-S. (2015) 'Politically Sensitive Encounters: Ethnography, Access, and the Benefits of "Hanging Out"', *Qualitative Sociology Review*, 11(1), pp. 34–48. Available at: https://doi.org/10.18778/1733-8077.11.1.02.

Burgess, R.G. (1981) 'Keeping a research diary', *Cambridge Journal of Education*, 11(1), pp. 75–83. Available at: https://doi.org/10.1080/0305764810110106.

Butler, J. (1998) 'Merely Cultural', *New Left Review*, 0(227), pp. 33–44.

Cahn, N.R. and Ní Aoláin, F. (2009) 'Hirsch lecture: gender, masculinities, and transition in conflicted societies', *New England Law Review*, 44(1), pp. 1–24.

Caicedo, A., Vélez, M.A. and Rubiano-Lizarazo, M.J. (2022) 'Las guardias Indígena, Campesina y Cimarrona en el norte del Cauca: Resistencia comunitaria no violenta para el control territorial'. Centro de Estudios Sobre Seguridad y Drogas (CESED), Universidad de los Andes. Available at: https://repositorio.uniandes.edu.co/server/api/core/bitstreams/e4fc07fb-65e0-40e8-a16a-4c07b5eeae2a/content (Accessed: 7 February 2024).

Cajar (2020) *Campaña que busca concientizar a Colombia*, *Campaña que busca concientizar a Colombia*. Available at: https://www.colectivodeabogados.org/campana-que-busca-concientizar-a-colombia/ (Accessed: 27 June 2024).

Campagna, L.M. and Murolo, A.S. (2024) 'Research Brief: Ghosting in the realm of research: The realities of conducting social science research in the digital age', *Journal of Qualitative Criminal Justice & Criminology* [Preprint]. Available at: https://doi.org/10.21428/88de04a1.e01a5ed7.

Caribe Afirmativo (2020) *El enfoque de género en el Informe de Actividades de la Unidad de Búsqueda de Personas dadas por Desaparecidas*. Available at: https://caribeafirmativo.lgbt/el-enfoque-de-genero-en-el-informe-de-actividades-de-la-unidad-de-busqueda-de-personas-dadas-por-desaparecidas/ (Accessed: 19 April 2024).

Caribe Afirmativo (2021) *Unidad de Búsqueda y Caribe Afirmativo trabajan en la incorporación de un enfoque de género para la comunidad LGBTI en el proceso de búsqueda de personas desaparecidas*. Available at: https://caribeafirmativo.lgbt/unidad-de-busqueda-y-caribe-afirmativo-trabajan-en-la-incorporacion-de-un-enfoque-de-genero-para-la-comunidad-lgbti-en-el-proceso-de-busqueda-de-personas-desaparecidas/ (Accessed: 19 April 2024).

Castrillón, G.Y. (2015) '¿Víctimas o victimarias? El rol de las mujeres en las FARC. Una aproximación desde la teoría de género', *OPERA*, 16(16), pp. 77–95. Available at: https://doi.org/10.18601/16578651.n16.06.

Centro Nacional de Memoria Histórica (2017) *Medellín: memorias de una guerra urbana*. Primera edición. Bogotá: Centro Nacional de Memoria Histórica.

Cinco Claves (2020) *Un Caso Nacional de Violencia Sexual, Violencia Reproductiva y Otros Crímenes Motivados en la Sexualidad de la Víctima. Una Medida Necesaria y Urgente*. Cinco Claves. Available at: https://www.sismamujer.org/wp-content/uploads/2021/09/Caso-Nacional-2.pdf (Accessed: 14 February 2024).

Clark, J.N. (2014) 'A Crime of Identity: Rape and Its Neglected Victims', *Journal of Human Rights*, 13(2), pp. 146–169. Available at: https://doi.org/10.1080/14754835.2014.886952.

Clark, J.N. (2018) 'Transitional Justice, Education, and Sexual Violence Stigma: The Results of a Schools-based Study in Bosnia-Herzegovina', *Journal of Law and Society*, 45(4), pp. 509–537. Available at: https://doi.org/10.1111/jols.12128.

Clark, P. (2010) *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*. Cambridge: Cambridge University Press. Available at: https://doi.org/10.1017/CBO9780511761584.

Clark, P. (2014) 'Negotiating Reconciliation in Rwanda: Popular Challenges to the Official Discourse of Post-Genocide National Unity', *Journal of Intervention and Statebuilding*, 8(4), pp. 303–320. Available at: https://doi.org/10.1080/17502977.2014.958309.

Clark, S. (2022) '"The "local-visual turn": understanding peacebuilding in post-conflict societies using photo-elicitation', *Peacebuilding*, pp. 1–23. Available at: https://doi.org/10.1080/21647259.2022.2085941.

Clifford, J. (1996) 'Anthropology and/as Travel', *Etnofoor*, 9(2), pp. 5–15.

Cockburn, C. (2004) 'The Continuum of Violence: A Gender Perspective on War and Peace', in W. Giles and J. Hyndman (eds) *Sites of violence: gender and conflict zones*. Berkeley: University of California Press, pp. 22–44.

Coljuristas (2020) 'La adopción de medidas cautelares en la JEP y la garantía de los derechos de las víctimas'. Coljuristas. Available at: https://www.coljuristas.org/observatorio_jep/documentos/documento.php?id=160 (Accessed: 12 July 2024).

Congress of Colombia (2018) *Ley 1922 de 2018: Por medio de la cual se adoptan unas reglas de procedimiento para la Jurisdicción Especial para la Paz*. Available at: https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=80159&dt=S (Accessed: 11 April 2024).

Congress of Colombia (2019) *Ley Estatutaria de la Administración de Justicia en la Jurisdicción Especial para la Paz*. Available at: https://www.jep.gov.co/Normograma/Administración%20de%20Bienes%20y%20Servicios/11%20Ley%20Estatutaria%201957%20de%202019%20.pdf (Accessed: 21 March 2024).

Connell, R.W. (2005) *Masculinities*. 2nd ed. Berkeley, Calif: University of California Press.

Cox, R.W. (1981) 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium: Journal of International Studies*, 10(2), pp. 126–155. Available at: https://doi.org/10.1177/03058298810100020501.

Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review*, 43(6), pp. 1241–1299.

Crenshaw, K.W. (1989) 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *U. Chi. Legal F*, pp. 139–167.

Cubillos-Vega, C. *et al.* (2022) 'Evolution of the Conception of Justice within the Field of Transitional Justice in Post-dictatorial Chilean Society', *International Journal of Transitional Justice*, p. ijac008. Available at: https://doi.org/10.1093/ijtj/ijac008.

Daly, E. (2001) 'Transformative Justice: Charting a Path to Reconciliation', *International Legal Perspectives*, 12, pp. 73–183.

DANE (2023) *Pobreza Monetaria*. Available at: https://www.dane.gov.co/files/operaciones/PM/pres-PM-2022.pdf (Accessed: 22 April 2024).

Das, V. (2007) *Life and words: violence and the descent into the ordinary*. Berkeley: University of California Press.

Dauphinee, E. (2013) *The Politics of Exile*. New York, NY: Routledge (Interventions).

Davidovic, M. (2022) 'The uses of transitional justice as a field', in Evans, M., *Beyond Transitional Justice*. 1st edn. London: Routledge, pp. 13–23. Available at: https://doi.org/10.4324/9781003169451-4.

Demetriou, O. and Hadjipavlou, M. (2018) 'The Impact of Women's Activism on the Peace Negotiations in Cyprus', *Nationalism and Ethnic Politics*, 24(1), pp. 50–65. Available at: https://doi.org/10.1080/13537113.2017.1422639.

Drew, S. and Guillemin, M. (2014) 'From photographs to findings: visual meaning-making and interpretive engagement in the analysis of participant-generated images', *Visual Studies*, 29(1), pp. 54–67. Available at: https://doi.org/10.1080/1472586X.2014.862994.

Dube, S.I. (2011) 'Transitional Justice Beyond the Normative: Towards a Literary Theory of Political Transitions', *International Journal of Transitional Justice*, 5(2), pp. 177–197. Available at: https://doi.org/10.1093/ijtj/ijr004.

Duncan, G. (2014) *Más que plata o plomo: el poder político del narcotráfico en Colombia y México*. Primera edición. Bogotá, Colombia: Debate.

Dunn, H. (2017) 'The Transitional Justice Gap: Exploring "Everyday" Gendered Harms and Customary Justice in South Kivu, DR Congo', *Feminist Legal Studies*, 25(1), pp. 71–97. Available at: https://doi.org/10.1007/s10691-016-9335-7.

Echavarría Álvarez, J. *et al.* (2023) *El tiempo se agota para la implementación del enfoque de género: avances, retos y oportunidades a seis años de la firma del Acuerdo Final*. Notre Dame, IN; Bogotá, Colombia. Available at: https://doi.org/10.7274/ff365428x38 (Accessed: 10 April 2024).

Echavarría Álvarez, J. *et al.* (2024) *Siete años de implementación del Acuerdo Final: perspectivas para fortalecer la construcción de paz a mitad de camino*. Notre Dame, IN; Bogotá, Colombia: Kroc Institute for International Peace Studies. Available at: https://doi.org/10.7274/25651275.V1.

Edelman, M. (2013) 'What is a peasant? What are peasantries? A briefing paper on issues of definition', in *First session of the Intergovernmental Working Group on a United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*. Geneva. Available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/WGPleasants/MarcEdelman.pdf (Accessed: 15 May 2024).

El Espectador (2024a) 'Contraloría alerta sobre irregularidades en OCAD Paz por $339 mil millones', *El Espectador*, 6 May. Available at: https://www.elespectador.com/judicial/contraloria-alerta-sobre-irregularidades-en-ocad-paz-por-339-mil-millones/ (Accessed: 28 June 2024).

El Espectador (2024b) 'Crisis cocalera: oportunidad para que el Estado ofrezca alternativas a comunidades', *El Espectador*, 4 March. Available at: https://www.elespectador.com/colombia-20/paz-y-memoria/crisis-cocalera-el-sos-de-las-comunidades-por-situacion-del-mercado-de-la-coca-en-colombia/ (Accessed: 27 June 2024).

El Tiempo (2021) 'Corte Constitucional amplía el periodo de la Comisión de la Verdad', *El Tiempo*, 1 October. Available at: https://www.eltiempo.com/justicia/cortes/comision-de-la-verdad-corte-constitucional-extiende-su-periodo-622291 (Accessed: 15 March 2024).

Elster, J. (2004) *Closing the books: transitional justice in historical perspective*. Cambridge, UK; New York: Cambridge University Press.

Eltringham, N. (2009) '"We are not a Truth Commission": fragmented narratives and the historical record at the International Criminal Tribunal for Rwanda', *Journal of Genocide Research*, 11(1), pp. 55–79. Available at: https://doi.org/DOI: 10.1080/14623520802703616.

Erazo Quintero, W.A. and Lizcano González, O.M. (2017) *Soberanía alimentaria y el agro-negocio forestal, Cajibio-Cauca*. Popayán: EDITORIAL UNIVERSIDAD DEL CAUCA.

Espitia Cueca, C. and Cabezas Palacios, J.V. (2024) 'El Cañón del Micay: Zona en Disputa'. Indepaz. Available at: https://indepaz.org.co/el-canon-del-micay-zona-en-disputa/ (Accessed: 21 May 2024).

Evans, M. (2016) 'Structural Violence, Socioeconomic Rights, and Transformative Justice', *Journal of Human Rights*, 15(1), pp. 1–20. Available at: https://doi.org/10.1080/14754835.2015.1032223.

Evans, M. (2021) 'Transitional justice, transformative justice, democracy and development', in Crawford, G. and Abdulai, A.-G., *Research Handbook on Democracy and Development*. Edward Elgar Publishing, pp. 359–371. Available at: https://doi.org/10.4337/9781788112659.00030.

Evans-Agnew, R.A. and Rosemberg, M.-A.S. (2016) 'Questioning Photovoice Research: Whose Voice?', *Qualitative Health Research*, 26(8), pp. 1019–1030. Available at: https://doi.org/10.1177/1049732315624223.

Fairey, T. (2018a) '*These Photos Were My Life*: understanding the impact of participatory photography projects', *Community Development Journal*, 53(4), pp. 618–636. Available at: https://doi.org/10.1093/cdj/bsx010.

Fairey, T. (2018b) 'Whose photo? Whose voice? Who listens? "Giving," silencing and listening to voice in participatory visual projects', *Visual Studies*, 33(2), pp. 111–126. Available at: https://doi.org/10.1080/1472586X.2017.1389301.

Fairey, T., Firchow, P. and Dixon, P. (2022) 'Images and indicators: mixing participatory methods to build inclusive rigour', *Action Research*, p. 147675032211378. Available at: https://doi.org/10.1177/14767503221137851.

Fals Borda, O. (2015) *Una sociología sentipensante para América Latina*. Primera edición. Edited by V.M. Moncayo Cruz. México, D.F Ciudad de Buenos Aires, Argentina: Siglo Veintiuno Editores (Antologías del pensamiento social latinoamericano y caribeño).

FARC-EP and Government of Colombia (2016) 'Acuerdo Final Para la Terminación del Conflicto y La Construcción de una Paz Estable y Duradera'. Available at: https://www.cancilleria.gov.co/sites/default/files/Fotos2016/12.11_1.2016nuevoacuerdofinal.pdf (Accessed: 21 March 2024).

Firchow, P. (2018) *Reclaiming Everyday Peace: Local Voices in Measurement and Evaluation After War*. 1st edn. Cambridge University Press. Available at: https://doi.org/10.1017/9781108236140.

Firchow, P. (2020) 'World Peace Is Local Peace', *Ethics & International Affairs*, 34(1), pp. 57–65. Available at: https://doi.org/10.1017/S0892679420000088.

Fiske, L. and Shackel, R. (2015) 'Gender, poverty and violence: Transitional justice responses to converging processes of domination of women in eastern DRC, northern Uganda and Kenya', *Women's Studies International Forum*, 51, pp. 110–117. Available at: https://doi.org/10.1016/j.wsif.2014.11.008.

Fletcher, L.E. and Weinstein, H.M. (2015) 'Writing Transitional Justice: An Empirical Evaluation of Transitional Justice Scholarship in Academic Journals', *Journal of Human Rights Practice*, 7(2), pp. 177–198. Available at: https://doi.org/10.1093/jhuman/huv006.

Forde, S., Kappler, S. and Björkdahl, A. (2021) 'Peacebuilding, Structural Violence and Spatial Reparations in Post-Colonial South Africa', *Journal of Intervention and Statebuilding*, 15(3), pp. 327–346. Available at: https://doi.org/10.1080/17502977.2021.1909297.

Forero Rueda, S. and Fakuda, T. (2023) *La crisis de la coca: Argelia agoniza por la caída de los precios*, *El Espectador*. Available at: https://www.elespectador.com/politica/asi-se-vive-la-crisis-de-la-coca-en-el-canon-del-micay-en-cauca/ (Accessed: 5 March 2024).

Franke, K.M. (2006) 'Gendered subjects of transitional justice', *Columbia Journal of Gender and Law*, 15(3), pp. 813–828.

Frank-Vitale, A. (2021) 'Rolling the Windows Up: On (Not) Researching Violence and Strategic Distance', *Geopolitics*, 26(1), pp. 139–158. Available at: https://doi.org/10.1080/14650045.2019.1662396.

Fraser, N. (1995) 'From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist" Age', *New Left Review*, 0(212), pp. 68–93.

Fraser, N. (2000) 'Rethinking Recognition', *New Left Review*, 3(3), pp. 107–120.

Fraser, N. (2007) 'Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice', *Studies in Social Justice*, 1(1), pp. 23–35. Available at: https://doi.org/10.26522/ssj.v1i1.979.

Fraser, N. (2013) *Fortunes of feminism: from state-managed capitalism to neoliberal crisis and beyond*. First edition. Brooklyn, NY: Verso Books.

Freire, P. (2020) *Pedagogia do oprimido*. 73a edição. Rio de Janeiro: Paz e Terra.

Friðriksdóttir, G.S. (2021) 'Soldiering as an obstacle to manhood? Masculinities and ex-combatants in Burundi', *Critical Military Studies*, 7(1), pp. 61–78. Available at: https://doi.org/10.1080/23337486.2018.1494884.

Friedman, R. (2017) *Competing Memories: Truth and Reconciliation in Sierra Leone and Peru*. Cambridge: Cambridge University Press. Available at: https://doi.org/10.1017/9781316874950.

Friedman, R. (2018) 'Implementing transformative justice: survivors and ex-combatants at the Comisión de la Verdad y Reconciliación in Peru', *Ethnic and Racial Studies*, 41(4), pp. 701–720. Available at: https://doi.org/10.1080/01419870.2017.1330487.

Friedman, R. and Jillions, A. (2015) 'The Pitfalls and Politics of Holistic Justice', *Global Policy*, 6(2), pp. 141–150. Available at: https://doi.org/10.1111/1758-5899.12193.

Fu, D. and Simmons, E.S. (2021) 'Ethnographic Approaches to Contentious Politics: The What, How, and Why', *Comparative Political Studies*, 54(10), pp. 1695–1721. Available at: https://doi.org/10.1177/00104140211025544.

Fujii, L.A. (2015) 'Five stories of accidental ethnography: turning unplanned moments in the field into data', *Qualitative Research*, 15(4), pp. 525–539. Available at: https://doi.org/10.1177/1468794114548945.

Galtung, J. (1969) 'Violence, Peace, and Peace Research', *Journal of Peace Research*, 6(3), pp. 167–191.

García Trujillo, A. (2020) *Peace and rural development in Colombia: the window for distributive change in negotiated transitions*. New York, NY: Routledge (Routledge studies in Latin American politics).

García-González, J., Forcén, P. and Jimenez-Sanchez, M. (2019) 'Men and women differ in their perception of gender bias in research institutions', *PLOS ONE*. Edited by L.A.N. Amaral, 14(12), p. e0225763. Available at: https://doi.org/10.1371/journal.pone.0225763.

Geertz, C. (1998) 'Deep hanging out', *The New York review of books,* 45(16).

Giri, K. (2022) 'Can Men do Feminist Fieldwork and Research?', *International Studies Review*, 24(1), pp. 1–20. Available at: https://doi.org/10.1093/isr/viac004.

Gómez, A. (2022) 'El lado oscuro del cartón en Colombia', *Cuestión Pública*, 15 December. Available at: https://cuestionpublica.com/el-lado-oscuro-del-carton-en-colombia/ (Accessed: 28 June 2024).

Gómez Polo, G. (2017) 'Los resultados del primer censo socioeconómico de las Farc', *El Espectador*, 6 July. Available at: https://www.elespectador.com/colombia-20/paz-y-memoria/los-resultados-del-primer-censo-socioeconomico-de-las-farc-article/ (Accessed: 22 April 2024).

GPaz (2018) *La Paz Avanza Con Las Mujeres Observaciones Sobre La Incorporación Del Enfoque De Género En El Acuerdo De Paz*. GPaz: Género en la Paz. Available at: https://co.boell.org/sites/default/files/24-01-19-informe-la-paz-avanza-con-las-mujeres-observaciones-sobre-la-incorporacion-del-enfoque-de-genero-en-el-acuerdo-de-paz-condk_1.pdf (Accessed: 9 April 2024).

Grattan, S. (2019) 'Colombia's lower house rejects Duque's changes to peace tribunal', *Al Jazeera*, 9 April. Available at: https://www.aljazeera.com/news/2019/4/9/colombias-lower-house-rejects-duques-changes-to-peace-tribunal (Accessed: 28 March 2024).

Gray, D.H. and Coonan, T. (2013) 'Notes from the Field: Silence Kills! Women and the Transitional Justice Process in Post-Revolutionary Tunisia', *International Journal of Transitional Justice*, 7(2), pp. 348–357. Available at: https://doi.org/10.1093/ijtj/ijt002.

Gready, P. and Robins, S. (eds) (2019a) *From transitional to transformative justice*. Cambridge [UK]; New York, NY: Cambridge University Press.

Gready, P. and Robins, S. (2019b) 'From Transitional to Transformative Justice: A New Agenda for Practice', in *From Transitional to Transformative Justice*, pp. 31–56. Available at: https://doi.org/10.1093/ijtj/iju013 (Accessed: 11 November 2021).

de Greiff, P. (2011) 'Algunas reflexiones acerca del desarrollo de la Justicia Transicional', *Anuario de Derechos Humanos*, 0(7). Available at: https://doi.org/10.5354/0718-2279.2011.16994.

de Greiff, P. (2020) 'The Future of the Past: Reflections on the Present State and Prospects of Transitional Justice', *International Journal of Transitional Justice*, 14(2), pp. 251–259. Available at: https://doi.org/10.1093/ijtj/ijaa013.

Griffin, O. (2023) 'Coca price crash contributing to Colombia food insecurity, UN says', *Reuters*, 14 July. Available at: https://www.reuters.com/world/americas/coca-price-crash-contributing-colombia-food-insecurity-un-2023-07-14/ (Accessed: 27 June 2024).

Griveaud, D. and Lefranc, S. (2020) 'La justice transitionnelle, un monde-carrefour: Contribution à une sociologie des professions internationales', *Cultures & conflits*, (119–120), pp. 39–65. Available at: https://doi.org/10.4000/conflits.22134.

Gubrium, A. and Harper, K. (2016) *Participatory Visual and Digital Methods*. Abingdon, Oxon; New York, NY: Routledge.

Güiza Gómez, D.I. *et al.* (2020) *La constitución del campesinado: luchas por el reconocimiento y redistribución en el campo jurídico*. Primera edición. Bogotá: Editorial Dejusticia (Colección Dejusticia).

Gustafsson, K. and Hagström, L. (2018) 'What is the point? teaching graduate students how to construct political science research puzzles', *European Political Science*, 17(4), pp. 634–648. Available at: https://doi.org/10.1057/s41304-017-0130-y.

Gutiérrez, J.A. and Murphy, E. (2022) 'The unspoken red-line in Colombia: Gender reordering of women ex-combatants and the transformative peace agenda', *Cooperation and Conflict*, p. 001083672210990. Available at: https://doi.org/10.1177/00108367221099085.

Gutiérrez Sanín, F. (2020) *Un nuevo ciclo de la guerra en Colombia?* Bogotá: DEBATE.

Haldemann, F. and Kouassi, R. (2014) 'Transitional Justice Without Economic, Social, and Cultural Rights?', in E. Riedel, G. Giacca, and C. Golay (eds) *Economic, Social, and Cultural Rights in International Law*. Oxford University Press, pp. 498–516. Available at: https://doi.org/10.1093/acprof:oso/9780199685974.003.0018.

Hamber, B. (2016) 'There Is a Crack in Everything: Problematising Masculinities, Peacebuilding and Transitional Justice', *Human Rights Review*, 17(1), pp. 9–34. Available at: https://doi.org/10.1007/s12142-015-0377-z.

Hammersley, M. and Atkinson, P. (2007) *Ethnography: principles in practice*. 3rd ed. London; New York: Routledge.

Hellsten, S.K. (2016) 'Transitional Justice, Gender Programming, and the UNSCR 1325: African Context and the Case of Kenya', *Journal of International Development*, 28(3), pp. 360–375. Available at: https://doi.org/10.1002/jid.3209.

Henry, N. (2014) 'The Fixation on Wartime Rape: Feminist Critique and International Criminal Law', *Social & Legal Studies*, 23(1), pp. 93–111. Available at: https://doi.org/10.1177/0964663913499061.

Hinton, A.L. (2019) 'Introduction', in *The Justice Facade: Trials of Transition in Cambodia*. Oxford: Oxford Academic, pp. 257–260. Available at: https://doi.org/10.1093/oso/9780198820949.003.0001 (Accessed: 17 March 2023).

Honneth, A. (2003) 'Redistribution as Recognition: A Response to Nancy Fraser', in Fraser, N. and Honneth, A., *Redistribution or recognition? a political-philosophical exchange*. London: Verso.

hooks, bell (2015) *Feminist theory: from margin to center*. New York: Routledge.

Hutchison, E. and Bleiker, R. (2021) 'Visuality of Peace and Conflict', in O.P. Richmond and G. Visoka (eds) *The Oxford Handbook of Peacebuilding, Statebuilding, and Peace Formation*. Oxford University Press, pp. 174–189. Available at: https://doi.org/10.1093/oxfordhb/9780190904418.013.14.

Indepaz (2023) *30 Masacres en 2023*, *Twitter*. Available at: https://twitter.com/Indepaz/status/1646119065377730564?s=20.

Indepaz (2025) *Observatorio de Derechos Humanos y Conflictividades*, *Observatorio de Derechos Humanos y Conflictividades*. Available at: https://indepaz.org.co/observatorio-de-derechos-humanos-y-conflictividades/ (Accessed: 21 January 2025).

International Committee of the Red Cross (2024) *La situación humanitaria en Colombia ha seguido deteriorándose en 2024*. Available at: https://www.icrc.org/es/articulo/la-situacion-humanitaria-en-colombia-ha-seguido-deteriorandose-en-2024 (Accessed: 5 August 2024).

International Criminal Court (1998) *Rome Statute of the International Criminal Court*.

Jaramillo Chaverra, R. (2022) 'Las medidas cautelares en la Jurisdicción Especial para la Paz como mecanismo de protección de la Constitución', in *La JEP Vista por sus Jueces*. Bogotá, pp. 185–206.

Johnson, K. *et al.* (2024) *Las Disidencias de las FARC-EP: Dos caminos de una guerra en construcción*. Fundación Conflict Responses. Available at: https://www.conflictresponses.org/disidencias-de-las-farc-ep-dos-caminos-de-una-guerra-en-construccion-partes-1-y-2/ (Accessed: 5 March 2024).

Jones, B. (2016) 'Analyzing Resistance to Transitional Justice', *Conflict and Society*, 2(1), pp. 74–86. Available at: https://doi.org/10.3167/arcs.2016.020109.

Jones, B. (2021) 'The performance and persistence of transitional justice and its ways of knowing atrocity', *Cooperation and Conflict*, 56(2), pp. 163–180. Available at: https://doi.org/10.1177/0010836720965994.

Jurisdicción Especial para la Paz (2024) *Portal de Igualdad de Género en la JEP*, *Portal de Igualdad de Género en la JEP*. Available at: https://www.jep.gov.co/genero/index.html#arquitectura (Accessed: 18 April 2024).

Kappler, S. and Lemay-Hébert, N. (2019) 'From power-blind binaries to the intersectionality of peace: connecting feminism and critical peace and conflict studies', *Peacebuilding*, 7(2), pp. 160–177. Available at: https://doi.org/10.1080/21647259.2019.1588456.

Kennedy, B.L. and Thornberg, R. (2018) 'Deduction, Induction, and Abduction', in U. Flick (ed.) *The SAGE Handbook of Qualitative Data Collection*. 1 Oliver's Yard, 55 City Road London EC1Y 1SP: SAGE Publications Ltd. Available at: https://doi.org/10.4135/9781526416070.

Kochanski, A. (2020) 'The "Local Turn" in Transitional Justice: Curb the Enthusiasm', *International Studies Review*, 22, pp. 26–50. Available at: https://doi.org/10.1093/isr/viy081.

Koos, C. and Lindsey, S. (2022) 'Wartime Sexual Violence, Social Stigmatization and Humanitarian Aid: Survey Evidence from eastern Democratic Republic of Congo', *Journal of Conflict Resolution*, 66(6), pp. 1037–1065. Available at: https://doi.org/10.1177/00220027211064259.

Kostovicova, D. (2016) 'Seeking Justice in a Divided Region: Text Analysis of Regional Civil Society Deliberations in the Balkans', *International Journal of Transitional Justice*, pp. 154–175 Available at: https://doi.org/10.1093/ijtj/ijw023.

Kostovicova, D. and Paskhalis, T. (2021) 'Gender, Justice and Deliberation: Why Women Don't Influence Peacemaking', *International Studies Quarterly*, 65(2), pp. 263–276. Available at: https://doi.org/10.1093/isq/sqab003.

Kritz, N.J. (ed.) (1995) *Transitional justice: how emerging democracies reckon with former regimes*. Washington, D.C: United States Institute of Peace Press.

Kroc Institute for International Peace Studies (2018) *Special Report of the Kroc Institute and the International Accompaniment Component, UN Women, Women's International Democratic Federation, and Sweden, on the Monitoring of the Gender Perspective in the Implementation of the Colombian Final Peace Accord*. Bogotá. Available at: https://kroc.nd.edu/assets/%20297624/181113_gender_report_final.pdf (Accessed: 9 April 2024).

Krystalli, R. (2023) 'Being Seen like a State: Transitional Justice Bureaucrats and Victimhood in Colombia', *Current Anthropology*, 64(2), pp. 128–146. Available at: https://doi.org/10.1086/724836.

Krystalli, R. and Schulz, P. (2022) 'Taking Love and Care Seriously: An Emergent Research Agenda for Remaking Worlds in the Wake of Violence', *International Studies Review*, 24(1), viac003. Available at: https://doi.org/10.1093/isr/viac003.

La Tribu Reparadora | Juan Esteban Muñoz (2021). La Tribu. Available at: https://youtu.be/HgLBSActPsw (Accessed: 15 July 2024).

Lai, D. (2016) 'Transitional Justice and Its Discontents: Socioeconomic Justice in Bosnia and Herzegovina and the Limits of International Intervention', *Journal of Intervention and Statebuilding*, 10(3), pp. 361–381. Available at: https://doi.org/10.1080/17502977.2016.1199478.

Lai, D. and Bonora, C. (2019) 'The transformative potential of post-war justice initiatives in Bosnia and Herzegovina', in M. Evans (ed.) *Transitional and transformative justice: critical and international perspectives*. Abingdon, Oxon; New York, NY: Routledge (Transitional justice), pp. 54–76.

Lambourne, W. (2009) 'Transitional Justice and Peacebuilding after Mass Violence', *International Journal of Transitional Justice*, 3(1), pp. 28–48. Available at: https://doi.org/10.1093/ijtj/ijn037.

Lambourne, W. (2014) 'What Are the Pillars of Transition Justice: The United Nations, Civil Society and the Justice Cascade in Burundi', *Macquarie Law Journal*, 13, p. 21.

Lambourne, W. and Rodriguez Carreon, V. (2015) 'Engendering Transitional Justice: a Transformative Approach to Building Peace and Attaining Human Rights for Women', *Human Rights Review*, 17(1), pp. 71–93. Available at: https://doi.org/10.1007/s12142-015-0376-0.

Laplante, L.J. (2008) 'Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework', *International Journal of Transitional Justice*, 2(3), pp. 331–355. Available at: https://doi.org/10.1093/ijtj/ijn031.

Latz, A.O. (2017) *Photovoice research in education and beyond: a practical guide from theory to exhibition*. New York: Routledge, Taylor & Francis Group.

Laverty, C. and de Vos, D. (2022) 'Reproductive Violence as a Category of Analysis: Disentangling the Relationship between "the Sexual" and "the Reproductive" in Transitional Justice', *International Journal of Transitional Justice*, 15(3), pp. 616–635. Available at: https://doi.org/10.1093/ijtj/ijab022.

Lederach, J.P. (1997) *Building peace: sustainable reconciliation in divided societies*. Washington, D.C: United States Institute of Peace Press.

Lederach, J.P. (2003) *The little book of conflict transformation*. Intercourse, PA: Good Books (The little books of justice & peacebuilding).

Lefranc, S. (2009) 'La professionnalisation d'un militantisme réformateur du droit: l'invention de la justice transitionnelle', *Droit et société*, n°73(3), pp. 561–589. Available at: https://doi.org/10.3917/drs.073.0561.

Lemaitre, J. and Sandvik, K.B. (2014) 'Beyond Sexual Violence in Transitional Justice: Political Insecurity as a Gendered Harm', *Feminist Legal Studies*, 22(3), pp. 243–261. Available at: https://doi.org/10.1007/s10691-014-9274-0.

Liebenberg, L. (2018) 'Thinking Critically About Photovoice: Achieving Empowerment and Social Change', *International Journal of Qualitative Methods*, 17(1), pp. 1–9. Available at: https://doi.org/10.1177/1609406918757631.

Lindekilde, L. (2014) 'Discourse and Frame Analysis', in D. della Porta (ed.) Methodological Practices in Social Movement Research. Oxford University Press, pp. 195–227. Available at: https://doi.org/10.1093/acprof:oso/9780198719571.003.0009.

Lühe, U. (2023) 'The politics of methods in transitional justice knowledge production', *International Affairs*, 99(5), pp. 1867–1883. Available at: https://doi.org/10.1093/ia/iiad182.

Lundy, P. and McGovern, M. (2008) 'The Role of Community In Participatory Transitional Justice', in K. McEvoy and L. McGregor (eds) *Transitional justice from below: grassroots activism and the struggle for change*. Hart Publishing, pp. 99–120.

Lundy, P. and McGovern, M. (2008b) 'Whose Justice? Rethinking Transitional Justice from the Bottom Up', *Journal of Law and Society*, 35(2), pp. 265–292. Available at: https://doi.org/10.1111/j.1467-6478.2008.00438.x.

Luoma, C. (2021) 'Closing the cultural rights gap in transitional justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls', *Netherlands Quarterly of Human Rights*, 39(1), pp. 30–52. Available at: https://doi.org/10.1177/0924051921992747.

Lykes, M.B. and Scheib, H. (2015) 'The Artistry of Emancipatory Practice: Photovoice, Creative Techniques, and Feminist Anti-Racist Participatory Action Research', in Bradbury, H., *The SAGE Handbook of Action Research*. London: SAGE, pp. 131–142. Available at: https://doi.org/10.4135/9781473921290.n14.

Mac Ginty, R. (2014) 'Everyday peace: Bottom-up and local agency in conflict-affected societies', *Security Dialogue*, 45(6), pp. 548–564. Available at: https://doi.org/10.1177/0967010614550899.

Mac Ginty, R. (2021) *Everyday peace: how so-called ordinary people can disrupt violent conflict*. New York, NY: Oxford University Press.

Mac Ginty, R. and Richmond, O.P. (2013) 'The Local Turn in Peace Building: a critical agenda for peace', *Third World Quarterly*, 34(5), pp. 763–783. Available at: https://doi.org/10.1080/01436597.2013.800750.

Mac Ginty, R. and Williams, A. (2009) *Conflict and development*. London; New York: Routledge (Routledge perspectives on development).

Mac Ginty, R.M. and Firchow, P. (2016) 'Top-down and bottom-up narratives of peace and conflict', *Politics*, 36(3), pp. 308–323. Available at: https://doi.org/10.1177/0263395715622967.

Malamud-Goti, J. (1995) 'Transitional Governments in the Breach: Why Punish State Criminals?', in N.J. Kritz (ed.) *Transitional justice: how emerging democracies reckon with former regimes*. Washington, D.C: United States Institute of Peace Press.

Mamdani, M. (2002) 'Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC)', *Diacritics*, 32(3), pp. 33–59. Available at: https://doi.org/10.1353/dia.2005.0005.

Mani, R. (2002) *Beyond retribution: seeking justice in the shadows of war*. Cambridge, UK: Malden, MA: Polity Press ; Blackwell Publishers Inc.

McAuliffe, P. (2017) 'The Marginality of Transitional Justice within Liberal Peacebuilding: Causes and Consequences', *Journal of Human Rights Practice*, 9(1), pp. 91–103. Available at: https://doi.org/10.1093/jhuman/huw022.

McAuliffe, P. (2019) 'The Problem of Elites', in M. Evans (ed.) *Transitional and Transformative Justice: Critical and International Perspectives*. 1st edn. Abingdon, Oxon [UK]; New York, NY. Series: Transitional justice: Routledge, pp. 77–93. Available at: https://doi.org/10.4324/9781351068321.

McEvoy, K. (2008) 'Letting Go of Legalism: Developing a "Thicker" Version of Transitional Justice', in K. McEvoy and L. McGregor (eds) *Transitional justice from below: grassroots activism and the struggle for change*. Hart Publishing, pp. 15–47.

McEvoy, K. and McGregor, L. (2008) *Transitional justice from below: grassroots activism and the struggle for change*. Hart Publishing (Human rights law in perspective: v. 14).

McGill, D. (2019) 'Tackling structural violence through the transformative justice framework', in M. Evans (ed.) *Transitional and transformative justice: critical and international perspectives*. Abingdon, Oxon; New York, NY: Routledge (Transitional justice), pp. 11–35.

McGregor, L. (2008) 'International Law as a "Tiered Process": Transitional Justice at the Local, National and International Level', in K. McEvoy and L. McGregor (eds) *Transitional justice from below: grassroots activism and the struggle for change*. Hart Publishing, pp. 47–74.

Mejia, A.P. (2015) 'You Better Check Your Method Before You Wreck Your Method: Challenging and Transforming Photovoice', in Bradbury, H., *The SAGE Handbook of Action Research*. London: SAGE Publications Ltd, pp. 665–672. Available at: https://doi.org/10.4135/9781473921290.n69.

Mersky, M. (2020) 'From Words to Action: The Experience of Un Special Political Missions in Colombia on Women, Peace And Security'. United Nations. Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/WPS%20Study%20Lessons%20Learned.pdf (Accessed: 9 April 2024).

Mihlar, F. (2024) 'Contending with identity and minority rights in transitional justice: the case study of Sri Lanka', *The International Journal of Human Rights*, pp. 1–23. Available at: https://doi.org/10.1080/13642987.2024.2355269.

Millar, G. (2018) 'Decentring the intervention experts', *Cooperation and Conflict*, 53(2), pp. 259–276.

Miller, Z. (2008) 'Effects of Invisibility: In Search of the "Economic" in Transitional Justice', *International Journal of Transitional Justice*, 2(3), pp. 266–291. Available at: https://doi.org/10.1093/ijtj/ijn022.

Milne, E.-J. and Muir, R. (2020) 'Photovoice: A Critical Introduction', in Pauwels, L. and Mannay, D., *The SAGE Handbook of Visual Research Methods*. 1 Oliver's Yard, 55 City Road London EC1Y 1SP: SAGE Publications, Inc., pp. 282–296. Available at: https://doi.org/10.4135/9781526417015.n17.

Mitton, K. (2020) 'Making Contact: Interviewing Rebels in Sierra Leone', in R. Mac Ginty, R.L. Brett, and B. Vogel (eds) *The companion to peace and conflict fieldwork*. Cham: Palgrave Macmillan imprint publ. by Springer Nature.

Mkwananzi, F. and Cin, F.M. (2021) 'Participatory arts for social and epistemic justice', in *Post-Conflict Participatory Arts: Socially Engaged Development*. 1st edn. London: Routledge, pp. 15–30. Available at: https://doi.org/10.4324/9781003121046.

Monroy-Santander, L. and Otálora-Gallego, G. (2024) 'Disrupting the Transitional Justice Circuit: Everyday Transformative Gender Justice in Colombia', *Journal of Intervention and Statebuilding*, pp. 659–680. Available at: https://doi.org/10.1080/17502977.2024.2314239.

Mookherjee, N. (2006) 'A Prescription for Reconciliation?', *Economic and political weekly*, 41(36), pp. 3901–3903.

Morales Correa, J.A. (2020) 'Complicidad empresarial con grupos paramilitares: un análisis al caso colombiano', *Razón Crítica*, (9), pp. 43–67. Available at: https://doi.org/10.21789/25007807.1626.

Mullen, M. (2015) 'Reassessing the focus of transitional justice: the need to move structural and cultural violence to the centre', *Cambridge Review of International Affairs*, 28(3), pp. 462–479. Available at: https://doi.org/10.1080/09557571.2012.734778.

Myrttinen, H., Khattab, L. and Naujoks, J. (2017) 'Re-thinking hegemonic masculinities in conflict-affected contexts', *Critical Military Studies*, 3(2), pp. 103–119. Available at: https://doi.org/10.1080/23337486.2016.1262658.

Nagy, R. (2008) 'Transitional Justice as Global Project: critical reflections', *Third World Quarterly*, 29(2), pp. 275–289. Available at: https://doi.org/10.1080/01436590701806848.

Nagy, R. (2022) 'Transformative justice in a settler colonial transition: implementing the UN Declaration on the Rights of Indigenous Peoples in Canada', *The International Journal of Human Rights*, 26(2), pp. 191–216. Available at: https://doi.org/10.1080/13642987.2021.1910809.

Neier, A. (1993) 'The Nuremberg Precedent', *The New York Review of Books*, 4 November. Available at: https://www.nybooks.com/articles/1993/11/04/the-nuremberg-precedent/.

Ní Aoláin, F. (2012) 'Gendered Under-Enforcement in the Transitional Justice Context', in *Gender in transitional justice*. New York: Palgrave Macmillan (Governance and limited statehood series), pp. 59–87.

Ní Aoláin, F. (2019) 'Transformative Gender Justice?', in P. Gready and S. Robins (eds) *From Transitional to Transformative Justice*. 1st edn. Cambridge University Press, pp. 150–171. Available at: https://doi.org/10.1017/9781316676028.007.

Ní Aoláin, F. and Campbell, C. (2005) 'The Paradox of Transition in Conflicted Democracies', *Human Rights Quarterly*, 27(1), pp. 172–213. Available at: https://doi.org/10.1353/hrq.2005.0001.

Ní Aoláin, F., Haynes, D.F. and Cahn, N.R. (2011) *On the frontlines: gender, war, and the post-conflict process*. Oxford; New York: Oxford University Press.

Nickson, R. and Braithwaite, J. (2014) 'Deeper, broader, longer transitional justice', *European Journal of Criminology*, 11(4), pp. 445–463. Available at: https://doi.org/10.1177/1477370813505954.

Nussio, E. (2020) 'The Colombian Trap: Another Partial Peace', *CSS Analyses in Security Policy*, 258, pp. 1–4. Available at: https://doi.org/10.3929/ETHZ-B-000402959.

OHCHR (2008) 'Human rights, fact sheet'. Office of the United Nations High Commissioner for Human Rights. Available at: https://doi.org/10.1163/9789004502758_044.

OHCHR (no date) *International standards. Special Rapporteur in the field of cultural rights.* Available at: https://www.ohchr.org/en/special-procedures/sr-cultural-rights/international-standards (Accessed: 29 May 2024).

Olarte-Sierra, M.F. (2022) '(Un)Doing the Colombian Armed Conflict: Forensic Knowledge, Contradicting Bodies, Unsettling Stories', *Social Anthropology/Anthropologie sociale*, 30(3), pp. 19–37. Available at: https://doi.org/10.3167/saas.2022.300303.

Olsen, T.D., Payne, L.A. and Reiter, A.G. (2010) 'The Justice Balance: When Transitional Justice Improves Human Rights and Democracy', *Human Rights Quarterly*, 32(4), pp. 980–1007. Available at: https://doi.org/10.1353/hrq.2010.0021.

O'Reilly, M. (2016) 'Peace and Justice through a Feminist Lens: Gender Justice and the Women's Court for the Former Yugoslavia', *Journal of Intervention and Statebuilding*, 10(3), pp. 419–445. Available at: https://doi.org/10.1080/17502977.2016.1199482.

O'Rourke, C. (2015a) 'Feminist scholarship in transitional justice: a de-politicising impulse?', *Women's Studies International Forum*, 51, pp. 118–127. Available at: https://doi.org/10.1016/j.wsif.2014.11.003.

O'Rourke, C. (2015b) 'Feminist scholarship in transitional justice: a de-politicising impulse?', *Women's Studies International Forum*, 51, pp. 118–127. Available at: https://doi.org/10.1016/j.wsif.2014.11.003.

Ortiz-Acosta, M. and Otálora-Gallego, G. (2025) 'Masculinities in the Colombian Truth Commission's Final Report', in Myrttinen, H. et al., Routledge Handbook of Masculinities, Conflict, and Peacebuilding. 1st edn. London: Routledge, pp. 252–262. Available at: https://doi.org/10.4324/9781003320876-26..

Pachirat, T. (2009) 'The Political in Political Ethnography: Dispatches from the Kill Floor', in E. Schatz (ed.) *Political ethnography: what immersion contributes to the study of power*. Chicago; London: The University of Chicago Press, pp. 143–161.

Paffenholz, T. (2015) *Results on Women and Gender From the 'Broader Participation' and 'Civil Society and Peacebuilding' Projects*. Briefing Paper. Geneva: The Graduate Institute of International and Development Studies. Available at: http://graduateinstitute.ch/files/live/sites/iheid/files/sites/ccdp/sh ared/Docs/Publications/ briefingpaperbroader%20participation.pdf (Accessed: 29 November 2021).

Palacios, L. (2016) '"Something Else to Be": A Chicana Survivor's Journey from Vigilante Justice to Transformative Justice', *philoSOPHIA*, 6(1), pp. 93–108. Available at: https://doi.org/10.1353/phi.2016.0001.

Palacios, M. (2002) *El café en Colombia 1850 - 1970: una historia económica, social y política*. 3. ed. corr. y actualizada. Bogotá: Ed. Uniandes [u.a.] (La línea del horizonte).

Palmer, N. and Clark, P. (2012) 'Challenging Transitional Justice', in N.F. Palmer, Philip Clark, and D. Granville (eds) *Critical perspectives in transitional justice*. Antwerp: Intersentia (Series on transitional justice, v. 8), pp. 1–16.

Palmer, N. and Kroner, F. (2019) 'Anthropology, Transitional Justice and Criminal Law', *International Journal of Transitional Justice*, 13(2), pp. 398–407. Available at: https://doi.org/10.1093/ijtj/ijz009.

Papadopoulos, B. (2022) 'A Brief History of Gender-Inclusive Spanish', *Deportate, esuli, profughe*, (48), pp. 40–48.

Payne, L.A., Lessa, F. and Pereira, G. (2015) 'Overcoming Barriers to Justice in the Age of Human Rights Accountability', *Human Rights Quarterly*, 37(3), pp. 728–754. Available at: https://doi.org/10.1353/hrq.2015.0040.

Pearce, J. and Velasco, J.D. (2022) 'Élites, Poder y Principios de Dominación en Colombia (1991-2002): Orígenes, perfiles y recuento histórico'. CAPAZ, LSE. Available at: https://www.lse.ac.uk/lacc/assets/documents/PEARCE-VELASCO-ELITES-Y-PODER-EN-COLOMBIA-1991-2022.pdf (Accessed: 28 March 2024).

Pink, S. (2012) *Advances in Visual Methodology*. London: SAGE Publications Ltd. Available at: https://doi.org/10.4135/9781446250921.

Pinto, M.E. *et al.* (2024) *Resumen Ejecutivo: Informe 2024. Escuchar la Paz: Entre contrastes y anhelos de Paz y Desarrollo Humano*. Colombia: United Nations Development Programme. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2024-06/undp_co_pub_escuchar_la_paz_resumen_ejecutivo_jun19_2024_ajust.pdf (Accessed: 20 June 2024).

Porter, H. (2016) *After Rape: Violence, Justice, and Social Harmony in Uganda*. 1st edn. Cambridge University Press. Available at: https://doi.org/10.1017/9781316841297.

Pratt, N. (2013) 'Reconceptualizing Gender, Reinscribing Racial-Sexual Boundaries in International Security: The Case of UN Security Council Resolution 1325 on "Women, Peace and Security": *Reconceptualizing Gender, Reinscribing Racial-Sexual Boundaries*', *International Studies Quarterly*, 57(4), pp. 772–783. Available at: https://doi.org/10.1111/isqu.12032.

Preciado, A. *et al.* (2023) *Paz Total, disputas e inseguridad en el primer año del gobierno Petro*. Bogotá D.C: Fundación Ideas para la Paz. Available at: https://insightcrime.org/es/wp-content/uploads/2023/08/Informe-FIP-Paz-Total-en-Colombia.pdf (Accessed: 28 March 2024).

Preciado, A. (2024) *El pecado original de la Paz Total*. Available at: https://ideaspaz.org/publicaciones/opinion/2024-04/el-pecado-original-de-la-paz-total (Accessed: 24 May 2024).

Prieto, J. (2022) 'El Escándalo de Ocad Paz: En qué Consiste, qué Evidencia Hay y qué Huecos Tiene', *La Silla Vacía*, 26 July. Available at: https://www.lasillavacia.com/silla-nacional/el-escandalo-de-ocad-paz-en-que-consiste-que-evidencia-hay-y-que-huecos-tiene/ (Accessed: 28 June 2024).

Prins, E. (2010) 'Participatory photography: A tool for empowerment or surveillance?', *Action Research*, 8(4), pp. 426–443. Available at: https://doi.org/10.1177/1476750310374502.

Pugh, M. (2013) 'The problem solving and critical paradigms', in R. Mac Ginty (ed.) *Routledge handbook of peacebuilding*. New York: Routledge (Routledge handbooks), pp. 11–24.

Ramírez Sarmiento, D.M. (2021) 'Hacia una participación ciudadana transformadora en Colombia. Análisis de los Programas de Desarrollo con Enfoque Territorial (PDET)', *Estudios Políticos (Medellín)*, (61), pp. 73–96. Available at: https://doi.org/10.17533/udea.espo.n61a04.

Reilly, N. (2007) 'Seeking gender justice in post-conflict transitions: towards a transformative women's human rights approach', *International Journal of Law in Context*, pp. 155–172. Available at: https://doi.org/10.1017/S1744552307002054.

Renner, J. (2012) 'A Discourse Theoretic Approach to Transitional Justice Ideals: Conceptualising "Reconciliation" as an Empty Universal in Times of Political Transition', in N. Palmer, P. Clark, and D. Granville (eds) *Critical Perspectives in Transitional Justice*. 1st edn. Intersentia, pp. 51–72. Available at: https://doi.org/10.1017/9781839700224.005.

Reyes, L.M.B., Méndez, J.D.C. and Cruz, J.J.O. (2018) *Paramilitarismo, Multinacionales y Modelo Económico en Colombia 1997-2005: ¿Amenaza Armada O Afinidad Ideológica?* Universidad De La Salle Colombia. Available at: https://ciencia.lasalle.edu.co/cgi/viewcontent.cgi?article=1107&context=negocios_relaciones (Accessed: 28 June 2024).

Richmond, O.P. (2010) 'A genealogy of peace and conflict theory', in *Palgrave advances in Peacebuilding: critical developments and approaches*. New York: Palgrave Macmillan (Palgrave advances), pp. 14–38.

Robins, S. (2010) 'A Participatory Approach to Ethnographic Research with Victims of Gross Human Rights Violations: Studying Families of the', in R. Bowd, A. Özerdem, and D.G. Kassa (eds) *Participatory Research Methodologies: Development and Post-Disaster/Conflict Reconstruction*. Taylor & Francis, pp. 181–196.

Robins, S. (2017) 'Failing Victims? The Limits of Transitional Justice in Addressing the Needs of Victims of Violations', *Human Rights and International Legal Discourse*, pp. 41–58.

Robinson, O.C. (2014) 'Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide', *Qualitative Research in Psychology*, 11(1), pp. 25–41. Available at: https://doi.org/10.1080/14780887.2013.801543.

Rodríguez Álvarez, S. (2023) *Viaje al Cañón del Micay: Donde la Negociación con el EMC Pende de un Hilo*, *La Silla Vacía*. Available at: https://www.lasillavacia.com/silla-nacional/viaje-al-canon-del-micay-donde-la-negociacion-con-el-emc-pende-de-un-hilo/ (Accessed: 5 March 2024).

Rodríguez Iglesias, A.I. and Rosen, N. (2022) 'Local Participation at Stake: Between Emancipatory Goals and Co-Option Strategies. The Case of Territorially Focused Development Programs in Colombia', *Colombia Internacional*, (109), pp. 89–114. Available at: https://doi.org/10.7440/colombiaint109.2022.04.

Roht-Arriaza, N. (2006) 'The new landscape of transitional justice', in N. Roht-Arriaza and J. Mariezcurrena (eds) *Transitional Justice in the Twenty-First Century*. Cambridge: Cambridge University Press, pp. 1–16. Available at: https://doi.org/10.1017/CBO9780511617911.001.

Roht-Arriaza, N. (2019) 'Measures of Non-Repetition in Transitional Justice: The Missing Link?', in P. Gready and S. Robins (eds) *From transitional to transformative justice*. Cambridge [UK]; New York, NY: Cambridge University Press.

Roht-Arriaza, N. and Popkin, M. (1995) 'Truth as Justice Investigatory Commissions in Latin America', *Law & Social Inquiry*, (79), pp. 79–116. Available at: https://doi.org/10.1111/j.1747-4469.1995.tb00683.x.

Romero, L.D. (2020) 'Dos años de Duque: estos han sido los choques entre el Gobierno y la justicia transicional', *El Espectador*, 9 August. Available at: https://www.elespectador.com/colombia-20/jep-y-desaparecidos/dos-anos-de-duque-estos-han-sido-los-choques-entre-el-gobierno-y-la-justicia-transicional-article/ (Accessed: 28 March 2024).

Rooney, E. (2007) 'Engendering transitional justice: questions of absence and silence', *International Journal of Law in Context*, 3(2), pp. 173–187. Available at: https://doi.org/10.1017/S1744552307002066.

Ross, F.C. (2003) *Bearing witness: women and the truth and reconciliation commission in South Africa*. London; Sterling, Va: Pluto Press (Anthropology, culture, and society).

Ross, L.J. (2017) 'Reproductive Justice as Intersectional Feminist Activism', *Souls*, 19(3), pp. 286–314. Available at: https://doi.org/10.1080/10999949.2017.1389634.

Rosser, E. (2007) 'Depoliticised Speech and Sexed Visibility: Women, Gender and Sexual Violence in the 1999 Guatemalan Comisión para el Esclarecimiento Histórico Report', *International Journal of Transitional Justice*, 1, pp. 391–410. Available at: https://doi:10.1093/ijtj/ijm032.

Rudqvist, A. and Anrup, R. (2013) 'Resistencia comunitaria en Colombia. Los cabildos caucanos y su guardia indígena', *Papel Político*, 18(2), pp. 515–548.

Russo, A. (2019) *Feminist accountability: disrupting violence and transforming power*. New York: New York University Press.

Rutas del Conflicto (2019) *Masacre de El Tambo 2001*, *Rutas del Conflicto*. Available at: https://rutasdelconflicto.com/masacres/el-tambo-2001 (Accessed: 14 March 2024).

Sackett, B. (2024) 'Ghosted: Challenges to Conducting Qualitative Research in the Digital Era', *Journal of Contemporary Ethnography*, p. 08912416241237543. Available at: https://doi.org/10.1177/08912416241237543.

Salvioli, F. (2020) 'The gender perspective in transitional justice processes: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence'. United Nations General Assembly. Available at: https://docs.un.org/en/A/HRC/45/45.

Sanchez Parra, T. (2023) 'The Colombian Truth Commission's work on reproductive violence: gendered victimhood and reproductive autonomy', *Feminist Review*, 135(1), pp. 28–44. Available at: https://doi.org/10.1177/01417789231205318.

Sandoval, C. (2017) 'Reflections on the Transformative Potential of Transitional Justice and the Nature of Social Change in Times of Transition', in R. Duthie and P. Seils (eds) *Justice mosaics: how context shapes transitional justice in fractured societies*. New York: International Center for Transitional Justice, pp. 178–180.

Sandoval, C., Martínez-Carrillo, H. and Cruz-Rodríguez, M. (2022) 'The Challenges of Implementing Special Sanctions (*Sanciones Propias*) in Colombia and Providing Retribution, Reparation, Participation and Reincorporation', *Journal of Human Rights Practice*, 14(2), pp. 478–501. Available at: https://doi.org/10.1093/jhuman/huac032.

Schmid, E. and Nolan, A. (2014) '"Do No Harm"? Exploring the Scope of Economic and Social Rights in Transitional Justice', *International Journal of Transitional Justice*, 8(3), pp. 362–382. Available at: https://doi.org/10.1093/ijtj/iju015.

Selimovic, J.M. (2019) 'Everyday agency and transformation: Place, body and story in the divided city', *Cooperation and Conflict*, 54(2), pp. 131–148. Available at: https://doi.org/10.1177/0010836718807510.

Serrano-Amaya, J.F. (2024) 'Queering Transitional Justice from Below: Some Inputs From Queer Masculinities', in P. Schulz, Hamber, and H. Touquet (eds) *Masculinities and Queer Perspectives in Transitional Justice*. Routledge. Available at: https://doi.org/10.4324/9781003519522.

Sevilla Guzmán, E. and Pérez Yruela, M. (1976) 'Para una definición sociológica del campesinado', *Agricultura y sociedad,* 1, pp. 15–39.

Shank, M. and Schirch, L. (2008) 'Strategic Arts-Based Peacebuilding', *Peace & Change*, 33(2), pp. 217–242. Available at: https://doi.org/10.1111/j.1468-0130.2008.00490.x.

Sharp, D. (2013) 'Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice', *Harvard Human Rights Journal*, 26, pp. 149–178.

Sharp, D.N. (2012) 'Addressing Economic Violence in Times of Transition: Towards a Positive-Peace Paradigm for Transitional Justice', *Fordham International Law Journal*, 35(3), pp. 780–814.

Sharp, D.N. (2015) 'Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition', *International Journal of Transitional Justice*, 9(1), pp. 150–169. Available at: https://doi.org/10.1093/ijtj/iju021.

Sharp, D.N. (2022) 'Crisis, faith, and transformation in transitional justice', in Evans, M., *Beyond Transitional Justice*. 1st edn. London: Routledge, pp. 24–33. Available at: https://doi.org/10.4324/9781003169451-5.

Shaw, R. and Waldorf, L. (2010) 'Introduction: Localizing Transitional Justice', in R. Shaw and L. Waldorf (eds) *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford University Press. Available at: https://doi.org/10.1515/9780804774635 (Accessed: 18 March 2022).

Shefik, S. (2018) 'Reimagining Transitional Justice through Participatory Art', *International Journal of Transitional Justice*, 12(2), pp. 314–333. Available at: https://doi.org/10.1093/ijtj/ijy011.

Shihab Vergara, L.A. (2020) *¿Hasta cuándo seguirán entrenando los soldados con cantos misóginos?* Available at: https://voragine.co/historias/entrevista/hasta-cuando-seguiran-entrenando-los-soldados-con-cantos-misoginos/ (Accessed: 16 July 2024).

Sikkink, K. (2011) *The justice cascade: how human rights prosecutions are changing world politics*. 1st ed. New York: W. W. Norton & Co.

Simic, O. (2016) 'Engendering Transitional Justice: Silence, Absence and Repair', *Human Rights Review*, 17(1), pp. 1–8. Available at: https://doi.org/10.1007/s12142-015-0392-0.

Sjoberg, L. (2013) *Gendering global conflict: toward a feminist theory of war*. New York: Columbia University Press.

Skaar, E. (2019) 'The Implementation Record of Truth Commissions' Recommendations in Latin America', in J. Sarkin (ed.) *The Global Impact and Legacy of Truth Commissions*. 1st edn. Intersentia, pp. 119–142. Available at: https://doi.org/10.1017/9781780687957.005.

Sontag, S. (2008) *On photography*. Penguin Classics.

Sriram, C.L. (2007) 'Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice', *Global Society*, 21(4), pp. 579–591. Available at: https://doi.org/10.1080/13600820701562843.

Sriram, C.L. (2013) 'Sri Lanka: Atrocities, Accountability, and the Decline of Rule of Law', in R. Jeffery and H.J. Kim (eds) *Transitional Justice in the Asia-Pacific*. New York: Cambridge University Press, pp. 61–86. Available at: https://doi.org/10.1017/CBO9781139628914.003.

Stauffer, J. (2013) 'Speaking Truth to Reconciliation: Political Transition, Recovery, and the Work of Time', *Humanity (Philadelphia, Pa.)*, 4(1), pp. 27–48.

Studzinsky, S. (2012) 'Neglected Crimes: The Challenge of Raising Sexual and Gender-Based Crimes before the Extraordinary Chambers in the Courts of Cambodia', in S. Buckley-Zistel and R. Stanley (eds) *Gender in transitional justice*. New York: Palgrave Macmillan (Governance and Limited Statehood), pp. 88–112.

Subotić, J. (2012) 'The Transformation of International Transitional Justice Advocacy', *International Journal of Transitional Justice*, 6(1), pp. 106–125. Available at: https://doi.org/10.1093/ijtj/ijr036.

Symonides, J. (1998) 'Cultural rights: a neglected category of human rights', *International Social Science Journal*, 50(158), pp. 559–572. Available at: https://doi.org/10.1111/1468-2451.00168.

Taussig, M.T. (2005) *Law in a lawless land: diary of a 'limpieza' in Colombia*. Univ. of Chicago Pr. ed. Chicago: Univ. of Chicago Press.

Taylor, J. (1998) 'Feminist Tactics and Friendly Fire in the Irish Women's Movement', *Gender & Society*, 12(6), pp. 674–691. Available at: https://doi.org/10.1177/089124398012006005.

Taylor, L. (2024) 'US banana giant ordered to pay $38m to families of Colombian men killed by death squads', *The Guardian*, 6 November. Available at: https://www.theguardian.com/world/article/2024/jun/11/chiquita-banana-deaths-lawsuit-colombia (Accessed: 19 June 2024).

Teitel, R. (2003) 'Transitional Justice Genealogy', *Harvard Human Rights Journal*, 16, pp. 69–94.

Teitel, R.G. (2002) *Transitional justice*. Oxford: Oxford Univ. Press.

Theidon, K. (2007) 'Gender in Transition: Common Sense, Women, and War', *Journal of Human Rights*, 6(4), pp. 453–478. Available at: https://doi.org/10.1080/14754830701693011.

Theidon, K. (2009) 'Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia', *Human Rights Quarterly*, 31(1), pp. 1–34. Available at: https://doi.org/10.1353/hrq.0.0053.

Theidon, K.S. (2022) *Legacies of war: violence, ecologies, and kin*. Durham: Duke University Press.

Tornabene, L., Versnik Nowak, A. and Vogelsang, L. (2018) 'Visual power: review of image-based methodologies and subsequent development/uses of the Fotofeedback Method™', *Visual Studies*, 33(4), pp. 357–373. Available at: https://doi.org/10.1080/1472586X.2019.1589387.

Torrão Filho, A. (2005) 'Uma questão de gênero: onde o masculino e o feminino se cruzam', *Cadernos Pagu*, (24), pp. 127–152. Available at: https://doi.org/10.1590/S0104-83332005000100007.

Turano, L.C. (2011) 'The Gender Dimension of Transitional Justice Mechanisms', *International Law and Politics*, 43, p. 42.

Turner, C. (2008) 'Delivering Lasting Peace, Democracy and Human Rights in Times of Transition: The Role of International Law', *International Journal of Transitional Justice*, 2(2), pp. 126–151. Available at: https://doi.org/10.1093/ijtj/ijn017.

Turner, C. (2018) 'Absent or Invisible? Women Mediators and the United Nations', *Global Policy*, 9(2), pp. 244–253. Available at: https://doi.org/10.1111/1758-5899.12532.

United Nations (2010) 'Guidance Note of the Secretary-General: United NationsApproach to Transitional Justice'. DPA/UNSG. Available at: https://digitallibrary.un.org/record/682111?ln=en&v=pdf.

United Nations (2023a) 'Enforced Disappearances, Fact Sheet'. Office of the United Nations High Commissioner for Human Rights. Available at: https://www.ohchr.org/sites/default/files/documents/publications/Fact-sheet6-Rev4.pdf (Accessed: 25 July 2024).

United Nations (2023b) Guidance Note of the Secretary General on Transitional Justice: A Strategic Tool for People, Prevention and Peace. Available at: https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf (Accessed: 7 February 2024).

United Nations General Assembly (1966) 'International Covenant on Civil and Political Rights'. United Nations General Assembly. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (Accessed: 29 July 2024).

United Nations General Assembly (2018) 'Universality, cultural diversity and cultural rights'. United Nations. Available at: https://documents.un.org/doc/undoc/gen/n18/237/65/pdf/n1823765.pdf (Accessed: 24 October 2024).

United Nations Office on Crime and Drugs - UNODC (2023) *Global report on Cocaine – Local dynamics, global challenges*. Vienna. Available at: https://www.unodc.org/documents/data-and-analysis/cocaine/Global_cocaine_report_2023.pdf (Accessed: 18 July 2024).

United Nations Security Council (2004) *The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General*. S/2004/616. United Nations Security Council. Available at: https://www.un.org/ruleoflaw/files/2004%20report.pdf (Accessed: 2 November 2021).

UNODC (2023) *Monitoreo de los territorios con presencia de cultivos de coca 2022*. Bogotá: United Nations Office on Drugs and Crime (UNODC). Available at: https://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Monitoreo_2022.pdf (Accessed: 5 March 2024).

Uprimny, R. (2009) 'Transformative Reparations of Massive Gross Human Rights Violations: Between Corrective and Distributive Justice', *Netherlands Quarterly of Human Rights*, 27(4), pp. 625–647. Available at: https://doi.org/10.1177/016934410902700411.

Valji, N. (2009) 'Gender Justice and Reconciliation', in K. Ambos, J. Large, and M. Wierda (eds) *Building a future on peace and justice: studies on transitional justice, conflict resolution and development: the Nuremberg Declaration on Peace and Justice*. Berlin: Springer.

Verdad Abierta (2024) *Entre problemas y aciertos, avanzan los trabajos reparadores de comparecientes ante la JEP*. Available at: https://verdadabierta.com/entre-problemas-y-aciertos-avanzan-los-trabajos-reparadores-de-comparecientes-ante-la-jep/ (Accessed: 21 August 2024).

Vieille, S. (2012) 'Transitional Justice: A Colonizing Field?', *Amsterdam Law Forum*, 4(3), p. 58. Available at: https://doi.org/10.37974/ALF.229.

de Waardt, M. and Weber, S. (2019) 'Beyond Victims' Mere Presence: An Empirical Analysis of Victim Participation in Transitional Justice in Colombia', *Journal of Human Rights Practice*, 11(1), pp. 209–228. Available at: https://doi.org/10.1093/jhuman/huz002.

Waldorf, L. (2019) 'Between Transition and Transformation Legal Empowerment as Collective Reparations', in P. Gready and S. Robins (eds) *From transitional to transformative justice*. Cambridge [UK]; New York, NY: Cambridge University Press.

Wang, C. and Burris, M.A. (1994) 'Empowerment through Photo Novella: Portraits of Participation', *Health Education Quarterly*, 21(2), pp. 171–186. Available at: https://doi.org/10.1177/109019819402100204.

Wang, C. and Burris, M.A. (1997) 'Photovoice: Concept, Methodology, and Use for Participatory Needs Assessment', *Health Education & Behavior*, 24(3), pp. 369–387. Available at: https://doi.org/10.1177/109019819702400309.

Wang, C.C. (1999) 'Photovoice: A Participatory Action Research Strategy Applied to Women's Health', *Journal of Women's Health*, 8(2), pp. 185–192. Available at: https://doi.org/10.1089/jwh.1999.8.185.

Wang, Q. and Hannes, K. (2020) 'Toward a More Comprehensive Type of Analysis in Photovoice Research: The Development and Illustration of Supportive Question Matrices for Research Teams', *International Journal of Qualitative Methods*, 19, p. 160940692091471. Available at: https://doi.org/10.1177/1609406920914712.

Wedeen, L. (2002) 'Conceptualizing Culture: Possibilities for Political Science', *American Political Science Review*, 96(4), pp. 713–728. Available at: https://doi.org/10.1017/S0003055402000400.

Weinstein, H.M. and Stover, E. (2004) 'Introduction: conflict, justice and reclamation', in E. Stover and H.M. Weinstein (eds) *My Neighbor, My Enemy*. 1st edn. Cambridge University Press, pp. 1–26. Available at: https://doi.org/10.1017/CBO9780511720352.002.

Weintraub, M. *et al.* (2023) 'Introducing the Mapping Attitudes, Perceptions and Support (MAPS) dataset on the Colombian peace process', *Journal of Peace Research*, p. 00223433231178848. Available at: https://doi.org/10.1177/00223433231178848.

Whitehead, S. (2001) 'The Invisible Gendered Subject: Men in education management', *Journal of Gender Studies*, 10(1), pp. 67–82. Available at: https://doi.org/10.1080/095892301300050591.

Wirtz, A.L. *et al.* (2013) 'Development of a screening tool to identify female survivors of gender-based violence in a humanitarian setting: qualitative evidence from research among refugees in Ethiopia', *Conflict and Health*, 7(1), p. 13. Available at: https://doi.org/10.1186/1752-1505-7-13.

Wirtz, A.L. *et al.* (2014) 'Gender-based violence in conflict and displacement: qualitative findings from displaced women in Colombia', *Conflict and Health*, 8(1), p. 10. Available at: https://doi.org/10.1186/1752-1505-8-10.

Wood, E.J. (2001) 'The Emotional Benefits of Insurgency in El Salvador', in J. Goodwin, J.M. Jasper, and F. Polletta (eds) *Passionate Politics: Emotions and Social Movements*. University of Chicago Press, pp. 267–281. Available at: https://doi.org/10.7208/chicago/9780226304007.001.0001.

Woodgate, R.L., Zurba, M. and Tennent, P. (2017) 'Worth a Thousand Words? Advantages, Challenges and Opportunities in Working with Photovoice as a Qualitative Research Method with Youth and their Families', *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 18(1), p. 23.

Yin, R.K. (2018) *Case study research and applications: design and methods*. Sixth edition. Los Angeles: SAGE.

Young, I.M. (1997) 'Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory', *New Left Review*, (222), pp. 147–160.

Zalaquett, J. (1995) 'Confronting Human Rights Violations Commited by Former Governments: Principles Applicable and Political Constraints', in N.J. Kritz (ed.) *Transitional justice: how emerging democracies reckon with former regimes*. Washington, D.C: United States Institute of Peace Press.