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From victims and mothers to citizens: Gender-just transformative reparations and the need for public and private transitions

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Abstract

Colombia's 2011 Victims' Law is often seen as an example of best practice in transitional justice, combining land restitution, individual and collective reparations. This law builds on the increasingly popular concept of transformative reparations and moreover prescribes a 'differential focus' to guarantee the inclusion and protection of groups considered to be especially vulnerable. Based on nine months of ethnographic and participatory visual fieldwork in two villages in Colombia's Caribbean coast, this article discusses how this 'differential focus' plays out in practice by critiquing the way in which it is based on a highly essentialised and narrow understanding of gender. Based on the experiences and ideas of women involved in the Victims' Law process, the article suggests how a focus on citizenship could offer a new approach to reparations, with more potential for transforming gender inequality.

Keywords: gender, reparations, citizenship, Colombia, displacement

Introduction¹

Colombia's internal armed conflict has spanned over five decades, caused by conditions of extreme inequality in terms of the distribution of land, wealth and social services. The state, left-wing guerrillas and paramilitary groups have disputed control over territory, committing large-scale human rights violations against the civilian population. Estimates suggest over 200,000 people were killed between 1958 and 2012, whereas an estimated 6 million Colombians have been forcibly displaced between 1985 and 2013.² Colombia has an interesting history of designing innovative approaches to transitional justice. After the 2005 Justice and Peace process of paramilitary demobilisation which provided amnesties in return for truth-telling and reparations, the adoption of the 2011 Victims' Law (Law 1448) represented Colombia's second attempt at transitional justice without a transition.³ This law has been hailed as one of the world's most complex and integral reparation programmes, combining individual and collective reparations with land restitution.⁴ The peace agreement signed late 2016 between the government and the FARC guerrillas includes yet another ambitious transitional justice

¹ This research has been approved by the Coventry University Ethics Committee (5 July 2015). I would like to thank first and foremost the communities who have so generously agreed to participate in my research. I would also like to thank Michaelina Jakala, EJ Milne, Rosalind Searle and Jemima García-Godos for their constructive feedback on earlier versions of this paper. This research has been funded by Coventry University.

² See for statistics on the Colombian conflict: Grupo de Memoria Histórica, *Basta Ya! Colombia: Memoria de Guerra y Dignidad* (Bogotá: Centro Nacional de Memoria Histórica, 2013).

³ Lisa J. Laplante and Kimberly Theidon, 'Transitional Justice in Times of Conflict: Colombia's Ley de Justicia y Paz,' *Michigan Journal of International Law* 28(49) (2007): 49–108; Nicole Summers, 'Colombia's Victims' Law: Transitional Justice in a Time of Violent Conflict?,' *Harvard Human Rights Journal* 25, no. June (2012): 219–35.

⁴ Lina Forero-Niño, 'Colombia's Historic Victims and Land Restitution Law,' *Law and Business Review of the Americas* 18 (2012): 97–103; Kathryn Sikkink et al., "Evaluación de Medidas Para Reparaciones Integrales en Colombia: Logros y Desafíos." (Cambridge: Harvard Kennedy School Carr Center for Human Rights Policy and Harvard Humanitarian Initiative, 2015).

package. Talks between the government and the ELN guerrillas are still ongoing.

The Victims' Law is a recent, ongoing and ambitious transitional justice process which includes a differential and transformative focus, from which many lessons can be learned. It therefore provides an excellent framework for exploring how transitional justice could contribute to transforming gendered and other inequalities through the increasingly popular concept of transformative reparations. The Victims' Law's gendered dynamics and impacts in two communities in Colombia's Magdalena department are the subject of this article, which proceeds as follows: It starts by describing the debate around transformative reparations. After briefly describing the methods used and the context of this research, it describes local gender relations and how these were affected by conflict. It then goes on to critically analyse the gender dynamics of the Victims' Law and juxtaposes the way this law addresses and understands 'gender' with the needs for the future identified by the research participants. The article concludes by suggesting a reconceptualisation of gender-just transformative reparations, using citizenship as a lens to move beyond material reparations towards measures to enhance women's social, economic and political agency.

Gender-just transformative reparations

Before examining the gendered dynamics of the Victims' Law, it is important to explain the concept of transformative reparations. Reparations were originally based on the concept of *restitutio in integrum*, which means that victims of crimes should be returned to the situation prior to the violations. It is

however often impossible to restore the previous situation, for example in cases of death or disappearance. When survivors' pre-conflict situations were defined by conditions of poverty, discrimination or violence, restoration might be undesirable.⁵ In contrast, the concept of transformative reparations assumes that reparations should address the structural causes of conflict, removing the conditions that enabled or caused the violations, to give survivors a new starting point for a different future.⁶ Yet transformation is a nebulous concept whose scope is unclear, raising questions about the extent to which often short-term transitional justice programmes such as reparations can be expected to accomplish long-term, more political goals of structural transformation. The transformation of structural inequalities would require reparations to go beyond corrective justice, instead including aspects of distributive justice, for example through development measures and social services. Some authors⁷ warn for 'overburdening' transitional justice, as this could cause unrealistic expectations, whereas mixing reparations and development would deliver reparations which are in fact entitlements of all

⁵ Naomi Roht-Arriaza, 'Reparations in the Aftermath of Repression and Mass Violence,' in *My Neighbor, My Enemy. Justice and Community in the Aftermath of Mass Atrocity*, ed. Eric Stover and Harvey M. Weinstein (Cambridge: Cambridge University Press, 2004); Wendy Lambourne, 'Transitional Justice and Peacebuilding after Mass Violence,' *International Journal of Transitional Justice* 3(1) (2009): 28–48; Lieselotte Viaene, 'Life Is Priceless: Mayan Q'eqchi' Voices on the Guatemalan National Reparations Program,' *International Journal of Transitional Justice* 4(1) (2010): 4–25.

⁶ Rodrigo Uprimny Yepes, 'Transformative Reparations of Massive Gross Human Rights Violations: Between Corrective and Distributive Justice,' *Netherlands Quarterly of Human Rights* 27(4) (2009): 625–247; Roddy Brett and Lina Malagon, 'Overcoming the Original Sin of the 'Original Condition': How Reparations May Contribute to Emancipatory Peacebuilding,' *Human Rights Review* 14(3) (2013): 257–71; Lambourne, *supra* n 5.

⁷ Pablo De Greiff, 'Articulating the Links Between Transitional Justice and Development: Justice and Social Integration,' in *Transitional Justice and Development. Making Connections*, ed. Pablo De Greiff and Roger Duthie (New York: Social Science Research Council, 2009); Roger Duthie, 'Afterword: The Consequences of Transitional Justice in Particular Contexts,' in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander Laban Hinton (New Brunswick: Rutgers University Press, 2011); Lars Waldorf, 'Anticipating the Past: Transitional Justice and Socio-Economic Wrongs,' *Social & Legal Studies* 21(2) (2012): 171–86.

citizens. Yet if reparations fail to transform underlying structures of inequality, their long-term impact on survivors' lives will be limited. Transformative reparations should therefore connect corrective and distributive justice in order to make a more lasting impact.⁸ The discussion about the perceived broadening of the scope of transitional justice has been considered one of the most hotly debated questions in the field.⁹

Gender-just transformative reparations build on this debate, arguing that reparations should aim to transform structures of gendered inequality, since failing to do so would risk returning women to a situation of structural discrimination which facilitates gender-based violence.¹⁰ This idea was first introduced by the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, which stressed that reparations should address the structural inequalities that negatively shape women's lives.¹¹ The 'Cotton Field' decision of the Inter-American Court of Human Rights has also been crucial for the development of gender-just transformative reparations, as it stated that if violations were committed in a context of structural discrimination, reparations should aim to transform this pre-existing situation.

⁸ Uprimny Yepes, supra n 6; Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin, 'Returning Home: Women in Post-Conflict Societies,' *University of Baltimore Law Review* 39 (2010): 339–69.

⁹ Catherine O'Rourke, 'Feminist Scholarship in Transitional Justice: A De-Politicising Impulse?,' *Women's Studies International Forum* 51 (2015): 118–127.

¹⁰ Andrea Durbach and Louise Chappell, 'Leaving Behind the Age of Impunity: Victims of Gender Violence and the Promise of Reparations,' *International Feminist Journal of Politics* 16(4) (2014): 543–62; Julieta Lemaitre and Kristin Bergtora Sandvik, 'Beyond Sexual Violence in Transitional Justice: Political Insecurity as a Gendered Harm,' *Feminist Legal Studies* 22(3) (2014): 243–61; Ruth Rubio-Marín, *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations* (Cambridge: Cambridge University Press, 2009).

¹¹ Uprimny Yepes, supra n 6; Margaret Urban Walker, 'Transformative Reparations? A Critical Look at a Current Trend in Thinking About Gender-Just Reparations,' *International Journal of Transitional Justice* 10(1) (2016): 108–25.

It therefore ordered guarantees of non-repetition, such as the design of public policies, as reparation measures to challenge gender discrimination.¹²

Different views exist as to how exactly reparations should achieve this transformation. In this journal, Urban Walker¹³ has argued against the provision of social reconstruction or economic development as gender-just transformative reparations, for making reparations lose their 'moral distinctiveness'. She argues that reparations should provide direct support in response to the crimes suffered, warning against the imposition of feminist priorities which might not correspond to survivors' needs. Other authors have suggested a combination of direct relief with wider social support measures which are crucial for women, such as health care, education, skills training and access to land and financial resources,¹⁴ resembling the conception of transformative reparations as a bridge between corrective and distributive justice described above. Williams and Palmer¹⁵ take this approach a step further, suggesting that transformative reparations should also encourage women's active participation, both throughout the reparation process (internal representation) and in society (external representation), through enhancing equity and promoting women's access to economic resources. My argument builds on this approach.

The Victims' Law applies this concept of transformative reparations, aiming to repair the victims of Colombia's conflict in an 'adequate, differential,

¹² Ruth Rubio-Marín and Clara Sandoval, 'Engendering the Reparations Jurisprudence of the Inter-American Court of Human Rights: The Promise of the Cotton Field Judgment,' *Human Rights Quarterly* 33(4) (2011): 1062–91.

¹³ Urban Walker *supra* n 11.

¹⁴ See for example Durbach and Chappell, *supra* n 10; Lemaitre and Sandvik, *supra* n 10; Rubio-Marín, *supra* n 10.

¹⁵ Sarah Williams and Emma Palmer, 'Transformative Reparations for Women and Girls at the Extraordinary Chambers in the Courts of Cambodia,' *International Journal of Transitional Justice* 10(2) (2016): 311–31.

transformative and effective way'.¹⁶ In fact, the government's repeated characterisation of reparations as 'transforming lives' has raised high expectations. The transformative focus of the Victims' Law is understood as the intention to 'eliminate patterns of discrimination and marginalisation (...) to prevent repetition' and 'restore or reconstruct a stable and dignified life project for the victims'.¹⁷ The Victims' Law also adopts a differential focus, which aims to counter specific situations of vulnerability – described in more detail below. The combined use of both concepts offers an interesting entry point for analysing the scope for reparations to transform gender inequality. In the next section I explain the methods used for this analysis.

Researching the gendered dynamics of the Victims' Law in Chibolo

Despite the increasing popularity of transformative reparations, research on the subject has been largely theoretical in nature. This article in contrast takes the lived experiences of and needs identified by conflict survivors as a starting point for suggesting a reconceptualisation of transformative reparations. In doing so, it draws on nine months of fieldwork in two communities in Colombia's Caribbean Coast from August 2015 until April 2016, and a return visit in May 2017.

Data was collected based on a feminist approach, through a combination of different methods. Ethnographic methods, including semi-structured interviews, focus groups and participant observation or 'hanging

¹⁶ Ministerio del Interior y de Justicia, *Ley de Víctimas y Restitución de Tierras* (Bogotá: República de Colombia, 2011), art. 25.

¹⁷ Ana Cristina Portilla Benavides and Cristián Correa, 'Estudio Sobre la Implementación del Programa de Reparación Individual en Colombia' (Bogotá/New York: Centro Internacional para la Justicia Transicional, 2015); Ministerio de Justicia y del Derecho, *Decreto 4800 de 2011 "Por el cual se Reglamenta la Ley 1448 de 2011 y Se Dictan Otras Disposiciones,"* (2011), art. 5.

out' with participants provided an important source of data about the everyday and gendered lived experience of transitional justice. This was complemented with participatory visual methods. An adaptation of the Photovoice method¹⁸ was used with 18 women in both communities to better capture women's viewpoints. These were often overshadowed by more general, non-gender specific concerns in community meetings, where women tended to participate less. The Photovoice process involved participants taking photographs about their daily lives with basic digital cameras, followed by individual photo elicitation interviews in which images were selected that were subsequently discussed in photo-led focus groups with the wider women's groups. On the basis of a collective discussion of the emerging themes in the images and captions, I collated the images and their accompanying captions, as there were no computer facilities to work on this collectively. The resulting photo booklets reflected women's situations and needs. Although the main purpose of the participatory visual research methods was to democratise the research process and enable different types of information, the images were also analysed in order to better understand women's everyday lives, needs and priorities, described in this article.

In total, 32 participants of both communities – nine of whom were male – took part in the (visual) interviews and focus groups. Informal conversations were held with many more community members, whereas I attended numerous meetings between the communities and transitional justice stakeholders. Furthermore, I undertook semi-structured interviews and

¹⁸ See Caroline Wang and Mary Ann Burris, 'Photovoice: Concept, Methodology, and Use for Participatory Needs Assessment,' *Health Education & Behavior* 24(3) (1997): 369–87.

correspondence with 15 stakeholders – representatives of State institutions and civil society organisations. Data was analysed using a grounded theory approach, which through an interrelated process of collecting and analysing data, enables theory to be closer to ‘reality’.¹⁹

The research described in this article took place in two communities of small-scale cattle farmers of *mestizo* ethnic background²⁰ in the municipality of Chibolo, in Colombia’s Magdalena department. In 1997, these communities were displaced by paramilitary group *Bloque Norte*. The community members spread across the Caribbean coast and even into Venezuela, many of them struggling to survive in the city as farmers, having lost their livelihood as a result of the exodus.²¹ It was only after paramilitary demobilisation that the villagers set foot on their land again. They returned in 2007, without accompaniment by the state and initially under threats of eviction. Since 2012, these communities have been involved in the Victims’ Law process. Land restitution, implemented by the Land Restitution Unit (LRU), has led to judicial sentences ordering the formal restitution of seven out of eight *predios* (subdivisions) of the communities. Nevertheless, many people are still waiting for their land titles, whereas the implementation of the accompanying social and infrastructural projects to make land restitution sustainable has not advanced either. The communities have also been included as subjects of collective reparations, sparking a two-year process of community meetings to

¹⁹ Kathy Charmaz, ‘The Grounded Theory Method: An Explication and Interpretation,’ in *Contemporary Field Research: A Collection of Readings*, ed. R.M. Emerson (Boston: Little, Brown and Company, 1983); Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, 2nd edn. (Thousand Oaks: Sage Publications, 1998).

²⁰ *Mestizo* refers to a mixed European and indigenous background. The majority of Colombia’s population is of *mestizo* ethnic origin.

²¹ Sanne Weber, ‘Notes From the Field: Rebuilding Lives Among Memories of Violence,’ *Landscapes of Violence* 4(1) (2016): Article 4.

identify the collective harms suffered and develop collective reparation plans, coordinated by the Victims' Unit (VU). In addition, they participate in a historical memory process. Individual reparations have so far been limited to compensation payments, received by many but not all community members. Many participants agreed in interviews and informal conversations that although helpful, compensation was not able to transform their lives.²²

In practice, this means that in spite of the increased state presence in relation to the Victims' Law, living conditions in these communities are still defined by poverty and the absence of basic development and social services like running water, electricity, adequate education and health care. Participants therefore expressed feeling treated as second-class citizens, as Cecilia²³ explained: 'Well the government should take us, as displaced persons, a bit more into account and help us with those things'.²⁴ This contrast between the implementation of transitional justice measures and their meagre results in terms of the improvement of survivors' lives not only points back to the debate about the connection between reparations and development, but also reflects the lack of systematic empirical evidence of the impact of transitional justice. In contrast to long-held assumptions, transitional justice does not automatically lead to peace, reconciliation and civic trust.²⁵

This article explores how reparations could better help achieve those results,

²² Compensation is awarded as a fixed amount per family unit. The individual amount received therefore depends on the size of the displaced family.

²³ All names of participants have been anonymised to guarantee their privacy and security.

²⁴ Personal interview, Anonymous, Chibolo, Colombia, 23 January 2016.

²⁵ Kieran McEvoy, 'Letting Go of Legalism: Developing a 'Thicker' Version of Transitional Justice,' in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, ed. Kieran McEvoy and Lorna McGregor (Oxford: Hart Publishing, 2008); Janine Natalya Clark, 'Transitional Justice, Truth and Reconciliation: An Under-Explored Relationship,' *International Criminal Law Review* 11(2) (March 1, 2011): 241–61; Waldorf, supra n 7; Chandra Sriram, 'Beyond Transitional Justice: Peace, Governance, and Rule of Law,' *International Studies Review* 19(1) (2017): 53-69.

particularly in terms of gendered peace. Setting the scene for this analysis, the next section describes gender relations in Chibolo and how these changed during displacement.

Gender roles in Chibolo in and beyond conflict

Reflecting the conditions of rural women throughout many parts of Latin America, gender roles in Colombia's Caribbean Coast are defined by patriarchy and rurality, centred on the 'nuclear family', which is led by the male head of household who provides for his wife and children.²⁶ Women are the support base of the family in terms of caring and household tasks. Many participants stressed the burden of time-consuming and often physically demanding household tasks, which were performed without running water, gas or electricity. María José said:

'We want there to be electricity, so that one can buy a washing machine (...). With a washing machine, one can do one task and do the other and advance with both tasks. One is not just there, because one loses a whole day, washing.'²⁷

Motherhood is an important element of women's role. Yet although this gives women a goal in life, at the same time it restricts them to the household and prevents them from pursuing other life plans. In informal conversations, María

²⁶ José Olavarría, 'Men's Gender Relations, Identity, Work-Family Balance in Latin America,' in *The Other Half of Gender: Men's Issues in Development*, ed. Ian Bannon and Maria C. Correia (Washington: The World Bank, 2006); Grupo de Memoria Histórica, *La Tierra En Disputa: Memorias de Despojo y Resistencias Campesinas en la Costa Caribe 1960-2010* (Bogotá: Centro Nacional de Memoria Histórica, 2010).

²⁷ Personal interview, Anonymous, Chibolo, Colombia, 5 march 2016.

José commented that she felt like a 'slave to the household', whereas other women expressed a desire for their daughters to study, considering that young women were 'lost' otherwise. Although present, violence against women was not talked about in public spaces or formal interviews. This dovetails with other research in Latin America that suggests that women consider violence as a naturalised aspect of dominant masculinities. Marriage is regarded as a social contract, in which women take care of their husbands in return for the provision of food and shelter. Failing to fulfil part of this contract seems to justify violence as a form of correction.²⁸

Men in turn are responsible for cattle farming and the work on the land. In return for providing their wives and families with protection, food and other basic needs, they enjoy privileges. This so-called 'patriarchal dividend'²⁹ includes the unconditional care of their wives and the freedom to do as they like '*en la calle*'.³⁰ As is common in Latin American farming societies, the male heads of household are in charge of public activities in the communities, representing their family with 'voice and vote'.³¹ In Chibolo, with the exception of two female leaders, the only female members of the community farmers' associations were widows, who could no longer be represented by their

²⁸ Gary Barker, 'Men's Participation as Fathers in Latin America and the Caribbean: Critical Literature Review and Policy Options,' in *The Other Half of Gender: Men's Issues in Development*, ed. Ian Bannon and Maria C. Correia (Washington: The World Bank, 2006); Mo Hume, 'Researching the Gendered Silences of Violence in El Salvador,' *IDS Bulletin* 40(3) (2009): 78–85; Elizabeth Jelin, 'Las Familias en América Latina,' *ISIS Internacional - Ediciones de las Mujeres* 20 (1994): 1–24.

²⁹ R.W. Connell, 'The Social Organization of Masculinity,' in *The Masculinities Reader*, ed. Stephen M. Whithead and Frank J. Barrett (Cambridge: Polity, 2001), 43; Marilyn Thomson, 'Boys Will Be Boys: Addressing the Social Construction of Gender,' in *Masculinities Matter! Men, Gender and Development*, ed. Frances Cleaver (London: Zed Books, 2002).

³⁰ The term *en la calle* is commonly used in Latin America, and refers to the public space. Being on 'the street' is accepted for men, whereas for women *la calle* is associated with bad habits and prostitution. See Jelin, *supra* n 28.

³¹ Magdalena León, 'La Desigualdad de Género en la Propiedad de la Tierra en América Latina,' in *Du Grain À Moudre. Genre, Développement Rural et Alimentation*, ed. C. Verschuur (Berne: Commission Nationale Suisse pour l'UNESCO, 2011).

husbands. Hegemonic masculinity describes the standardised image of those men who hold power. *Machismo*, the most dominant form of hegemonic masculinity in Latin America, is strong in Colombia's Caribbean coast. It is demonstrated through wealth, (hetero)sexual conquest and the exertion of power over others, displayed through an exalted virility, competitiveness, and toughness.³² It is however important to recognise that *machismo* can also be oppressive for men themselves, as living up to the expectations of hegemonic masculinity can be experienced as a burden.

These gender relations were disrupted by displacement. Like in other conflict-affected areas in Colombia,³³ displacement forced many women in Chibolo to start working outside the house to provide income for their families. This survival strategy was crucial, since incomes plummeted as men's agricultural skills were of little use in the cities. Some women valued the positive effects of displacement in terms of gendered changes, expressing satisfaction for having been able to raise their children in difficult circumstances. Others received training in the cities where they sought refuge, giving them a sense of pride, as Ana described:

³² Adam Baird, 'Duros and Gangland Girlfriends: Male Identity, Gang Socialization, and Rape in Medellín,' in *Violence at the Urban Margins*, ed. Javier Auyero, Philippe Bourgois, and Nancy Scheper-Hughes (New York: Oxford University Press, 2015); Marcela Lagarde y de los Ríos, *Los Cautiverios de Las Mujeres: Madresposas, Monjas, Putas, Presas y Locas* (México, DF: Siglo xxi Editores, 2014); Mara Viveros Goya, 'Contemporary Latin American Perspectives on Masculinity,' in *Changing Men and Masculinities in Latin America*, ed. Mathew C. Gutmann (Durham: Duke University Press, 2003).

³³ See for example Jiménez Ocampo, S. et al., *Internally Displaced People in Colombia, Victims in Permanent Transition: Ethical and Political Dilemmas of Reparative Justice in the Midst of Internal Armed Conflict* (Cartagena: Ediciones Ántropos Ltda, 2009); Gloria-Patricia Zuluaga-Sánchez and Carolina Arango-Vargas, 'Mujeres Campesinas: Resistencia, Organización y Agroecología en Medio del Conflicto Armado,' *Cuadernos de Desarrollo Rural* 10(72) (2013): 159–80; Ruta Pacífica de las Mujeres, *La Verdad de Las Mujeres Víctimas Del Conflicto Armado En Colombia. Resumen* (Bogotá, 2013).

When I went to Valledupar I went to declare, and there I was given training and they even gave me a travel allowance for the taxi... My husband didn't continue but I did go, I attended. And they even gave me a diploma, I have it there in the folder.³⁴

This reflects how conflict often shakes up existing power relations, providing opportunities for increasing women's agency.³⁵ Nevertheless, these new roles did not alleviate women's household tasks, while men's contribution to caring tasks did not increase. This produced a double burden for women, who moreover often had unstable and low-paid employment with long hours, making it difficult to maintain a normal family life.³⁶ Some participants expressed the feeling of not having been able to provide their children with the food and attention they needed. This produced stress, a sense of powerlessness and 'maternal failure'.³⁷

Displacement also had gendered impacts for men. The pressure to be breadwinners can be experienced as a burden,³⁸ especially in contexts of conflict or postconflict recovery. Some men experienced a sense of emasculation, feeling useless as farmers in the cities, as Mauro described:

³⁴ Focus Group, Chibolo, Colombia, 18 March 2016.

³⁵ Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering Agency in Transitional Justice,' *Security Dialogue* 46(2) (2015): 165–82.

³⁶ Jelin, *supra* n 28; Olavarría, *supra* n 26.

³⁷ Julieta Lemaitre, 'After the War: Displaced Women, Ordinary Ethics, and Grassroots Reconstruction in Colombia,' *Social & Legal Studies* 25(5) (2016): 8; Jiménez Ocampo et al, *supra* n 33.

³⁸ Gary T. Barker, *Dying to Be Men: Youth, Masculinity and Social Exclusion* (Abingdon: Routledge, 2005); Olavarría, *supra* n 26.

All the time I remembered the seven years of work with my children that I left behind. The first days after we left were very hard for me. I was left without my wife, without my land.³⁹

Returning to the land enabled the restoration of a sense of successful masculinity for men. For women, it provided a less stressful life, being able to successfully perform their expected gender role. Return after displacement therefore restored pre-displacement gender roles. Further on in this article, I will suggest how transitional justice can capitalise on these temporary shifts in gender roles.

Another effect of displacement was the loss of women's organisation. Older women sometimes talked about the women's committees that existed before displacement, which were able to obtain funded projects that benefited the communities. Nevertheless, in contrast to how displacement inspired women's organisation elsewhere in Colombia's Caribbean Coast,⁴⁰ these committees did not survive displacement as the most active women did not return. More recently, some of the female leaders have attempted to reanimate women's organisation, to obtain livelihood projects or start a small women-led business. Yet attendance of meetings was irregular. This is largely explained by the strong interiorisation of gender roles in women, who often continued to prioritise household tasks over social and political organising, fearing their husbands' reproof for failing to fulfil the 'marriage

³⁹ Personal interview, Chibolo, Colombia, 19 January 2016.

⁴⁰ Grupo de Memoria Histórica, *supra* n 26.

contract'.⁴¹ Participating in non-household activities was justified for legitimate reasons only, like attending church, family activities or other 'respectable social outlets for women',⁴² showing how women's changed gender roles during displacement did not prove lasting. This dovetails with other research in and beyond Colombia,⁴³ which has identified that temporary changes in gender roles during conflict often fail to produce structural changes in gender regimes or increased bargaining power for women. This results in a low level of agency and a weak engagement with citizenship among the women in these communities.

It is necessary here to clarify what I mean by these terms. Agency can be understood as the 'capacity to act in and influence the world' through dissenting or negotiating in order to make a difference to the pre-existing state of affairs.⁴⁴ It is constrained by wider structures of (gendered) power relations, which can fluctuate over time and place and across social and political contexts. Agency can vary from reactive to pro-active, and be exercised in formal (political), and informal spaces, including in women's everyday lives by small acts of resistance or self-determination.⁴⁵ Related to

⁴¹ Naila Kabeer 'Empowerment, Citizenship and Gender Justice: A Contribution to Locally Grounded Theories of Change in Women's Lives,' *Ethics and Social Welfare* 6(3) (2012): 216–32.

⁴² Elissa Helms, *Innocence and Victimhood: Gender, Nation and Women's Activism in Postwar Bosnia-Herzegovina* (Madison: University of Wisconsin Press, 2013), 110.

⁴³ See for example Sabrina Aguiari, 'The Cost of Peace: Exploring Opportunities for Women's Livelihoods in Post-Conflict Settings,' in *Women Reclaiming Sustainable Livelihoods: Spaces Lost, Spaces Gained*, ed. Wendy Harcourt (Basingstoke: Palgrave Macmillan, 2012); Jiménez Ocampo et al., supra n 33; Dubravka Zarkov, 'Towards a New Theorizing of Women, Gender, and War,' in *Handbook of Gender and Women's Studies*, ed. Kathy Davis et al. (Lond: Sage Publications, 2006): 214–33.

⁴⁴ Kabeer, supra n 41; Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity Press, 1984); Maxine Molyneux, 'Justicia de Género, Ciudadanía y Diferencia en América Latina,' *Studia Histórica. Historia Contemporánea* 28 (2010): 181–211 at 198.

⁴⁵ Björkdahl and Selimovic, supra n 35, Lois McNay, *Gender and Agency: Reconfiguring the Subject in Feminist and Social Theory* (Cambridge: Polity Press, 2000); Mats Utas, 'Victimcy,

this, I understand citizenship as a political identity in which individuals actively demand their rights in a shared political community, displaying political autonomy. Beyond a legal status, citizenship is a practice which is constructed and involves civic duties of participation.⁴⁶ The women in Chibolo did not display a practice of 'active citizenship'.⁴⁷ This can be explained by the rigid gender roles described above, but also by the fact that participants did not experience the benefits of formal democracy in terms of access to basic public services. The remoteness of the State in rural areas, also described in other contexts in and beyond Latin America, also plays a role.⁴⁸ The concepts of agency and citizenship are of crucial importance to understand how reparations can live up to their transformative potential, as I describe in the following sections of this article.

The Victims' Law's differential focus in theory and practice

The Victims' Law includes a differential focus which provides measures to respond to the 'particular situation and degree of vulnerability' of certain groups of victims due to their age, gender, sexual orientation or disability, as well as social groups like trade unionists, human rights defenders or

Girlfriending, Soldiering : Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone,' *Anthropological Quarterly* 78(2) (2005): 403–30.

⁴⁶ Elizabeth Jelin, 'Citizenship Revisited: Solidarity, Responsibility, and Rights,' in *Constructing Democracy: Human Rights, Citizenship and Society in Latin America*, ed. Elizabeth Jelin and Eric Hershberg (Boulder: Westview Press, 1996); Kabeer, supra n 41; Chantal Mouffe, 'Democratic Citizenship and the Political Community,' in *Dimensions of Radical Democracy: Pluralism, Citizenship, Community*, ed. Chantal Mouffe (London: Verso, 1992); Lucy Taylor, 'Client-Ship and Citizenship in Latin America,' *Bulletin of Latin American Research* 23(2) (2004): 213–27.

⁴⁷ Molyneux, supra n 44; Michael Neocosmos, 'Can a Human Rights Culture Enable Emancipation? Clearing Some Theoretical Ground for the Renewal of a Critical Sociology,' *South African Review of Sociology* 37(2) (2006): 356–79.

⁴⁸ Joanna S. Wheeler, 'Rights without Citizenship: Participation, Family and Community in Rio de Janeiro,' in *Inclusive Citizenship: Meanings & Expressions*, ed. Naila Kabeer (London: Zed Books, 2005); Lia Kent, 'After the Truth Commission: Gender and Citizenship in Timor-Leste,' *Human Rights Review* 17(1) (2016): 51–70.

farmers.⁴⁹ In terms of gender, this differential focus is largely translated in attention for women who suffered sexual violence, female heads of households, and women's general prioritisation in accessing benefits like credits, education and training.

Gender and land restitution

Perhaps the most promising aspect of the Victims' Law's gendered provisions is the allocation of joint land titles to men and women. This could constitute a clear gender-transformative measure, since land is the basis of income-generation in rural settings such as Chibolo. Land titles – if they already existed – used to be overwhelmingly in men's name. Although the family as such works on the land, men's work is valued most as it generates income. Since women's agricultural work – for example holding farm animals or vegetable gardens – is for family consumption and therefore not remunerated, it is not valued equally. Land is inherited from father to son, whereas women tend to live with their husbands' family upon marriage.⁵⁰ The inclusion of women as landowners can therefore significantly improve their social and economic status and their security in case of divorce or their husbands' death. Unfortunately however, as has been demonstrated by previous agrarian reforms which enabled Colombian women to become land owners,⁵¹ having de jure property rights is not enough for women to actually enjoy these rights or to produce changes in the patriarchal understanding of land ownership.

⁴⁹ Ministerio del Interior y de Justicia, *supra* n 16, art. 13.

⁵⁰ Magdalena León and Carmen Diana Deere, 'La Mujer Rural y la Reforma Agraria en Colombia,' *Cuadernos de Desarrollo Rural* 38 y 39 (1997): 7–23; León, *supra* n 31; Zuluaga-Sánchez and Arango-Vargas, *supra* n 33; Jiménez Ocampo et al., *supra* n 33.

⁵¹ Grupo de Memoria Histórica, *supra* n 26.

This can partly be explained by a paradox in the land restitution process, since in spite of resulting in joint land titles, land restitution cases can only have one claimant – generally the man, who is still regarded as the head of household.⁵² In Chibolo for example several women were not aware that they would now be included in the land titles, since all the paperwork was in their husbands' name. The attitude towards gender among the LRU, especially at the local level, was also revealing. When asked about the gendered impacts of the land restitution process, the local LRU employee interviewed in the Magdalena department did not even mention the joint land titles. She later admitted that there was often no time to deal with this issue in depth with the communities.⁵³ The low priority of gender issues was illustrated by the fact that it was not until 2013 – two years after the law's adoption – that the LRU started implementing its 'Women's Programme' to promote women's participation within the judicial phase of the land restitution process.

The persistence of traditional conceptions of land ownership was exemplified by Juana, who when asked about her husband's whereabouts would say 'he went to one of his *fincas* (farms)' and accompanied Facebook images of a newly built pavilion with the caption 'the pavilion of Juan García'.⁵⁴ The idea that she also owned or contributed to this property had not yet been interiorised, even though she was the person in charge of managing the family *finca's* finances. Changing this view requires specific efforts to reconceptualise women's relationship to the land and recognise

⁵² Donny Meertens, 'Discursive Frictions: The Transitional Justice Paradigm, Land Restitution and Gender in Colombia,' *Papel Político* 20(2) (2015): 353–81.

⁵³ Personal interview, Employee Land Restitution Unit, Santa Marta, Colombia, 19 October 2015.

⁵⁴ Author's field notes, 9 May 2017.

their contribution to the farming economy as agricultural workers and administrators of the land in their own right, instead of as 'assistants' of their husbands.⁵⁵ At this moment however, the productive projects which accompany land restitution continue to focus on men's work of cattle farming. This reconfirms the idea that men have the principal relationship with the land. Women therefore regard these as men's projects, as Patricia expressed:

What we would like is to also have a project as part of the reparations. So that it is not just for the men, because those projects that they have given are just for men.⁵⁶

The coordinator of the LRU's Social Department recognised that these productive projects tend to prioritise men's agricultural work.⁵⁷ A second phase of the LRU's 'Women's Programme' was therefore launched in July 2016 – although its text and contents had not been published at the moment this article was written⁵⁸ – to address the postrestitution phase through specific women's projects. These will be implemented in parallel to the 'male' projects, to avoid causing arguments between husband and wife, or 'fight against a cultural issue'.⁵⁹ It is not clear how 'male' and 'female' projects are

⁵⁵ Marcia E Greenberg and Elaine Zuckerman, 'The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development,' in *Making Peace Work: The Challenges of Social and Economic Reconstruction*, ed. Tony Addison and Tilman Brück (New York: Palgrave MacMillan, UNU-WIDER, 2009); León, supra n 31.

⁵⁶ Personal interview, Anonymous, Chibolo, Colombia, 15 October 2015.

⁵⁷ Personal interview, Coordinator of Social Department, Land Restitution Unit, Bogotá, Colombia, 29 October 2015.

⁵⁸ Personal interview, Employee Sisma Mujer, Bogotá, Colombia, 23 May 2017.

⁵⁹ Personal interview, supra n 57.

related and whether gender will be addressed with the wider communities, which are necessary steps to actually transform gender relations.

Gender and reparations

Unfortunately, the reparation process does not seem to fare much better in terms of transforming gender relations. The VU's self-proclaimed flagship gender strategy specifically addresses the reparation of female victims of sexual violence. It is not implemented in Chibolo, since although it is known by some that sexual violence took place here, women have not formally denounced it. Collective reparations therefore seem best placed to address gender inequality, because of the possible measures and the participatory nature of the process. Nevertheless, although the VU repeatedly explained the 'differential focus' to the communities in meetings I attended, explaining the need to protect LGBT rights – to the community members' great amusement – was prioritised over discussing women's participation. This is surprising, given the strongly male-dominated attendance and participation in the meetings and in local forms of organisation, including the steering committees for collective reparations created by the VU itself. This is nothing new. In participatory development the obstacles to women's participation and measures to improve this have been on the agenda for over a decade.⁶⁰ These lessons unfortunately seem to have gone unnoticed by the VU.

The VU instead reinforced rather than challenged certain gendered dynamics. For example, meetings ordinarily ended with a lunch, cooked by

⁶⁰ See for example Andrea Cornwall, 'Whose Voices? Whose Choices? Reflections on Gender and Participatory Development,' *World Development* 31(8) (2003): 1325–42.

community women, who could hence not attend the meetings for performing their traditional gender role of providing food for those – mostly men – undertaking the public functions. These women were therefore not informed of the meetings' content, further obstructing their participation in decision-making processes. In an interview, a senior VU employee admitted that they only recently started a pilot programme to apply a 'differential focus' to mixed collective reparation processes.⁶¹ This means that the processes initiated since the adoption of the Victims' Law, spanning over four of its ten-year mandate, were not implemented with a methodology to actively promote women's participation. The VU's work in terms of 'gendered' collective reparations was limited to cases of reparation of women's groups instead. Although undoubtedly important, this suggests a lack of awareness of the relational nature of gender and the need to integrate gender into all aspects of the reparation process. This way, gender expertise is often 'added on' in specific programmes and teams – often based in Bogotá – instead of being seen as a crosscutting issue.⁶² This risks creating what Chinkin and Charlesworth call a 'women's ghetto'⁶³ of specific projects for women which have fewer resources, lower priority and fail to address or transform the underlying gendered inequalities. The employment of gender specialists throughout local and national teams to include a gender perspective across programmes would be a crucial first step to overcome this. The use of specific

⁶¹ Personal interview, Director of Reparations, Victims' Unit, Bogotá, Colombia, 25 January 2016.

⁶² Personal interview, supra n 58; Personal interview, Employee UN Women, Bogotá, Colombia, 26 January 2016; Pascha Bueno-Hansen, *Feminist and Human Rights Struggles in Peru: Decolonizing Transitional Justice* (Urbana: University of Illinois Press, 2015).

⁶³ Hillary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester: Manchester University Press, 2000).

methodologies could promote women's active participation in reparation processes, which could eventually contribute to enhancing their citizenship participation in society.⁶⁴

In terms of the content of collective reparation measures in Chibolo, their gendered potential was included through the proposed reactivation of the women's committees. Yet despite the community members' demand for the implementation of this measure, for the VU creating a 'third group' was not a priority, because the communities' steering committees for collective reparations and the psychosocial recovery programme were not yet working well. The fact that these steering committees were not locally inspired yet created by the VU goes a long way towards explaining their lack of effectiveness. The demand for the revival of the women's committees in contrast reflects the need to promote authentic forms of organisation, with more potential to last beyond the reparation process. Nevertheless, during my return visit to Chibolo in 2017, the communities' women's committees had still not received financial, logistical or organisational support from the VU. Though formally registered by the women themselves, the committees were weak and little effective. Following the argumentation of Williams and Palmer,⁶⁵ reparations in this case failed to contribute to women's internal and external representation – a missed opportunity for a process with a 'differential focus'.

Gendered violence, victimhood and agency

⁶⁴ Palmer and Williams, supra n 15.

⁶⁵ Williams and Palmer, supra n 15.

The analysis of the implementation of the Victims' Law's differential focus gives evidence of a limited understanding of gender as 'women'. This responds to wider trends within and beyond Colombia of how incorporating 'gender' in transitional justice often boils down to an 'add women and stir approach',⁶⁶ or 'hyper-attention' to sexual violence against women, and to a lesser extent female heads of (displaced) households.⁶⁷ This approach keeps in place ideas about what the gendered impacts of conflict are and how these should be repaired. This is in line with transitional justice's traditional focus on direct violence, which often results in a tendency to spectacularise and exceptionalise sexual violence and other forms of direct violence, while failing to analyse what happened to women who did not suffer these specific 'gendered' forms of violence. Women are presented as a vulnerable group of victims, identifying their sexual subordination as a key aspect of their oppression. This unhelpfully zooms in on a single aspect of their experience while ignoring the complexity of their lives, their different sorts of agency, resistance and resilience.⁶⁸ Social and economic rights violations tend to be ignored, as well as historical patterns of structural violence which are experienced on an everyday basis. As a result, everyday *machismo* and gender inequality, which produce the low levels of agency and lack of citizenship participation described above, are left unaddressed, while the described temporary shifts in gender roles produced by conflict are not

⁶⁶ Charlesworth and Chinkin, supra n 63 at 335.

⁶⁷ Alison Crosby and M. Brinton Lykes, 'Mayan Women Survivors Speak: The Gendered Relations of Truth Telling in Postwar Guatemala,' *International Journal of Transitional Justice* 5(3) (2011): 456–76; Lemaitre and Sandvik, supra n 10.

⁶⁸ Katherine M Franke, 'Gendered Subjects of Transitional Justice,' *Columbia Journal of Gender and Law* 15(3) (2006): 813–28; Ratna Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-Colonial Feminist Legal Politics,' *Harvard Human Rights Journal* 15(1) (2002): 1–38.

engaged with either.⁶⁹ The resulting essentialised and ‘protective representations’ uphold a conception of a patriarchal society in which women and other groups are in need of protection by and from their stronger peers: men and the state, maintaining certain groups as rescuers of others without transforming the underlying inequalities.⁷⁰

The other side of the gendered coin is the image of women as actors for peace, often heard among Colombia’s women’s organisations. This idea, which connects women’s agency to their life-giving capacity, is linked to affirmative essentialisms about women’s inherent peacefulness, associated with their role as mothers with natural caring and nurturing capacities who ‘do not give birth to children for war’.⁷¹ This approach was evident in Chibolo, where women often mentioned an activity to celebrate Mothers’ Day and pay homage to the *madres luchadores*,⁷² organised by the VU’s psychosocial reparation programme. Although it should be applauded that women’s role was recognised, their motherhood identity was emphasised. This risks reinforcing traditional gender patterns and viewing women exclusively in their

⁶⁹ Fionnuala Ní Aoláin, ‘Political Violence and Gender during Times of Transition,’ *Columbia Journal of Gender and Law* 15(3) (2006): 829–49; Kimberly Theidon, ‘Gender in Transition: Common Sense, Women and War,’ *Journal of Human Rights* 6(4) (2007): 453–78; Bueno-Hansen, supra n 62; Daniel Aguirre and Irene Pietropaoli, ‘Gender Equality, Development and Transitional Justice: The Case of Nepal,’ *The International Journal of Transitional Justice* 2(3) (2008): 356–77; Alison Crosby et al., ‘Carrying a Heavy Load: Mayan Women’s Understandings of Reparation in the Aftermath of Genocide,’ *Journal of Genocide Research* 18(2–3) (2016): 265–283.

⁷⁰ Charlesworth and Chinkin, supra n 63; Dianne Otto, ‘Power and Danger: Feminist Engagement with International Law through the UN Security Council,’ *The Australian Feminist Law Journal* 32 (2010): 97–121; Laura Sjöberg, *Women as Wartime Rapists: Beyond Sensation and Stereotyping* (New York: New York University Press, 2016).

⁷¹ Cynthia Cockburn, *From Where We Stand: War, Women’s Activism and Feminist Analysis* (London: Zed Books, 2007); Catherine O’Rourke, *Gender Politics in Transitional Justice* (Abingdon: Routledge, 2013); Linda Åhåll, ‘Confusion, Fear, Disgust: Emotional Communication in Representations of Female Agency in Political Violence,’ in *Gender, Agency and Political Violence*, ed. Linda Åhåll and Laura J. Shepherd (Basingstoke: Palgrave Macmillan, 2012).

⁷² Translated as the ‘courageous mothers’, but also referring to the women who came to the communities as part of the group of *luchadores*. From author’s field notes, 6 September and 15 October 2015.

reproductive role. It also appears to suggest that women are superior or 'more moral than men', simply for being mothers.⁷³ Comments by an interviewed VU employee reflected these ideas:

We are convinced that women are precisely those who reconstruct the social ties that were affected by the conflict. (...) They are the ones who will rebuild the families, the community contexts.⁷⁴

Yet rebuilding communities that are still characterised by patriarchal relationships is not easy, and risks placing an additional burden on women's shoulders, especially if they are not supported by actions to transform the patriarchal context that surrounds them.

What results is a victim-peacemaker binary,⁷⁵ which lacks a more nuanced and complex understanding of women's subjectivities and roles. A focus on victimhood affords women rights on the basis of their – sexual – vulnerability, while a focus on motherhood risks reinforcing patriarchal stereotypes about women's gendered role in society. Neither of these representations is helpful for transforming structural gendered inequality. A different approach is needed, which emphasises and enhances women's multiple forms of social and economic agency. Women's more diverse roles, for example in terms of their economic participation and role in the survival of

⁷³ Mary G Dietz, 'Context Is All: Feminism and Theories of Citizenship,' *Daedalus* 116(4) (1987): 12; Sjöberg, *supra* n 70.

⁷⁴ Personal interview, Director Women's and Gender Group, Victims' Unit, Bogotá, Colombia, 25 January 2016.

⁷⁵ Helms, *supra* n 42.

their families during displacement, should be recognised and valued as a first step towards changing gender roles. Following examples of civil society initiatives in Timor-Leste,⁷⁶ historical memory processes – already part of collective reparations in Colombia – could assist communities in identifying how conflict changed gender roles and use this to foster understanding for the need to enhance women’s agency in the present. Addressing women as citizens with a role to play in their communities provides a different lens for looking at transitional justice and specifically at reparations. The final section of this article sheds light on how reparations could promote women’s citizenship.

Reparations: transforming women’s lives through citizenship building

Turning now to solutions for this limited understanding of gender, I will explain how the way the women in Chibolo imagined their future could help to design gender-just transformative reparations that can have a more long-term and transformative impact. The participatory visual research process undertaken not only demonstrated the situation of poverty in which most families lived, but also women’s desire for more autonomy and agency, to play a role in helping their families ‘move forward’. This was also reflected in group discussions in which participants expressed the desire to finish school and become ‘more independent of their husbands’. As far as Dina was concerned, ‘being a woman, one is also capable of learning many things’.⁷⁷ Many women in these communities were not able to finalise secondary or even primary

⁷⁶ Kent, *supra* n 48.

⁷⁷ Personal interview, Anonymous, Chibolo, Colombia, 10 March 2016.

education, causing feelings of insecurity and inhibiting some from participating in meetings with state institutions. Adult primary and secondary education – currently not included as reparation measure – could help increase women’s self-esteem, which is a precondition for participating in meetings or lobby activities.

Education was not only important for women themselves. Participants also stressed the need for education for their children and grandchildren, to secure a better future. Jenifer agreed:

All the hard work I have here in the countryside, well it’s for my daughters. To see if one day we move forward, and I will be able to give them education and all that.⁷⁸

In and beyond Latin America a lack of educational or employment perspectives is often accompanied by early motherhood. Studying could help girls – and boys – make better informed decisions about their life and family plans.⁷⁹ Community leaders therefore insisted on the need for education, to give young people more perspectives for the future. In response, the VU could expand the number of higher education scholarships it offers – which currently prove insufficient⁸⁰ – in order to contribute to a longer-term process of overcoming poverty and transforming gender roles. The public education curriculum could moreover contribute to changing conceptions about gender

⁷⁸ Personal interview, Anonymous, Chibolo, Colombia, 16 March 2016.

⁷⁹ Mónica M. Alzate, 'The Sexual and Reproductive Rights of Internally Displaced Women: The Embodiment of Colombia's Crisis,' *Disasters* 32(1) (2008): 131–48; Barker, *supra* n 38; Jelin *supra* n 28.

⁸⁰ Portilla Benavides and Cristián Correa, *supra* n 17.

relations and identities. More generally, education could play an important role in installing citizenship skills, teaching young people how to claim their rights and participate as citizens in society. This could help prevent the feeling of powerlessness that María José described:

I have four grandchildren. I wish they could study and would not go through the same thing. Like us, we don't know anything. We could not defend ourselves against anything, always enslaved, working, burdened with needs. I wish God would help them to move forward, so that they won't live like we have lived all this time. Like in ignorance.⁸¹

Another strategy that women often mentioned to gain more independence from their husbands was income generation through livelihood projects, as Eloisa suggested:

A way to prepare the women here so that they have their own productive project. So that they do not only have their birds and things like that, and wait for the husband to receive his project, since he is who sells the little bit of milk, he is who brings in the material things, and she is just there, like it has always been...
No, we would like to generate our own income.⁸²

⁸¹ Personal interview, supra n 27.

⁸² Personal interview, Anonymous, Chibolo, Colombia, 31 march 2016.

These ideas dovetail with suggestions made by other authors⁸³ to provide skills training and opportunities for economic development as transformative reparations. It should however be carefully analysed which projects can combine generating income with changing gendered roles. Last year both women's committees received small projects to raise chickens. Interest soon waned, since the women were badly organised and these projects required time and energy without making much profit. Although such typical women's projects might be more easily accepted by male community members for 'not rocking the boat too much' in terms of challenging gender norms, they ultimately risk reconfirming traditional gender roles and do little to change gender regimes. This exemplifies the need for donors and beneficiaries to carefully analyse which projects can give women the skills needed for successful integration in the local economy.⁸⁴

It is moreover important to note that although livelihood projects might give women a bit more income, they do not necessarily improve their quality of life. If projects are not accompanied with efforts to change the division of household and caring tasks within the family, they will most likely end up producing an additional burden for women, which might outweigh the projects' intended benefits. This helps explain why many women in Chibolo soon lost interest, and suggests that more is needed than just a 'project for women'. Measures to enhance women's economic and social agency should be accompanied with wider transformations of gendered role divisions including in the household, as was also indicated by women in other parts of

⁸³ Durbach and Chappell, *supra* n 10; Rubio-Marín, *supra* n 10.

⁸⁴ Aguiari, *supra* n 43; Helms, *supra* n 42 at 113.

Colombia.⁸⁵ Only by involving men in these processes can gendered relations and role divisions change in a more structural way. I will expand on this in the final section of this article.

Finally, for livelihood projects or other initiatives for women's economic empowerment to work, women need to be organised. As explained above, women in these communities had little experience organising. They were however becoming increasingly aware of the need to organise, and many of them, like Ana, were disappointed by their peers' lack of interest:

That's what I say to these women: what are we going to do?

We have to do it (organise) soon, to see what we will achieve,

because if we are like this we are not doing anything.⁸⁶

Enhancing women's participation in the reparation process (internal representation) can give an impulse to their organisational process by making them more confident about participating in public spaces. Reparations can also increase their external representation, for example by providing training about the bureaucratic and financial skills needed to run a women's organisation and elaborate project proposals, as well as lobby skills for getting their demands across to local and national governments. This type of skills contributes to an increased political subjectivity, needed to engage as active citizens. These trainings could be complemented by discussion forums and exchange meetings to enable women to learn from successful

⁸⁵ Ruta Pacífica de las Mujeres, *supra* n 33.

⁸⁶ Personal interview, Anonymous, Chibolo, Colombia, 21 January 2016.

experiences. Other experiences in Colombia have showed how organising in women's groups or organisations can help women to not only find the solidarity needed to overcome the effects of conflict, but also reflect on their identity and rights as women, to then proceed to claim these on the basis of shared needs for improved living conditions.⁸⁷ Seeing these benefits could motivate women in Chibolo to organise.

Reparations and citizenship

These reflections show that beyond compensation or immediate relief, women desire more structural changes in their position. Gender-just transformative reparations should recognise and reinforce women's role as social and economic actors, helping them to enhance their autonomy and agency through support in terms of education, organisational skills and livelihood projects. This echoes other research in Colombia which underlines the need for reparations to provide women with elements to rebuild life projects.⁸⁸ A concept that could bring these components together is citizenship, which can be a useful political tool to combat women's subordination by strengthening their agency to claim their rights as citizens.⁸⁹ Reparations could play a role in constructing a more active practice of citizenship. Several authors⁹⁰ describe how leadership training for women or support for women's associations can help building a stronger understanding and practice of citizenship. Morocco's community reparations provide an

⁸⁷ Jenny Pearce, 'Violence, Power and Participation: Building Citizenship in Contexts of Chronic Violence,' *IDS Working Paper* 274, 2007; Ruta Pacífica de las Mujeres, *supra* n 33.

⁸⁸ *Ibid.*

⁸⁹ Ruth Lister, 'Dialectics of Citizenship,' *Hypatia* 12(4) (1997): 6–26.

⁹⁰ Kabeer, *supra* n 41; Molyneux, *supra* n 44; Rubio-Marin, *supra* n 10.

example, as they included different measures – implemented by local associations – to support women’s economic empowerment and strengthen their organisations and lobby capacities.⁹¹ The provision of spaces for reflection and awareness raising among women about the meaning of active citizenship and the need to demand recognition for their roles is also crucial. Reparations should therefore go beyond traditional, more materially oriented measures or immediate relief, and focus on processes of training and support for women to enhance their political subjectivity. This is needed to become active citizens who can have a role in improving their own lives, instead of depending on the government to provide one-off support such as compensation. This undoubtedly is a long-term process, which cannot be expected to produce results by itself and should be part of a wider strategy to transform gender inequality.

It is however also common knowledge that changes in women’s role and position can generate resistance among men. Therefore, working on ‘gender’ should also entail working with men. Although men’s groups have been attempting to transform gender relations in Latin America since the late 1980s,⁹² attention for men and masculinities has so far been absent from the gender policies of the Victims’ Law institutions. Although men in a patriarchal context like Chibolo are unlikely to be interested in forming groups to discuss *machismo* and masculinities, citizenship could offer a way in. Providing citizenship skills trainings for men can help them understand their rights and obligations as citizens and join forces with women to improve their

⁹¹ International Center for Transitional Justice, *Morocco: Gender and the Transitional Justice Process* (New York, 2011).

⁹² Viveros Goya, *supra* n 32.

communities' well-being. This process of citizenship building could bring together the parallel reparation processes for men – through the restitution projects on cattle farming – and women – through education, livelihood projects and organisational and political skills training. This could be complemented by reflection spaces among men, since discussing issues as work and paternity – key axes of hegemonic masculinity⁹³ – could be a way to engage men in these longer-term processes of transforming gender relations. Recognising that citizenship is not just about participation in formal political spaces, but also about role and power divisions in households and communities⁹⁴ is a necessary step to enable women to become stronger social and economic actors.

Conclusion

This article has argued why the Victims' Law's track record of gendered transformations has so far been disappointing, in spite of its transformative and differential focus. A narrow understanding of gender as women, combined with a focus on women as a vulnerable group in need of protection, prevent more structural transformations of gendered power relations. Using participatory visual research as a tool for 'listening' to women's postconflict needs has enabled a different story to emerge, which is not focused on the 'spectacular' effects of conflict, but on women's everyday experiences and needs. Using citizenship as a lens can help reparations live up to their transformative potential by going beyond material assistance, providing wider

⁹³ Olavarria, supra n 26.

⁹⁴ See for example Cheryl McEwan, 'New Spaces of Citizenship? Rethinking Gendered Participation and Empowerment in South Africa,' *Political Geography* 24(8) (2005): 969–91.

gendered measures like education, training on livelihood and organisational skills and citizenship rights instead. This can enhance women's agency to perform an active practice of citizenship, allowing them to transform their own lives instead of being dependent on their husbands, state support or reparations. A citizenship focus can connect gendered work with women to processes – too often absent – addressing men on issues like citizenship, fatherhood and their family's wellbeing. Substituting a focus on victimhood for citizenship can enable a transition towards a 'post postconflict future'. Otherwise, projects for women will remain just that, without producing sustainable changes in structural gender inequality.