

**ON THE PRECIPICE OF PEACE:**

**IMPEDIMENTS AND POSSIBILITIES IN THE PURSUIT OF**

**FEMINIST TRANSITIONAL JUSTICE**

By  
Ganna Shvetsova

Submitted to Central European University - Private University  
Department of Legal Studies

*In partial fulfilment of the requirements for the degree of Master of Arts in Human Rights*

Supervisor: Kirsten Roberts Lyer

Vienna, Austria  
2025

# COPYRIGHT NOTICE

Copyright © Ganna Shvetsova, 2025. On the Precipice of Peace: Impediments and Possibilities in the Pursuit of Feminist Transitional Justice - This work is licensed under [Creative Commons Attribution-NonCommercial-NoDerivatives \(CC BY-NC-ND\) 4.0 International](https://creativecommons.org/licenses/by-nc-nd/4.0/) license.



For bibliographic and reference purposes this thesis/dissertation should be referred to as:  
Shvetsova, G. 2025. **On the Precipice of Peace: Impediments and Possibilities in the Pursuit of Feminist Transitional Justice**. MA thesis, Department of Legal Studies, Central European University, Vienna.

---

<sup>1</sup> Icon by [Font Awesome](https://fontawesome.com/).

## AUTHOR'S DECLARATION

I, the undersigned, **Ganna Shvetsova**, candidate for the MA degree in Human Rights, declare herewith that the present thesis titled “**On the Precipice of Peace: Impediments and Possibilities in the Pursuit of Feminist Transitional Justice**” is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography.

I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright.

I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Vienna, 08 June 2025

Ganna Shvetsova

## ABSTRACT

This paper critically examines international, national, and local transitional justice mechanisms through an intersectional feminist lens, with a focus on addressing gendered violence against women and LGBTQ+ individuals in post-conflict and post-authoritarian settings. Drawing on Nancy Fraser's tripartite model of justice, which consists of recognition, redistribution, and representation, this study argues that transformative gender justice requires integrating these dimensions across all levels of justice practice. Through comparative case studies of the International Criminal Court, Colombia's Victims and Land Restitution Law and Peace Accords, and the Women's Court in the former Yugoslavia, the paper identifies both the possibilities and limitations of notable current transitional justice efforts. It concludes that only through sustained, multi-scale, and intersectional engagement can transitional justice processes move beyond surface-level remedies and contribute to dismantling structural inequalities and fostering inclusive and participatory peacebuilding.

**Keywords:** Feminist transitional justice; gender justice; intersectionality; recognition, redistribution, and representation; transformative justice; continuum of violence; LGBTQ+ rights; feminist legal theory.

## ACKNOWLEDGEMENTS

I am deeply grateful to my family, friends, professors, and mentors for their continuous support of me and my studies. I am especially thankful to the peers and faculty at CEU, whose kindness and understanding during challenging periods made a profound difference in my well-being — your compassion will always stay with me, and I hope to extend the same support to others in the future. To my friends and colleagues from the Gender Studies and Human Rights departments: thank you for the acceptance, love, and community you have offered. I hope to continue to learn with you for many more years to come.

I am forever grateful to CEU for giving me the opportunity to meet my now wife, whose love, encouragement, and steady belief in me have made this journey possible. Thank you for being my forever conversationalist. To my sister, mother, and grandmother — thank you for the countless ways you nourished me, whether through shared study sessions, plates of cut fruit, or research materials.

Lastly, I dedicate this work to the queer, feminist, and human rights scholars and activists whose tireless work continues to advance justice, often in the face of invisibility and adversity. Your writings and advocacy profoundly shape my thinking on transitional justice and inspire hope for more just futures.

# TABLE OF CONTENTS

Chapter One: Introduction.....	1
Theoretical and Methodological Considerations.....	2
Chapter Two: Theoretical Foundations of (Feminist) Transitional Justice.....	4
Transitional Justice.....	5
Gender Justice .....	8
War as a continuum.....	10
Redistribution, Recognition, and Representation.....	12
Chapter Three: International Mechanisms of Transitional Justice.....	15
International Criminal Court .....	16
Background .....	16
Impediments to International Justice.....	17
Possibilities.....	22
Conclusion.....	25
International Criminal Tribunals for the Former Yugoslavia and Rwanda.....	26
Background .....	26
Impediments to Justice .....	27
Possibilities.....	30
Chapter Conclusion .....	32
Chapter Four: National Pathways to Gender-Just Transitional Justice.....	33
Colombia's Redistribution .....	34
Transformative Potential .....	37
Challenges of Implementation .....	40
Chapter Conclusion .....	42
Chapter Five: Local and Community-Based Approaches to Gender Justice .....	43

Women’s Court for the former Yugoslavia.....	44
Background .....	46
Impact.....	48
Chapter Conclusion .....	50
Conclusion: Toward a Transformative and Intersectional Model of Transitional Justice .....	52
Bibliography.....	55

# CHAPTER ONE: INTRODUCTION

This paper critically examines international, national, and local transitional justice mechanisms through the lens of gender justice, focusing on how gendered violence against women and LGBTQ+ individuals is addressed in post-conflict and post-authoritarian contexts. Despite growing recognition of gender-based harms in international legal discourse, I showcase that transitional justice processes at all levels continue to lack an intersectional approach, ultimately failing to deliver comprehensive justice to marginalized communities. Employing Nancy Fraser's tripartite model of social justice, which consists of redistribution, recognition, and representation, I argue that transitional justice must incorporate all three dimensions in order to achieve transformative outcomes<sup>2</sup>. Fraser's framework offers a practical tool for evaluating whether transitional justice mechanisms move beyond surface-level accountability to promote structural change, victim satisfaction, and meaningful community recovery after mass human rights violations.

Further, this paper argues that international, national, and local justice initiatives must be understood as mutually constitutive, not hierarchical or isolated. Local mechanisms, including feminist courts, civil society-led initiatives, and community-based reparative efforts, are not merely supplemental but are central to crafting responsive and contextually grounded approaches to justice. To ensure that transitional justice mechanisms do not further reproduce systems of injustice, three core elements must be present: representation, which may be achieved through an active inclusion of local civil societies and advocacy groups in decision-making processes; recognition, shown through a deep understanding of and engagement with structural and systemic harms; and a balanced emphasis on both symbolic recognition and

---

<sup>2</sup> Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London ; New York: Verso, 2003).



material redistribution. By examining specific examples across different levels of governance, namely the ICC and ICTR at the international level, Colombia at the national level, and the Women's Courts in Yugoslavia at the community level, I argue that, although each of these initiatives offers promising contributions to transformative gender justice, they lack a cohesive framework that integrates those three components, thereby constraining their overall impact on advancing gender justice. Through an intersectional analytical framework, I therefore assess whether current transitional justice efforts adequately address the distinct and overlapping axes of oppression that shape the experiences of victims of gendered violence.

## **Theoretical and Methodological Considerations**

By interrogating the limitations and possibilities of existing mechanisms, this paper contributes to broader debates about how transitional justice can be made more inclusive, equitable, and responsive to all communities experiencing gendered violence. This work seeks to advance the understanding of transitional justice through a gender-sensitive and intersectional lens, providing both practitioners and scholars with critical insights into how overlapping systems of oppression shape the development, interpretation, and implementation of human rights law and transitional justice mechanisms. By applying an intersectional-feminist and queer analytical framework, I aim to contribute to ongoing justice discourses and to center the experiences of victims who have long remained at the margins of human rights protection. A further objective of this work is to enrich the growing body of scholarship that documents effective practices from transitional contexts, with the intention that such models may inform processes in other regions currently experiencing or emerging from conflict. In particular, I write this with the hope that my home country, Ukraine, may one day embark upon a process of transitional justice that meaningfully envisions a future grounded in safety, dignity, and peace.

Methodologically, this paper adopts an interdisciplinary and intersectional research approach, employing qualitative, empirical, and comparative inquiry. The research is primarily based on an extensive interdisciplinary literature review, drawing on works from queer legal theory, gender studies, peace studies, postcolonial studies, and related fields, as well as reports from human rights civil societies and intergovernmental agencies. Central to this analysis is Kimberlé Crenshaw's framework of intersectionality, which provides a critical lens for examining how multiple forms of identity-based oppression interact and shape experiences of justice<sup>3</sup>. This framework informs both the theoretical and methodological dimensions of the study.

This paper operates on the principle that transitional justice mechanisms should expand past the limited scope of international criminal law and pursue comprehensive justice systems which tackle structural inequalities and promote societal transformation. The research explicitly recognizes that aspects such as gender, sexuality, race, ethnicity, and class directly influence people's experiences with conflict and justice and asserts that these factors must be integrated into transitional justice framework. As a piece of human rights research, this study faces several limitations. The absence of primary fieldwork, particularly interviews, focus groups, and participatory methods, limits the collection of first-hand accounts of the gendered impacts of transitional justice. Additionally, language barriers and limited access to localized, community-based knowledge restrict the scope of the analysis, particularly with regard to voices from the most marginalized communities within affected populations. This gap is mitigated, in part, by the integration of independent human rights reports, multidisciplinary scholarly analyses, and qualitative human rights indicators. Despite these limitations, I hope to contribute meaningfully to the field of transitional justice by advocating for approaches that are more inclusive,

---

<sup>3</sup> Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review* 43, no. 6 (July 1991): 99, <https://doi.org/10.2307/1229039>.

intersectional, and transformative, having capacity to not only address past harms, but also seek to reimagine and reconstruct societies in ways that promote justice, dignity, and human rights for all.

## **CHAPTER TWO: THEORETICAL FOUNDATIONS OF (FEMINIST) TRANSITIONAL JUSTICE**

Periods following armed conflicts and wars are understood as innately turbulent and uncertain times. They act as liminal spaces, suspended between war and peace. While these ambiguous transitions hold the potential for creating more equitable and just societies, they are equally fraught with the risk of regressing into entrenched systems of violence and oppression. The transitional moment is therefore both precarious and potent, offering opportunities for either significant social transformation or the entrenchment of past injustices. To address the large-scale human rights violations that often emerge from conflict, various judicial, economic, cultural, and political mechanisms have been developed at multiple levels of governance. These mechanisms seek to prosecute individual perpetrators, provide remedies to victims, promote legal and democratic reforms, and foster collective truth-telling. Yet, despite their expansive ambitions, formal transitional justice initiatives frequently fall short of achieving systemic change, too often restoring pre-conflict social conditions that enabled marginalization and injustice in the first place.

This section establishes a conceptual framework to analyze transitional justice through gender justice, evaluating if and how transitional processes consider the experiences of women and LGBTQ+ individuals. I begin by critically engaging with the core concepts of transitional justice and gender justice, while also exploring the persistent challenges that impede gender justice implementation. Drawing on the understanding of peace and war as points along a

continuum of violence, I employ Nancy Fraser's theory of social justice to frame my approach. I argue that a combined methodological lens, integrating legal scholarship with intersectional analysis, is essential for a comprehensive assessment of transitional justice processes and their limitations.

Finally, I outline three central components that, as I argue, must underpin any effort toward transformative justice: the active involvement of local civil society actors and advocacy groups; a deep, systemic understanding of structural harms; and a calibrated balance between recognition-based and distributive remedies. These elements will serve as the foundation for the chapter's analysis of how transitional justice can evolve to serve all members of post-conflict societies, particularly those who have long been marginalized.

## **Transitional Justice**

Transitional justice refers to a framework of judicial and non-judicial measures adopted by societies undergoing transitions from periods of conflict, authoritarian rule, or mass human rights violations toward more democratic and peaceful futures<sup>4</sup>. Transitional justice goes beyond retributive justice that prioritizes punishment, instead embracing a comprehensive approach that acknowledges historical wrongs and repairs harm while establishing institutional reform and the foundation for social change<sup>5</sup>. It functions both as a legal solution to impunity and as a political and moral endeavor that seeks to restore public confidence in state institutions and reinstate the rule of law.

The development of transitional justice as a distinct field can be traced back to the late 1980s and early 1990s, the decades of various significant political transitions in Latin America

---

<sup>4</sup> Elin Skaar, 'Reconciliation in a Transitional Justice Perspective', *Transitional Justice Review*, 2012, 1–51, <https://doi.org/10.5206/tjr.2012.1.1.4>.

<sup>5</sup> *ibid*

and Eastern Europe<sup>6</sup>. Since then, the field has expanded significantly in both scope and application, with distinct transitional justice practices emerging in post-conflict societies around the world and prompting the development of global legal standards and institutional frameworks. Today, transitional justice is recognized not only as a mechanism for redressing historical injustices, but also as a vital component of sustainable peacebuilding and democratic consolidation<sup>7</sup>. However, legitimacy and effectiveness of transitional justice are contingent upon several factors, including the political will of post-conflict or post-authoritarian governments, the intersectional inclusivity of its design and implementation, and its capacity to respond meaningfully to local inequalities, particularly in addressing entrenched structural inequalities.

In order to meet these complex demands, transitional justice typically employs a range of complementary mechanisms tailored to the specific needs of a given society. These include truth commissions, criminal prosecutions, reparation programs, institutional reforms, and memorialization<sup>8</sup>. Combined, these measures seek to address both individual and collective harms while fostering accountability, redress, and long-term societal healing. Given the highly contextual nature of transitional justice, the form and function of these mechanisms are strongly influenced by the political, cultural, and historical particularities of the transitional setting.

Mechanisms of transitional justice also operate across all levels of governance. At the international level, institutions such as the International Criminal Court<sup>9</sup> prosecute individuals accused of war crimes, crimes against humanity, and genocide. Nationally, domestic courts and

---

<sup>6</sup> Paige Arthur, 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice', *Human Rights Quarterly* 31, no. 2 (2009): 321–67.

<sup>7</sup> Eric Huddy and Paul Gready, 'Transitional Justice and Peacebuilding', in *The Palgrave Encyclopedia of Peace and Conflict Studies*, ed. Oliver P. Richmond and Gëzim Visoka (Cham: Springer International Publishing, 2022), 1503–1514, [https://doi.org/10.1007/978-3-030-77954-2\\_133](https://doi.org/10.1007/978-3-030-77954-2_133).

<sup>8</sup> Natasha Stamenkovikj, *The Right to Know the Truth in Transitional Justice Processes: Perspectives from International Law and European Governance*, International Criminal Law Series, volume 17 (Leiden, the Netherlands Boston: Koninklijke Brill NV, 2021), 29–32, <https://doi.org/10.1163/9789004439474>.

<sup>9</sup> International Criminal Court, 'Home', accessed 10 June 2025, <https://www.icc-cpi.int/>.

truth commissions investigate past abuses, while at the local level, community-based initiatives often focus on participatory justice, many times drawing upon indigenous practices of reconciliation and peace. For instance, according to the Gender Security Project's *Decolonial Healing Justice Hub*<sup>10</sup>, local and Indigenous justice initiatives can be found across all continents, ranging from the Ifoga ceremony in Samoa<sup>11</sup>, Inuit<sup>12</sup> and Anishinaabe<sup>13</sup> justice systems in South America, Bashingantahe Councils<sup>14</sup> in Burundi, and the Koori Courts in Australia<sup>15</sup>, among many others. Yet across this diverse landscape of transitional justice practices, a critical question persists: do transitional justice mechanisms possess the capability to effectively respond to gender-based violence that emerges within conflict and authoritarian regimes? Moreover, why is it essential to adopt an explicitly gendered approach to transitional justice in order to achieve more inclusive and transformative outcomes?

Gender justice for women and LGBTQ+ people in transitional justice settings entails the recognition, redress, and prevention of the full spectrum of gender-based harms, both visible and structural, that occur during and after conflict or authoritarian rule. It requires not only acknowledging acts of sexual violence, but addressing broader forms of gendered oppression, including economic disenfranchisement, political exclusion, and the everyday violence rooted in patriarchy, heteronormativity, and militarism. Gender justice demands that transitional mechanisms, whether legal, reparative, or community-based, center the lived experiences of LGBTQ+ individuals and women, incorporate their voices in the design and implementation of

---

<sup>10</sup> The Gender Security Project, 'Decolonial Healing Justice', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice>.

<sup>11</sup> The Gender Security Project, 'Ifoga', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice/ifoga>.

<sup>12</sup> The Gender Security Project, 'Inuit Justice', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice/inuit-justice>.

<sup>13</sup> The Gender Security Project, 'Aashinabe Justice', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice/aashinabejustice>.

<sup>14</sup> The Gender Security Project, 'Bashingantahe Councils', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice/bashingantahe-councils>.

<sup>15</sup> The Gender Security Project, 'Koori Courts', accessed 10 June 2025, <https://www.gendersecurityproject.com/decolonial-healing-justice/koori-courts>.

justice processes, and pursue transformative remedies that dismantle the systemic inequalities enabling such harms. It calls for moving beyond narrow, retributive models toward a holistic approach that promotes recognition, redistribution, and representation, thereby fostering conditions for dignity, equality, and non-recurrence of violence for all gender-marginalized communities.

## Gender Justice

Equal rights and non-discrimination based on sex have been visible principles of the human rights movement since the adoption of the Universal Declaration of Human Rights<sup>16</sup> in 1948. In those seven decades, women's rights have taken a central stage in the field of human rights<sup>17</sup>, combined with a larger focus on women in the transitional justice legal apparatus. Women are also active agents in the making of transitional justice, shaping the field to advocate for various rights such as economic freedoms, access to education, and freedom from sexual violence<sup>18</sup>. However, despite these advancements, gender justice remains an unfulfilled promise. The Georgetown Institute for Women, Peace, and Security notes the rapid increase in sexual violence and global restrictions on women's rights and freedoms, contextualized by the rise of authoritarianism as nearly one-third of world's countries currently experience state-based hostilities (the highest figure recorded since monitoring began in 1946)<sup>19</sup>.

Importantly, even in post-war contexts where transitional justice mechanisms have been implemented, gendered injustices often persist or intensify. Gender Hub's *Women's Rights*

---

<sup>16</sup> UN, *Universal Declaration of Human Rights: Dignity and Justice for All of Us* (s.l: United Nations, 2013), <https://doi.org/10.18356/e9d835b3-en>.

<sup>17</sup> Office of the High Commissioner for Human Rights, 'Women's Rights Are Human Rights', accessed 10 June 2025, <https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf>.

<sup>18</sup> UN Women, 'Women's Meaningful Participation in Transitional Justice', March 2022, <https://www.unwomen.org/en/digital-library/publications/2022/03/research-paper-womens-meaningful-participation-in-transitional-justice>.

<sup>19</sup> Georgetown Institute for Women, Peace and Security, 'Conflicts to Watch in 2025: Women, Peace and Security in a More Volatile World', 2025, <https://giwps.georgetown.edu/conflicts-to-watch-in-2025-women-peace-and-security-in-a-more-volatile-world/>.

*After War* project illuminates how a “resurgent patriarchal backlash” has occurred across all researched countries that experienced armed conflict since 1980, including Nepal, Bosnia-Herzegovina, Iraq, Colombia, Sri Lanka, and Rwanda<sup>20</sup>. These findings expose a profound limitation in the architecture of global transitional justice, in particular its ongoing failure to guarantee non-repetition and confront the structural violences rooted in gender, racial, and economic inequality. Rather than providing adequate justice or meaningful guarantees of non-repetition for marginalized populations, existing transitional justice frameworks frequently overlook the gendered violence experienced by women and LGBTQ+ individuals or further reinforce victim stigmatization, militarization, and inequality.

Recognizing these limitations, it becomes essential to broaden the scope of gender analysis within transitional justice beyond a narrow focus on women’s experiences of sexual violence. Expanding the analysis to encompass a wider range of harms and centering the experiences of LGBTQ+ communities is critical, as queer populations face gender-based violence and structural injustice in distinct and often unacknowledged ways. LGBTQ+ individuals are frequently excluded from official narratives of harm, their experiences rendered invisible in truth commissions, reparations programs, and legal processes<sup>21</sup>.

All gender-marginalized individuals are subject to unique and often overlooked forms of injustice, both during and after periods of conflict<sup>22</sup>. As Maria Martin de Almagro and Philipp Schulz observe in “Gender and Transitional Justice,” gender-marginalized groups face “direct violence, such as sexual violence, domestic and sexual slavery, forced displacement, and forced marriage,” while also encountering “more difficulties rebuilding their lives after war” due to

<sup>20</sup> The Gender Hub, ‘Women’s Rights After War’, 2024, <https://thegenderhub.com/wp-content/uploads/2024/03/Womens-Rights-After-War.pdf>.

<sup>21</sup> K. Fobear, ‘Queering Truth Commissions’, *Journal of Human Rights Practice* 6, no. 1 (1 March 2014): 58, <https://doi.org/10.1093/jhuman/hut004>.

<sup>22</sup> Oliver P. Richmond and Gëzim Visoka, eds., *The Palgrave Encyclopedia of Peace and Conflict Studies*, Springer eBook Collection (Cham: Palgrave Macmillan, 2022), 424–35, <https://doi.org/10.1007/978-3-030-77954-2>.



persistent gender norms and structural barriers to property, employment, education, and healthcare access<sup>23</sup>. Despite the pervasive impact of such gendered harms, the specific experiences of LGBTQ+ people and women have remained largely peripheral to transitional justice initiatives<sup>24</sup>.

In response to these gaps, a growing body of feminist scholarship has emerged to critique and reimagine the field of transitional justice. Scholars such as Catherine O'Rourke, Juliette Lemaitre, Fionnuala Ní Aoláin, Katherine M. Franke, Cynthia Cockburn, and Katherine Fobear have extensively analyzed the gendered dimensions of transitional justice, offering important insights into how militarism, patriarchy, and structural inequality intersect with legal and institutional responses to conflict. Drawing on this interdisciplinary scholarship, my analysis explores the capacity of existing transitional justice mechanisms to address gender violence. Foundational to this inquiry are Cynthia Cockburn's conception of war as a continuum of violence and Nancy Fraser's tripartite framework of justice, which together provide critical tools for theorizing gender justice in transitional contexts.

## War as a continuum

The concept of war as a continuum of violence was initially articulated by feminist antimilitarists in the Feminism and Nonviolence Study Group<sup>25</sup> in 1983 and later expanded and theorized in depth by feminist scholar and peace activist Cynthia Cockburn. Drawing from her empirical work with feminist antimilitarist movements around the globe, she argues that the binary opposition between war and peace does not reflect the lived realities of marginalized communities. For gendered subjects, women and LGBTQ+ individuals in conflict-affected

---

<sup>23</sup> Maria Martin De Almagro and Philipp Schulz, 'Gender and Transitional Justice', in *Oxford Research Encyclopedia of International Studies*, by Maria Martin De Almagro and Philipp Schulz (Oxford University Press, 2022), 24, <https://doi.org/10.1093/acrefore/9780190846626.013.669>.

<sup>24</sup> *ibid*

<sup>25</sup> Feminism and Nonviolence Study Group, ed., *Piecing It Together: Feminism and Nonviolence* (Buckleigh, Westwood Ho: Feminism and Nonviolence Study Group, 1983).

societies, periods designated as post-conflict are often marked not by the absence of violence but by its transformation, concealment, or normalization. Gendered communities remain subject to systemic brutality, including sexual and domestic violence, economic exclusion, and political marginalization, all of which persist well beyond formal ceasefires or political transitions<sup>26</sup>.

As Cockburn states in her essay “Gender Relations as Causal in Militarization and War,”

“[Feminists see] ‘war’ not just as spasms of war-fighting, but as part of a continuum leading from militarism (as a persisting mindset, expressed in philosophy, newspaper editorials, political think tanks), through militarization (processes in economy and society that signify preparation for war), to episodes of ‘hot’ war, and thence to cease fire and stand-off, followed perhaps by an unsteady peace with sustained military investment, beset by sporadic violence that prefigures a further round in the spiral.”<sup>27</sup>

This conceptualization challenges the dominant frameworks within transitional justice, which often rely on a rigid distinction between dated periods of conflict and peace, or authoritarianism and democracy. Transitional justice mechanisms are typically designed to operate in response to temporally and spatially defined moments of extraordinary violence, such as genocide or mass rape. As a result, they frequently overlook the ongoing, ordinary violence that have led to mass atrocities. As legal scholar Fionnuala Ní Aoláin notes, “violence to women often fails to “fit” the narrow legal categories that dominate general understanding of serious human rights violations, and “normal” pervasive sexual and physical violence against women is simply not counted in the overall narrative of conflict or regime change.”<sup>28</sup> These forms of normalized harm, embedded in militarism, patriarchal governance, and economic dispossession, are not incidental but structurally produced and historically sustained.

<sup>26</sup> Cynthia Cockburn, *From Where We Stand: War, Women’s Activism and Feminist Analysis* (London, England: Zed Books, 2007), 195–208, <https://doi.org/10.5040/9781350220287>.

<sup>27</sup> Cynthia Cockburn, ‘Gender Relations as Causal in Militarization and War: A FEMINIST STANDPOINT1’, *International Feminist Journal of Politics* 12, no. 2 (June 2010): 139–57, <https://doi.org/10.1080/14616741003665169>.

<sup>28</sup> Fionnuala D. Ni Aolain, ‘Learning the Lessons: What Feminist Legal Theory Teaches International Human Rights Law and Practice’, *SSRN Electronic Journal*, 2009, 288, <https://doi.org/10.2139/ssrn.1413930>.

The theory of war as a continuum of violence provides a vital correction to dominant paradigms in transitional justice by reframing what counts as violence and when it is understood to occur. Applying the continuum framework compels human rights practitioners and scholars to expand the temporal, spatial, and conceptual boundaries of transitional justice. It calls for mechanisms that not only punish individual perpetrators of mass atrocities or egregious violations of civil and political rights, but also target the deeper systems of militarization, homophobia, economic inequality, and patriarchal control that precede, underpin, and outlive armed conflict. In doing so, this approach shifts transitional justice from a reactive model focused on singular events to a transformative and restorative project committed to sustained structural change that seeks to abolish inequality and violence during both peacetime and war.

## **Redistribution, Recognition, and Representation**

When transitional justice is recognized as a response to systemic and structural harm rather than isolated wartime violence, the need to confront fundamental inequality becomes essential for achieving accountability for human rights abuses. Nancy Fraser's concept of social justice provides an essential framework to assess transitional justice mechanisms with a specific focus on gender-based violence and exclusion experiences.

Fraser's theory is based upon three interrelated dimensions of justice: recognition, redistribution, and representation<sup>29</sup>. Each addresses a distinct but overlapping axis of injustice, and taken together, they provide an integrated lens for assessing how post-conflict interventions can either reinforce or dismantle existing hierarchies<sup>30</sup>. In transitional contexts, this framework makes visible the structural exclusions that marginalize women and queer communities, and it

---

<sup>29</sup> Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World*, Paperback ed, New Directions in Critical Theory (New York, NY: Columbia Univ. Press, 2010).

<sup>30</sup> *ibid*

supplies strategic tools for redress through transformative rather than merely affirmative justice<sup>31</sup>.

Central to Fraser's model is the notion of participatory parity, the principle that justice requires social arrangements that enable all individuals to interact as peers in social life<sup>32</sup>. As Maria O'Reilly elaborates in her analysis of feminist approaches to transitional justice, Fraser identifies three mutually reinforcing forms of injustice that obstruct this parity<sup>33</sup>. Cultural or symbolic injustice originates from systemic patterns of misrecognition and stereotyping that lead to social devaluation. Socio-economic injustice emerges from resource distribution inequalities which capitalist production systems sustain by reinforcing exploitation and deprivation. Political or representational injustice manifests through the systematic exclusion of specific groups from meaningful involvement in political decision-making processes and institutional frameworks<sup>34</sup>.

To rectify these injustices, Fraser advocates for three types of remedies:

“First, she promotes recognition through ‘revaluing disrespected identities and the cultural products of maligned groups’, ‘recognizing and positively valorizing cultural diversity’, and transforming ‘societal patterns of representation, interpretation and communication’ (Fraser 1997, 19). Second, Fraser endorses redistribution through ‘redistributing income, reorganizing the division of labor’ and increasing democratic decision-making to overcome the injustices of maldistribution (1997, 19). Third, she highlights the importance of representation, both in terms of the boundaries involved in advancing claims to just distribution and reciprocal recognition, and the decision-making rules and procedures by which claims are adjudicated (Fraser 2005, 7)”<sup>35</sup>.

Many transitional justice mechanisms already align, at least superficially, with Fraser's tripartite model of justice. Recognition is often pursued through memorialization initiatives and

<sup>31</sup> Ernesto Verdeja, ‘A NORMATIVE THEORY OF REPARATIONS IN TRANSITIONAL DEMOCRACIES’, *Metaphilosophy* 37, no. 3–4 (July 2006): 449–68, <https://doi.org/10.1111/j.1467-9973.2006.00440.x>.

<sup>32</sup> Fraser, *Scales of Justice*, 16.

<sup>33</sup> Maria O'Reilly, ‘Peace and Justice through a Feminist Lens: Gender Justice and the Women's Court for the Former Yugoslavia’, *Journal of Intervention and Statebuilding* 10, no. 3 (2 July 2016): 419–45, <https://doi.org/10.1080/17502977.2016.1199482>.

<sup>34</sup> Ibid

<sup>35</sup> O'Reilly, ‘Peace and Justice through a Feminist Lens’, 432.

truth and reconciliation commissions that acknowledge the experiences of victims. Redistribution typically takes the form of financial compensation schemes or economic reintegration programs aimed at redressing material losses. Representation may involve legal avenues, such as the inclusion of victims in criminal proceedings, or institutional reforms promoting gender equality in legislative or political structures. Yet, despite these developments, transitional justice remains largely tethered to a retributive legal paradigm, privileging prosecutions and legal accountability over structural transformation. Such an approach tends to individualize harm and remedy, neglecting the broader systems of inequality and exclusion that enable violence to persist beyond the immediate context of conflict.

A central contribution of Fraser's framework is the distinction between affirmative and transformative remedies<sup>36</sup>. Affirmative remedies function inside current institutional systems to alleviate the impacts of injustice through measures like reparations and symbolic recognition while leaving systemic conditions unchanged. Transformative remedies aim to restructure socio-economic and political frameworks which sustain inequality. Transformative remedies also require people to question rigid identity classifications and break down patriarchal systems while creating new economic and political frameworks that ensure true equality and strengthen. This may involve challenging essentialist identity categories, dismantling patriarchal institutions, or reimagining economic and governance systems in ways that promote substantive equality and social solidarity. While affirmative remedies may provide short-term relief, only transformative measures can address the root causes of gendered and structural injustice and prevent their recurrence<sup>37</sup>.

---

<sup>36</sup> Nancy Fraser, 'From Redistribution to Recognition?', in *Redistribution or Recognition?: A Political-Philosophical Exchange*, ed. Nancy Fraser and Axel Honneth (London: Verso, 2003), <https://ethicalpolitics.org/blackwood/fraser.htm>.

<sup>37</sup> *ibid*

Integrating Fraser's framework into transitional justice practice is thus not merely a theoretical exercise but a useful shift in orientation. Recognition must extend beyond symbolic gestures to substantively validate the experiences of historically marginalized groups, particularly LGBTQ+ individuals. Redistribution should aim not only to compensate but to redress systemic economic disenfranchisement. Representation must involve procedural inclusion and equitable participation in decision-making processes that shape post-conflict futures. Without these elements working concurrently, transitional justice risks reproducing the hierarchies it seeks to dismantle. In short, achieving transformative gender-equal peace requires a commitment to justice through recognition, redistribution, and representation.

The following chapters advance the established theoretical framework by transitioning from conceptual analysis toward practical evaluation at multiple governance levels. The second chapter examines international practices by analyzing the International Criminal Court and the International Criminal Tribunals for the Former Yugoslavia and Rwanda. Chapter 3 proceeds to explore national initiatives through a case study of the transitional justice process in Colombia. Chapter 4 examines local mechanisms by concentrating on the role of the Women's Courts in the former Yugoslavia. The analysis moves from international to national to local levels to evaluate how recognition, redistribution and representation principles manifest in transitional justice practices.

## **CHAPTER THREE: INTERNATIONAL MECHANISMS OF TRANSITIONAL JUSTICE**

In the following chapter, I consider two international models of transitional justice: The International Criminal Court and the ad-hoc international criminal tribunals for the Former Yugoslavia and Rwanda. I assess how these initiatives interact with women and LGBTQ+

individuals and analyse whether justice is an inclusive practice. Elaborating on my recommendation that transitional justice mechanisms must involve local civil societies and advocacy groups, develop an in-depth understanding of structural harms, and combine both recognition-based and distributive remedies, I provide examples of promising projects that showcase possibilities in making transitional justice a feminist enterprise.

Building on the framework of recognition, redistribution, and representation, this chapter evaluates the degree to which international transitional justice mechanisms promote transformative gender justice. Specifically, I ask: to what extent do these mechanisms recognize the full range of gendered harms, including structural and intersectional violence? How do they address redistribution? And do they foster genuine representation of marginalized communities, both procedurally and substantively, in shaping transitional justice processes?

## **International Criminal Court**

### **Background**

Since 2002, the International Criminal Court has served as the primary permanent international institution to end judicial impunity for perpetrators of severe human rights violations like genocide, crimes against humanity, war crimes, and the crime of aggression. Due to the principle of complementarity, the ICC operates as a court of last resort, purportedly intervening only when national legal systems are unable or unwilling to address crimes within their authority<sup>38</sup>. Although the Rome Statute is a binding treaty, signatory countries have the freedom to withdraw from the ICC, a right recently exemplified by Hungary's announcement of its intention to withdraw from the Rome Statute, done in anticipation of a visit by Israeli

---

<sup>38</sup> International Center for Transitional Justice, 'Handbook on Complementarity: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes', 2016, [https://www.ictj.org/sites/default/files/ICTJ\\_Handbook\\_ICC\\_Complementarity\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Handbook_ICC_Complementarity_2016.pdf).

Prime Minister Benjamin Netanyahu<sup>39</sup>, the subject of an ICC arrest warrant for crimes against humanity and war crimes against Palestinian people<sup>40</sup>. The possibility of evading international justice by withdrawing from the statute suggests that the ICC has minimal political and practical power to address human rights abuses, let alone enact structural and long-lasting change or address underlying conditions that allow mass abuses to occur. Additionally, although the Rome Statute includes gender as one of the grounds for persecution and, thus, protection, the concerns regarding the ICC's ability to promote feminist transitional justice extend far beyond the practical challenges and territorial limitations mentioned above. Many scholars such as Caitlin Biddolph, Lars van der Ent, Cynthia E. Cohen, Erin Baines, Katherine M. Franke, Abdullahi Ahmed An-Na'im, and Barbara Hudson<sup>41</sup> have argued that due to its individualistic, carceral, and neocolonial approach to justice, the ICC actively reproduces violent systems of oppression instead of dismantling them. In the following sections, I discuss the impediments of the International Criminal Court's ability to deliver justice to gendered communities while highlighting progressive initiatives that should be developed further.

## Impediments to International Justice

While some scholars, NGOs<sup>42</sup>, and activists have celebrated the ICC as a product of international cooperation and global dedication to accountability and the rule of law, others

---

<sup>39</sup> International Criminal Court, 'Presidency of the Assembly of States Parties Responds to Announcement of Withdrawal from the Rome Statute: Hungary', April 2025, <https://www.icc-cpi.int/news/presidency-assembly-states-parties-responds-announcement-withdrawal-rome-statute-hungary>.

<sup>40</sup> International Criminal Court, 'Situation in the State of Palestine: ICC Pre-Trial Chamber I Rejects State of Israel's Challenges to Jurisdiction and Issues Warrants of Arrest', November 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>.

<sup>41</sup> Erin Baines, 'Summary of Amicus Briefs by Prof. Erin Baines in The Prosecutor vs Dominic Ongwen' (University of British Columbia – SPPGA, 2021), <https://sppga.ubc.ca/news/summary-of-amicus-briefs-by-prof-erin-baines-in-the-prosecutor-vs-dominic-ongwen/>; Cynthia E. Cohen, 'Reimagining Transitional Justice', *International Journal of Transitional Justice* 14 (2020): 1–13, <https://doi.org/10.1093/ijtj/ijaa001>; Erin O'Brien and others, 'The Other Inhumane Act of Forced Marriage in Prosecutor v. Ongwen' (Opinio Juris, 2022), <https://opiniojuris.org/2022/05/03/the-other-inhumane-act-of-forced-marriage-in-prosecutor-v-ongwen/>; Cohen, 'Reimagining Transitional Justice'.

<sup>42</sup> Coalition for the International Criminal Court, 'Who We Are', accessed 10 June 2025, <https://www.coalitionfortheicc.org/>.



have strongly criticized the court for its focus on retribution instead of restoration and further reproduction of hegemonic power structures, as well as its substantial costs, lengthy proceeding, racial prejudice, and lack of outreach to and general satisfaction for the affected communities. In “Queering the Global Governance of Transitional Justice: Tensions and (Im)Possibilities,” Caitlin Biddolph elaborates on the idea of paradigmatic transitional justice as a global governance project, stating:

“Paradigmatic transitional justice tends to prioritize the redress of ‘certain forms of violence (physical) and certain human rights (civil and political) at the exclusion of economic violence and economic justice more broadly,’ not to mention the social, cultural, environmental, colonial and gendered harms it has historically failed to include. As decolonial transitional justice scholars have argued, violence committed by Western democracies, such as historic and ongoing (settler) colonial violence and military interventions, rarely falls under the remit of paradigmatic transitional justice.”<sup>43</sup>

The redress provided for certain forms of harm is an important aspect of providing justice for victims of gendered human rights abuses. While gender violence is often manifested in overt fashion, for instance, the use of rape as a weapon of war, many layers of harm are covert and institutionalized, thus escaping the attention of the ICC. Militarism, state-sponsored homophobia, gender-based discrimination, and inequality in economic rights are all examples of abuses that disproportionately affect gendered subjects, yet they often go ignored or falsely regarded as ethnic or political violence in legal proceedings, thus failing to provide even the basics of recognition<sup>44</sup>. However, it is exactly these crimes that allow the most substantive crimes to occur, legitimizing authoritarian leaders and war criminals in their rise to power<sup>45</sup>.

---

<sup>43</sup> Caitlin Biddolph, ‘Queering the Global Governance of Transitional Justice: Tensions and (Im)Possibilities’, in *Gender and Transitional Justice*, ed. Maria Martin de Almagro and Philipp Schulz (Cham: Palgrave Macmillan, 2021), 288.

<sup>44</sup> *ibid*

<sup>45</sup> New Perspectives on Turkey, ‘Political Homophobia as a Tool of Creating Crisis Narratives and Ontological Insecurities in Illiberal Populist Contexts: Lessons from the 2023 Elections in Turkey’, 2024, <https://www.cambridge.org/core/journals/new-perspectives-on-turkey/article/political-homophobia-as-a-tool-of-creating-crisis-narratives-and-ontological-insecurities-in-illiberal-populist-contexts-lessons-from-the-2023-elections-in-turkey/35773BDFED5312268D74E539C866E5AB>.

Authoritarian regimes frequently deploy gendered and sexualized violence, not simply as a means of social control, but as a deliberate tool of political legitimacy. For example, state-sponsored homophobia is often codified into laws and policies under the guise of preserving national morality or cultural identity, which simultaneously marginalizes LGBTQ+ populations and consolidates the regime's populist appeal<sup>46</sup>. In such contexts, the suppression of gender and sexual minorities becomes part of a broader ideological project that equates dissent with deviance, thereby reinforcing authoritarian rule through moral panic. This pattern is evident in various jurisdictions where anti-LGBTQ+ policies are mobilized to distract from economic failures or political dissent, redirecting public attention toward scapegoated communities and away from systemic corruption or violence<sup>47</sup>.

Similarly, the normalization of gender inequality, whether through unequal access to healthcare, education, employment, or legal protections, serves to uphold broader structures of domination that authoritarian leaders rely on. These gendered hierarchies become embedded within national institutions, allowing regimes to claim the appearance of legality and order while actively dismantling human rights protections<sup>48</sup>. Additionally, the framing of gendered harms as secondary or as byproducts of more 'serious' political violence continues to limit their legal visibility and prevents them from being fully understood as integral components of authoritarian governance<sup>49</sup>.

In this way, the international legal community's failure to recognize and prosecute institutionalized gender-based violations does more than ignore victims, it enables regimes to present themselves as legitimate actors on the global stage, while using deeply gendered

---

<sup>46</sup> Enze Han and Joseph O'Mahoney, *British Colonialism and the Criminalization of Homosexuality: Queens, Crime and Empire* (London: Routledge, 2018).

<sup>47</sup> Rahul Rao, *Out of Time: The Queer Politics of Postcoloniality* (Oxford: Oxford University Press, 2020), 91.

<sup>48</sup> Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 52–55.

<sup>49</sup> Karen Engle, *The Grip of Sexual Violence in Conflict: Feminist Interventions in International Law* (Stanford: Stanford University Press, 2020), 111.

strategies of repression at home. This disjunction reflects a broader issue in international criminal law, where gender-based harms are often relegated to the periphery of legal reasoning, despite their centrality in sustaining authoritarian violence.

In her *Fictions of Justice*, Kamari Maxine Clarke argues that the very list of agreed-upon “substantive crimes” defined by the ICC reflects structural and racialized inequalities. She points out that several serious offenses were considered in earlier stages of negotiation but were ultimately excluded, such as colonial domination and other forms of foreign control, apartheid, the recruitment and use of mercenaries, intentional and severe environmental destruction, international terrorism, and illicit traffic in narcotic drugs<sup>50</sup>. Although it is unproductive to fault the ICC for failing to prosecute crimes that are not within its mandate, the selection process itself provides essential context for understanding the political nature of the court.

At the time this paper is written, the ICC is undergoing a severe crisis, facing sanctions, withdrawals, and general political resistance exhibited by signatory countries in response to the court’s first-time decision to issue an arrest warrant against the “head of a liberal democracy” and a Western ally, Benjamin Netanyahu<sup>51</sup>. In the past twenty-three years of existence, the Court has opened thirty-one cases<sup>52</sup> and “issued indictments against forty-two individuals, all of whom are Black and/or Arab-Africans”<sup>53</sup>.

Abdullahi Ahmed An-Na‘im states that “transitional justice scholarship and strategies” are “ideologically attached to a colonial denial of local self-determination in the name of liberalization, promotion of universal human rights,” and “the grand ‘modernizing’ mission of

---

<sup>50</sup> Phil Clark, *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa* (Cambridge University Press, 2011), <https://www.cambridge.org/core/books/fictions-of-justice/A28CCC7EC19FCB6B3D2F88A420D732EB>.

<sup>51</sup> Peace Research Institute Oslo, ‘Blogs at PRIO’, accessed 10 June 2025, <https://www.prio.org/blogs/1164>.

<sup>52</sup> International Criminal Court, ‘Cases’, accessed 10 June 2025, <https://www.icc-cpi.int/cases>.

<sup>53</sup> Just Security, ‘Negotiating Racial Injustice: How International Criminal Law Helps Entrench Structural Inequality’, 2020, <https://www.justsecurity.org/71614/negotiating-racial-injustice-how-international-criminal-law-helps-entrench-structural-inequality/>.

North Atlantic societies”<sup>54</sup>. While the author uses the example of the violent conflicts in Darfur to highlight the inadequacy of neocolonial transitional justice in cultivating sustainable peace on the local level, he suggests that prioritizing Indigenous approaches to peace and involving local actors to the fullest extent can make transitional justice inclusive for victims of colonialism, apartheid, and authoritarianism, including engendered populations that undergo additional violations. Similarly to An-Na‘im, Barbara Hudson examines the notion of the dominant subjectivity of whiteness and masculinity in the construction of law. In “Beyond White Man’s Justice: Race, Gender and Justice in Late Modernity,” Hudson argues that, in order to move beyond white man’s justice, “new models must be able to dissolve the logic of identity, the logic by which justice will only be available if claims are based on being the same as the white, male, ‘reasonable person’ of law”<sup>55</sup>.

It is restorative justice, rather than retributive justice, that is more likely to foster meaningful guarantees of non-repetition and to catalyze systemic change. By emphasizing accountability through dialogue, increasing victim participation, and creating spaces to repair social relationships, restorative approaches address the root causes of conflict and structural harm. In contrast to punitive models, which focus primarily on individual culpability and punishment, restorative justice seeks to rebuild trust within communities, promote reconciliation, and create conditions that reduce the likelihood of future violations.

If the International Criminal Court intends to fulfill its mission of “helping prevent [heinous] crimes from happening again”<sup>56</sup>, it must adequately acknowledge and respond to the covert violence that allows such crimes to occur. Although the International Criminal Court’s

---

<sup>54</sup> Abdullahi Ahmed An-Na‘im, ‘Editorial Note: From the Neocolonial “Transitional” to Indigenous Formations of Justice’, *International Journal of Transitional Justice* 7, no. 2 (2013): 197–98, <https://doi.org/10.1093/ijtj/ijt012>.

<sup>55</sup> Barbara Hudson, ‘Beyond White Man’s Justice: Race, Gender and Justice in Late Modernity’, *Theoretical Criminology* 10, no. 1 (2006): 33, <https://doi.org/10.1177/1362480606059981>.

<sup>56</sup> International Criminal Court, ‘About the Court’, accessed 10 June 2025, <https://www.icc-cpi.int/about/the-court>.

cases have so far failed to give recognition and distribution of resources to engendered subjects, there are various ways in which the ICC can rise to the appropriate level.

## Possibilities

The first initiative I consider is the ICC's 2022 "Policy on the crime of gender persecution," written by the Prosecutor's Special Adviser on Gender Persecution<sup>57</sup>. The report aims to systematically address the gender persecution aspect of crime against humanity, emphasizing the Court's commitment to investigate and prosecute such crimes as outlined in the Rome Statute. This policy voices an inclusive approach to gender harm, acknowledging that gender persecution can manifest in various forms beyond physical violence, including cultural destruction and the denial of education for girls. The report states:

"Recognition can also reflect the continuum of historical and longstanding structural discrimination and fundamental rights deprivations experienced by vulnerable gender groups such as women, girls and LGBTQI+ persons. It can also help to unearth misogynist, homophobic, and transphobic discrimination, when it intertwines with racial, ethnic and other forms of discrimination that undergird crimes"<sup>58</sup>.

Overall, this policy shows a deeper understanding of structural human rights abuses and represents an important normative shift within international criminal law, signaling an evolving understanding of how gendered harms are embedded in broader systems of oppression. By formally acknowledging the structural and intersectional dimensions of gender persecution, the ICC takes a step toward integrating feminist and intersectional critiques into its prosecutorial framework. Moreover, this approach may contribute to the gradual reshaping of legal standards and customs, which have historically marginalized or overlooked non-physical and identity-based harms. Although material reparations and institutional accountability remain limited

---

<sup>57</sup> International Criminal Court, 'Policy on the Crime of Gender Persecution', December 2022, <https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>.

<sup>58</sup> *ibid*

within this initiative, the discursive recognition of gendered violence as a serious and prosecutable offense can play a foundational role in reshaping narratives around justice and legitimacy in the international legal sphere.

However, the transformative potential of this policy remains contingent upon its implementation. Without meaningful application through actual indictments, trials, and reparative measures, such initiatives risk remaining symbolic gestures rather than instruments of substantive justice. In this regard, the ICC must ensure that its rhetorical commitments are translated into concrete legal action. Only then can the promises embedded in such policy language begin to address the longstanding impunity surrounding gender-based crimes and contribute to the structural change they ostensibly support.

Beyond the policy initiatives emerging from the ICC itself, a range of external interventions offer valuable insights into how the institution might move closer to delivering justice for engendered and marginalized communities. Among these, the Feminist Judgment Method<sup>59</sup> was developed by feminist legal scholars and women's rights advocates in order to serve as both a critical and constructive approach to reimagining the intersection of law and gender justice within transitional justice frameworks. This method not only offers an innovative reinterpretation of legal reasoning through a feminist lens, but also engages local civil society actors and advocacy groups, demonstrating a nuanced comprehension of structural harms. It also seeks to reconcile recognition-based approaches with more substantive, distributive forms of redress. This methodology enables scholars and practitioners to adopt the position of the original judge, using only the evidentiary record presented in the actual case, to reimagine and

---

<sup>59</sup> Marco Evola, Ivana Krstić, and Fuensanta Rabadán, 'Feminist Judgments', in *Gender-Competent Legal Education*, ed. Dragica Vujadinović, Mareike Fröhlich, and Thomas Giegerich, Springer Textbooks in Law (Cham: Springer International Publishing, 2023), 143–81, [https://doi.org/10.1007/978-3-031-14360-1\\_5](https://doi.org/10.1007/978-3-031-14360-1_5).

rewrite the judgment through a feminist perspective<sup>60</sup>. The resulting re-authored judgment remains legally plausible within the temporal and jurisdictional constraints of the original case, but is reinterpreted to expose and challenge the entrenched masculine biases embedded in legal reasoning. In doing so, the Feminist Judgment Method opens up space for envisioning legal disruption and the possibility of more inclusive and equitable legal outcomes in the future.

“Feminist Judgments at the International Criminal Court: The Case of Dominic Ongwen”<sup>61</sup>, written by Tonny Raymond Kirabir, Adrienne Ringin, and Rosemary Grey, is part of a broader initiative within the Cambridge University Press *Feminist Judgments series*. It offers a feminist re-reading of a portion of the judgment delivered in the case of Uganda’s Dominic Ongwen, who was convicted by Trial Chamber IX of the International Criminal Court on 4 February 2021, of 61 counts of war crimes and crimes against humanity. Ongwen’s conviction included two counts of forced pregnancy, marking the first time this crime had been prosecuted as both a war crime and a crime against humanity. Despite its historic significance, the original judgment provided only limited engagement with the gravity and broader harms of forced pregnancy. In the case, Dominic Ongwen was convicted of both war crimes and crimes against humanity for forcibly impregnating and unlawfully confining two women who were abducted and assigned to him as “wives” during his time in the Lord’s Resistance Army (LRA). These women were repeatedly raped, denied autonomy, and confined under constant threat of violence, while their pregnancies were used to entrench control and restrict the women’s mobility, reinforce their captivity, and deepen their trauma.

This reimagined judgment draws upon the same evidentiary material available to the Trial Chamber, including the testimonies of the two victims and expert witnesses, to more fully

---

<sup>60</sup> Tonny Raymond Kirabira, Adrienne Ringin, and Rosemary Grey, ‘Feminist Judgments at the International Criminal Court: The Case of Dominic Ongwen’, *SSRN Electronic Journal*, 2022, 16, <https://doi.org/10.2139/ssrn.4194795>.

<sup>61</sup> *ibid*

contextualize the crime and foreground its impact. Central to this approach is the focus on the victims' experiences, thereby challenging the peripheral treatment of gendered harms in international criminal law. The feminist judgment critically acknowledged the structural harms of gender-based violence by highlighting the severe physical, psychological, social, and cultural impacts of forced pregnancy. It emphasized that the act is a grave violation of personal and reproductive autonomy, which are core to human dignity, and must be understood within the broader framework of control and coercion in conflict settings. It also addressed long-term consequences such as PTSD, community stigma, including the Acholi concept of *cen*, and the victims' complex emotional ties to their children and the perpetrator.

This ruling imagines a precedent for transitional justice that recognizes forced pregnancy not merely as a private harm but as a systemic weapon of war. It underscores the need for courts to incorporate structural and cultural dimensions of gender-based violence in both accountability and reparative processes, ensuring justice is responsive to the full spectrum of victims' lived realities.

## **Conclusion**

While the International Criminal Court was founded to combat impunity for grave international crimes, its limited jurisdiction, political entanglements, and carceral focus have curtailed its capacity to deliver transformative justice for gendered communities. By emphasizing physical violence over structural harm and favoring recognition over redistribution, the ICC often fails to provide redress and achieve meaningful guarantees of non-repetition. Recent developments, such as the 2022 Policy on Gender Persecution and scholarly efforts like the Feminist Judgment Method, offer promising directions toward a more intersectional and inclusive vision of international criminal justice. Yet without substantive implementation, these initiatives risk remaining symbolic rather than structural.



In the following section, I turn to the ad hoc tribunals - the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) - to analyze their contributions and shortcomings in addressing gender-based crimes. Drawing on feminist legal scholarship, I explore how these tribunals have approached gendered violence and assess the possibilities for rendering such mechanisms more gender-just.

## **International Criminal Tribunals for the Former Yugoslavia and Rwanda**

### **Background**

The International Criminal Tribunal for the Former Yugoslavia (ICTY)<sup>62</sup> and the International Criminal Tribunal for Rwanda (ICTR)<sup>63</sup> were created prior to the development of the International Criminal Court, with the primary mission to investigate and penalize the perpetrators of atrocities that occurred during the Yugoslav Wars and the Rwandan Genocide. Both established pursuant to United Nations Security Council Resolutions, the tribunals remained active for more than 20 years and convicted approximately 150 individuals, with around 20 more individuals referred to the national courts<sup>64</sup>. Similarly, to the ICC, the tribunals had specific mandates, were located far from their cases' original locations, and were directed by non-local agents and judges, restricting the enactment of structural change in victim communities.

The ICTY, established by Security Council Resolution 827 in 1993, was the first international war crimes tribunal since Nuremberg and Tokyo, and played an important role in

---

<sup>62</sup> International Justice Resource Center, 'International Criminal Tribunal for the Former Yugoslavia (ICTY)', accessed 10 June 2025, <https://ijrcenter.org/international-criminal-law/icty/>.

<sup>63</sup> International Justice Resource Center, 'International Criminal Tribunal for Rwanda (ICTR)', accessed 10 June 2025, <https://ijrcenter.org/international-criminal-law/icty/>.

<sup>64</sup> *ibid*

developing international jurisprudence on command responsibility and joint criminal enterprise<sup>65</sup>. The ICTR, created by Resolution 955 in 1994, became the first international tribunal to interpret and enforce the Genocide Convention of 1948, notably recognizing rape not only as torture but a constitutive act of genocide<sup>66</sup>. However, both tribunals faced criticism for their limited outreach, high costs, and perceived disconnect from local justice systems and victim communities<sup>67</sup>. Despite their legal achievements, their top-down approach and extraterritorial nature hindered their ability to foster domestic capacity for transitional justice or promote reconciliation in the affected regions, leaving opportunities for local communities to establish their own transitional justice processes, some of which will be described in the next chapter of this work<sup>68</sup>.

## Impediments to Justice

The Yugoslav Wars and the Rwandan Genocide remain emblematic of the extreme brutality that can arise from ethnonationalist ideologies and entrenched structural violence. Both conflicts were marked by widespread, systematic acts of gendered and racialized violence, with sexual violence emerging as a particularly pervasive tactic of terror. In Rwanda, it is estimated that between 250,000 and 500,000 women were raped during the genocide, with reports indicating that virtually every surviving woman and many girls experienced some form of sexual violence<sup>69</sup>. Similarly, in Bosnia and Herzegovina, the conflict saw the mass rape and sexual enslavement of Bosniak (Bosnian Muslim) women<sup>70</sup>. These atrocities were not

<sup>65</sup> United Nations Security Council, 'Resolution 827 (1993), S/RES/827 (25 May 1993)', 1993, 54–56.

<sup>66</sup> United Nations Security Council, 'Resolution 955 (1994), S/RES/955 (8 November 1994)', 1994, 731–34.

<sup>67</sup> Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge: Cambridge University Press, 2008), 45–48.

<sup>68</sup> Mark A. Drumbl, *Atrocity, Punishment, and International Law* (Cambridge: Cambridge University Press, 2007), 573–639.

<sup>69</sup> Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and Its Aftermath* (New York: Human Rights Watch, 1996), 11–13.

<sup>70</sup> Amnesty International, *Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces* (London: Amnesty International Publications, 1993), 3–6.

<sup>71</sup> Alexandra Stiglmayer, ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln: University of Nebraska Press, 1994), 82–87.

incidental but were weaponized acts of terror embedded in patriarchal and militaristic logics aimed at ethnic cleansing and the humiliation and domination of enemy communities<sup>72</sup>.

While the Tribunals exhibited attempts to investigate and prosecute some forms of gendered violence, many legal scholars and feminist activists have noted that the efforts were far from sufficient. In "Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson"<sup>73</sup>, Beth Van Schaack critically examines the ICTR's handling of sexual violence cases, highlighting systemic shortcomings that impeded gender justice. Despite the landmark Akayesu case, which recognized rape as a constitutive act of genocide, the ICTR failed to prosecute sexual violence consistently, leaving many victims whose perpetrators were of lower military rank without recognition, support, or remedies. Van Schaack identifies several factors contributing to these deficiencies: inadequate investigations, prioritization of high-ranking officials over comprehensive justice, plea bargains that neglected sexual violence charges, insufficient support for victims and witnesses, and a lack of gender expertise within the prosecutorial team.

Among the many proposed reforms to improve accountability for sexual and gender-based violence in international criminal law, Van Schaack highlights the necessity of embedding gender expertise across all levels of prosecutorial personnel. She argues that "any gender violence policy must be fully institutionalized and operationalized such that it infuses the hiring, training, day-to-day activities, and evaluation of all prosecutorial staff"<sup>74</sup>. Van Schaack also notes that "no gender advisor within the ICTY or ICTR had a U.N. rank higher than P-4, which excluded them from high-level policy discussions"<sup>75</sup>. Such institutional

---

<sup>72</sup> Dubravka Žarkov, *The Body of War: Media, Ethnicity, and Gender in the Break-Up of Yugoslavia* (Durham: Duke University Press, 2007), 120–23.

<sup>73</sup> Beth Van Schaack, 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson', *American University Journal of Gender, Social Policy & the Law* 17, no. 2 (2009): 359–401.

<sup>74</sup> Beth Van Schaack, 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson', *American University Journal of Gender, Social Policy & the Law* 17, no. 2 (2009): 370.

<sup>75</sup> *ibid*

limitations reveal a broader issue in the international transitional justice system: the failure to integrate gender competence at the core of legal institutions. Effective engagement with gendered harms requires not only legal reform but also the consistent inclusion of gender specialists with sufficient authority and institutional access to shape prosecutorial priorities and outcomes<sup>76</sup>. Civil society organizations and feminist legal scholars have similarly emphasized the importance of participatory justice models that elevate the voices of survivors and integrate community-based knowledge<sup>77</sup>. Without such comprehensive involvement, whether through legally empowered experts or grassroots advocacy, justice mechanisms risk overlooking the structural and intersectional dimensions of violence against women and LGBTQ+ individuals during conflict.

Although sexual violence is only one form of gender-based harm, it has been the most extensively documented and prosecuted form in the jurisprudence of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia. Unfortunately, there remains a significant lack of scholarship and legal acknowledgment concerning other manifestations of gender violence, particularly the experiences of LGBT individuals during these conflicts. Structural silences within the tribunals and broader international legal frameworks have largely excluded non-normative gender identities and sexual orientations from transitional justice processes<sup>78</sup>. As a result, the full spectrum of gendered harm remains incompletely addressed in both legal accountability and academic discourse.

---

<sup>76</sup> Valerie Oosterveld, 'Gender, Persecution, and the International Criminal Tribunals', *Duke Journal of Gender Law & Policy* 13 (2006): 81–111.

<sup>77</sup> Chandra Lekha Sriram, 'Beyond Transitional Justice: Peace, Governance, and Rule of Law', *International Studies Review* 19, no. 1 (2017): 53–69.

<sup>78</sup> Chiseche Mibenge, *Sex and International Tribunals: The Erasure of Gender from the War Narrative* (Philadelphia: University of Pennsylvania Press, 2013), 117–22.

## Possibilities

While both the ICTY and the ICTR have concluded their work, and the International Criminal Court was subsequently established to address similar categories of human rights abuses, there remain important lessons for future tribunals to consider. One of the central problems that limited the effectiveness of these earlier tribunals, in both delivering justice to victims and expanding scholarly and public understanding of gendered harms, was the lack of outreach to affected communities.

The tribunals made little effort to establish meaningful relationships with local populations. As Ebru Demir notes in “Examining the Role of Outreach Work in the International Criminal Justice System: The Case of ICTY,” the ICTY “failed to engage with the communities concerned in a timely manner”<sup>79</sup>. This early failure in outreach created a vacuum that was exploited by extremist actors across ethnic divides, who accused the Tribunal of ethnic bias and thereby inflamed existing tensions. In response to this environment of misinformation, the ICTY eventually sought to explain its work to the public as a corrective measure, but the damage to public trust had already been done. Demir argues that the main challenges for the ICTY’s outreach efforts were “the delays in outreach activities, the absence of complementary transitional justice mechanisms, and the use of plea bargaining”<sup>80</sup>. According to Demir, future international criminal courts should integrate outreach activities from the outset and coordinate them with other transitional justice mechanisms. Furthermore, plea bargaining practices, which often prioritize prosecutorial efficiency over victim-centered justice, should be abandoned in favor of more transparent and participatory processes.

---

<sup>79</sup> Ebru Demir, ‘Examining the Role of Outreach Work in the International Criminal Justice System: The Case of ICTY’, *İnönü Üniversitesi Hukuk Fakültesi Dergisi* 12, no. 1 (2021): 107, <https://doi.org/10.21492/inuhfd.812429>.

<sup>80</sup> *ibid*

These conclusions are critical not only for understanding the legacy of the ICTY in the former Yugoslavia, but also for informing the design of future international tribunals and the ongoing work of the ICC. Demir emphasizes that “International tribunals and courts must learn from the ICTY’s failures and should be vigilant from their establishment until their closure to enhance public awareness of their work and to gain the support of local communities under their jurisdictions”<sup>81</sup>.

In addition to the structural shortcomings identified by legal scholars, grassroots feminist critiques have further exposed the gendered limitations of international criminal justice. As Silvia Trevisani notes, “a distinctive grassroots critique towards the national and international politics of justice arrived from feminist and women’s associations”<sup>82</sup>. Activists pointed to a “lack of protection for witnesses, little attention to their needs and feelings, impunity for the majority of perpetrators of sexual violence, and the erasure of multiple forms of gender violence that affected all women, regardless of nationality, during and after the war (Franke, 2006; Simić, 2016; Nikolić-Ristanović, 2000)”<sup>83</sup>. These critiques reveal that even when international tribunals prosecuted certain forms of sexual violence, they often failed to address the full spectrum of gendered harms and showcase understanding of the structural and intersectional forms of violence experienced by women and LGBTQ+ individuals. However, the problems associated with limited outreach are not insurmountable. They can be mitigated through advanced planning, early integration of outreach as a core function of international tribunals, and strong partnerships with local civil society organizations. These actors possess crucial contextual knowledge and trust within local communities and can play a vital role in shaping more inclusive and representative forms of justice.

---

<sup>81</sup> *ibid*

<sup>82</sup> Silvia Trevisani, ‘The Women’s Court: A Feminist Approach to Justice in the Post-Yugoslav Space’, *Women’s Studies International Forum* 77 (November 2019): 102216, <https://doi.org/10.1016/j.wsif.2019.03.008>.

<sup>83</sup> *ibid*

The cases of the ICTY and ICTR underscore the centrality of representation in transitional justice. Without meaningful engagement with those most affected by conflict-related harms, transitional justice mechanisms risk reproducing exclusion and deepening existing inequalities. By contrast, when representation is prioritized through active outreach, inclusive participation, and the incorporation of grassroots feminist perspectives, transitional justice processes have far greater potential to contribute to transformative gender justice.

## **Chapter Conclusion**

The limitations of international criminal law in addressing structural and ongoing gender-based violence reflect what feminist scholar Cynthia Cockburn critiques as a failure to recognize the continuum of violence. As Chapter 1 established, gendered harms do not begin and end with armed conflict but persist through militarism, patriarchal governance, and systemic inequality long after formal hostilities cease. Yet, mechanisms like the ICC and the ad hoc tribunals remain bound to narrow legal definitions of violence rooted in temporal and event-based frameworks. This constrains their ability to respond to the full spectrum of gendered harm, particularly the normalized, institutionalized, and intersectional violence experienced by women and LGBTQ+ communities in both wartime and peacetime. Incorporating the continuum of violence perspective is thus vital for expanding the temporal and conceptual scope of transitional justice.

When assessed through the lens of Fraser's model, both the ICC and the ad hoc tribunals exhibit significant limitations. Recognition of gendered harms has advanced, particularly in recent years, but remains partial and selective, often privileging visible acts of sexual violence while neglecting broader structural and identity-based harms. Redistribution is largely absent, as these mechanisms have done little to address the socio-economic inequalities that underpin gendered violence or to provide sufficient material reparations that foster long-term justice.

Representation remains constrained by the tribunals' institutional distance from affected communities and their limited engagement with feminist and LGBTQ+ civil society actors. Without addressing these gaps, international mechanisms risk reproducing rather than dismantling systems of gendered exclusion.

The limitations of current transitional justice mechanisms demonstrate why building mutually supportive connections among international bodies, national governments, and local entities is essential. Transformative gender justice requires more than what international courts can provide by themselves. Rather, their effectiveness depends on sustained dialogue and partnership with local feminist and LGBTQ+ movements, grassroots civil society organizations, and community-based justice initiatives. Such collaborations can ground transitional justice in the lived realities of those most affected, challenge the universalizing biases of international legal frameworks, and promote more inclusive and contextually responsive approaches to justice.

Having explored the promises and limitations of international models of transitional justice, the following chapter turns to national-level efforts. Focusing on Colombia's transitional justice process, I examine how national mechanisms can address, or perpetuate, structural gendered harms, and whether they provide greater scope for integrating recognition, redistribution, and representation.

## **CHAPTER FOUR: NATIONAL PATHWAYS TO GENDER-JUST TRANSITIONAL JUSTICE**

National judicial and legislative institutions play a pivotal role in delivering justice in the aftermath of extreme human rights violations. While international courts set important normative standards, national agencies are able to create context-sensitive and sustainable



change. Although significant challenges remain regarding the extent to which national governments can successfully distinguish themselves from former authoritarian or repressive regimes, particularly when they continue participating in practices rooted in homophobia, militarization, patriarchal dominance, and economic dispossession, these governments continue to retain primary fiscal, legal, and administrative responsibility in the pursuit of transitional justice. Whether transitional justice meets Nancy Fraser's model of participatory parity through redistribution, recognition, and representation can therefore depend on how successful national initiatives prove to be. Their actions are critical not only for addressing past harms, but also for reshaping social systems and enabling inclusive peace and justice.

An illustrative example of national engagement in transitional justice and gender-responsive reparations is Colombia. This chapter examines Colombia's Victims and Land Restitution Law (Law 1448/2011)<sup>84</sup> alongside the 2016 Peace Accords<sup>85</sup>, with particular emphasis on their contribution to the redistribution dimension of post-conflict gender justice. As one of the most comprehensive and ambitious reparations programs globally, Colombia's transitional justice framework underscores the importance of integrating redistribution, recognition, and representation as interdependent components of a transformative approach to justice.

## Colombia's Redistribution

The transition to justice in Colombia takes place within the context of historical armed conflicts and social struggles for justice. Following *La Violencia*, a civil war between Colombia's two dominant political parties that raged from 1948 to 1958, the country endured

---

<sup>84</sup> Queen's University Belfast Reparations Archive, 'Victims Law 1448/2011', 2011, <https://reparations.qub.ac.uk/assets/uploads/Victims-Law-1448-2011.pdf>.

<sup>85</sup> Government of Colombia and FARC-EP, 'Colombian Peace Agreement (English Translation)', 2016, <https://peaceaccords.nd.edu/wp-content/uploads/2020/02/Colombian-Peace-Agreement-English-Translation.pdf>.

over six decades of armed conflict between the state and the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP)<sup>86</sup>. This violence resulted in the murder, enforced disappearance, and forced displacement of hundreds of thousands of civilians, while millions more, particularly women, Black and Indigenous People of Color, queer populations, and rural communities suffered systemic oppression through patriarchal violence, dispossession of land, and deepening economic inequality<sup>87</sup>. Over the course of the conflict, Colombia’s security forces, right-wing paramilitary organizations, the FARC, and several smaller revolutionary factions were responsible for the deaths of more than 200,000 individuals, with over 80 percent of whom were civilians<sup>88</sup>.

Recent scholarship further underscores that women and LGBT individuals have borne disproportionate burdens of harm throughout Colombia’s armed conflict. In her article “Gender Dynamics During the Colombian Armed Conflict”, Signe Svallfors provides an in-depth analysis of the gendered dimensions of conflict-related violence. Drawing on various interviews, Svallfors highlights how armed actors, including state forces, paramilitary groups, and guerrilla factions, targeted LGBTQ+ persons in uniquely brutal ways. LGBTQ+ individuals were often coerced into performing unpaid labor such as caregiving, cooking, and message delivery, while those living with HIV faced deadly violence, forcing many to flee their communities in search of life-saving medical care. The compounded violence, discrimination, and forced displacement inflicted severe physical, psychological, and social harm on LGBT communities, often pushing displaced individuals into survival sex work amid pervasive

---

<sup>86</sup> Inclusive Security, ‘In the Midst of War: Women’s Contributions to Peace in Colombia’, 2012, [https://www.inclusivesecurity.org/wp-content/uploads/2012/08/16\\_in\\_the\\_midst\\_of\\_war\\_women\\_s\\_contributions\\_to\\_peace\\_in\\_colombia.pdf](https://www.inclusivesecurity.org/wp-content/uploads/2012/08/16_in_the_midst_of_war_women_s_contributions_to_peace_in_colombia.pdf).

<sup>87</sup> Inclusive Security / ND Centre for Peace Accords, ‘Towards Implementation of Women’s Rights in the Colombian Final Peace Accord’, 2020, <https://peaceaccords.nd.edu/wp-content/uploads/2020/11/Towards-Implementation-of-Womens-Rights-in-the-Colombian-Final-Peace-Accord-2.pdf>.

<sup>88</sup> Washington Office on Latin America, ‘Colombia’s 52-Year-Old Conflict with the FARC Comes to an End’, August 2016, <https://www.wola.org/analysis/colombias-52-year-old-conflict-with-the-farc-comes-to-an-end/>.

victim-blaming and stigma<sup>89</sup>. Svallfors also emphasizes that while cisgender men were disproportionately exposed to combat-related fatalities, women and sexual and gender minorities experienced heightened risks of sexual violence and forced displacement<sup>90</sup>. The author argues that the militarization of gender norms throughout the conflict constructed women's and queer bodies as sites of symbolic and physical warfare, undermining their safety, dignity, and autonomy. These findings reinforced the necessity of a gender-transformative lens in Colombia's transitional justice processes, one that acknowledges the distinct and intersectional harms suffered by women and LGBT persons and addresses them through reparative and structural reforms.

By the time the peace agreement between FARC and the state was signed in September 2016, many ceasefire accords, negotiations, and peace-building discussions had already addressed questions of justice and remedy<sup>91</sup>. As noted in "A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process", the reparations program for the conflict predates the peace accords, as its development ran parallel to the peace negotiations, serving not only to lay groundwork for critical components of the peace process but also to signal the state's evolving commitment to the rights of victims<sup>92</sup>. More importantly, these reparations programs emerged in large part as a response to sustained advocacy and litigation by human rights and social justice organizations within Colombia. Grassroots movements, led by gender rights organizations, Indigenous councils, and land rights activists, persistently demanded acknowledgment of collective injustices and the structural roots of gendered

---

<sup>89</sup> Signe Svallfors, 'Gender Dynamics During the Colombian Armed Conflict', *Social Politics: International Studies in Gender, State & Society* 31, no. 2 (18 June 2024): 298–320, <https://doi.org/10.1093/sp/jxad016>.

<sup>90</sup> *ibid*

<sup>91</sup> Kathryn Sikkink et al., 'A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process', in *Time for Reparations*, ed. Jacqueline Bhabha, Margareta Matache, and Caroline Elkins (University of Pennsylvania Press, 2021), 119–36, <https://doi.org/10.9783/9780812299915-010>.

<sup>92</sup> *ibid*

violence and land dispossession<sup>93</sup>. Their efforts were instrumental in shaping the reparations framework to incorporate gendered impacts of the conflict and to promote a more transformative vision of justice, one that moves beyond individual compensation to address intersecting axes of oppression.

The establishment of the Gender Subcommission during the peace negotiation process in Havana represents a landmark institutional innovation in this regard<sup>94</sup>. Created after sustained advocacy by Colombian women's and feminist movements, including the influential Cumbre Nacional de Mujeres y Paz (National Summit of Women and Peace), this Subcommission ensured that gender considerations were embedded throughout the final Peace Accord, rather than relegated to isolated sections or post-hoc addenda<sup>95</sup>. Significantly, this Subcommission included not only feminist civil society actors but also female ex-combatants, creating a rare and powerful forum for dialogue across social and political divides. This process provides an important example of Fraser's principle of representation in practice, where marginalized groups are not merely recipients of justice but active agents in shaping it.

## Transformative Potential

In 2011, under the leadership of President Juan Manuel Santos, Colombia enacted Law 1448, commonly referred to as the Victims' Law. This legislation established a comprehensive framework for reparations, mechanisms to uncover the truth about the conflict, and procedures for land restitution aimed at victims of the armed conflict. To implement these initiatives, the government established several new institutions, including the Victims' Unit, the Land

<sup>93</sup> Inclusive Security, 'In the Midst of War: Women's Contributions to Peace in Colombia'.

<sup>94</sup> Diana Marcela Gómez and Diana María Montealegre, 'Colombian Women's and Feminist Movements in the Peace Negotiation Process in Havana: Complexities of the Struggle for Peace in Transitional Contexts', *Social Identities* 27, no. 4 (4 July 2021): 445–60, <https://doi.org/10.1080/13504630.2021.1924659>.

<sup>95</sup> *ibid*

Restitution Unit, and the National Center for Historical Memory<sup>96</sup>. The law, along with subsequent Presidential Decrees and rulings from the Constitutional Court and the Inter-American Court of Human Rights, adopted an expansive interpretation regarding the time frame of eligibility of victims, coordination among different forms of assistance, criteria for identifying victims, and the types of reparations to be provided. It recognized a wide range of beneficiaries, encompassing violations of fundamental rights and various forms of harm such as physical, psychological, economic, and, requiring an active process of identifying and registering victims<sup>97</sup>. The benefits provided aimed not only to address material damages but also to fully restore victims' citizenship and participation in society.

Central to the reparations framework established under Colombia's Victims' Law efforts is the restitution of land to rural populations who were dispossessed or forcibly displaced, a process aimed at both restoring property rights and enabling displaced persons to return to their territories<sup>98</sup>. In addition, the law provides monetary compensation to victims, with the amount calibrated according to the severity of the harm endured, to support them in rebuilding their lives. The law also mandated measures of satisfaction, which seek to restore victims' dignity through truth-telling, public acknowledgment of responsibility by perpetrators, the recovery and return of the remains of forcibly disappeared individuals, and support for local memory and commemoration initiatives. Rehabilitation, including access to medical and psychological care, is another key pillar of the reparations scheme. Finally, the law emphasizes guarantees of non-repetition, which entail broad-based institutional reforms and peacebuilding

---

<sup>96</sup> International Center for Transitional Justice, 'Colombia', accessed 10 June 2025, <https://www.ictj.org/location/colombia>.

<sup>97</sup> Kathryn Sikkink et al., '8. A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process', in *Time for Reparations*, ed. Jacqueline Bhabha, Margareta Matache, and Caroline Elkins (University of Pennsylvania Press, 2021), 119–36, <https://doi.org/10.9783/9780812299915-010>.

<sup>98</sup> SDG16.plus, 'Colombia's Measures for Armed Conflict Victim Reparations and Land Restitution', accessed 10 June 2025, <https://www.sdg16.plus/policies/colombias-measures-for-armed-conflict-victim-reparations-and-land-restitution/>.

efforts aimed at preventing future violence and strengthening democratic governance<sup>99</sup>. Together, these measures reflect a comprehensive approach to transitional justice, recognizing that reparations must address not only material losses but also the social, emotional, and political dimensions of harm.

After the 2011 Victim's Law, the 2016 Colombian Final Peace Accord was signed, becoming the product of decades of failed negotiations, persistent grassroots mobilization, and an evolving recognition by both parties that military victory was unattainable. The Accord came to fruition after four years of negotiations in Havana, Cuba, with the international support of guarantor states and the United Nations<sup>100</sup>. Civil society actors, particularly women's organizations, played a critical role in shaping the process. The establishment of the Women's Subcommission during the talks ensured that a gender perspective was not an afterthought, but rather a transversal principle embedded throughout the final text. The Accord explicitly recognized the disproportionate impacts of conflict on women and LGBTQ+ persons and committed to affirmative measures to promote gender equality in post-conflict reconstruction<sup>101</sup>.

The substantive content of the Accord reflects this transformative ambition. It includes a commitment to comprehensive rural reform, aimed at reducing entrenched inequalities in land ownership and rural development<sup>102</sup>. The goal is not simply to redistribute land, but to enable equitable access to education, healthcare, and infrastructure, thereby closing the historical divide between rural and urban Colombia. Political participation also forms a key component of the Accord, with mechanisms to expand democratic spaces, guarantee rights for political

---

<sup>99</sup> *ibid*

<sup>100</sup> Gómez and Montealegre, 'Colombian Women's and Feminist Movements in the Peace Negotiation Process in Havana', 445–60.

<sup>101</sup> Government of Colombia and FARC-EP, 'Colombian Peace Agreement (English Translation)'.

<sup>102</sup> Julieta Lemaitre, 'After the War: Displaced Women, Ordinary Ethics, and Grassroots Reconstruction in Colombia', *Social & Legal Studies* 25, no. 5 (October 2016): 545–65, <https://doi.org/10.1177/0964663916636442>.

opposition, and foster meaningful participation of women, Indigenous peoples, Afro-Colombians, and LGBTIQ+ communities in decision-making at all levels of governance<sup>103</sup>.

The Accord also established a holistic transitional justice system, the Comprehensive System for Truth, Justice, Reparation, and Non-Recurrence (SIVJRNR). This system integrates a Special Jurisdiction for Peace (JEP), a Truth Commission (CEV), and a Unit for the Search for Disappeared Persons (UBPD), all with mandates to address conflict-related gender violence and to ensure the recognition of the harms suffered by women and marginalized groups<sup>104</sup>. While the status of implementation remains contested, today, Colombia's victims' registry includes over 15 percent of the nation's population, a proportion unmatched by any of the world's other 45 reparations programs, none of which have reached even one percent of their populations<sup>105</sup>.

## Challenges of Implementation

Colombia's reparations process provides an important lens through which to explore how transitional justice mechanisms can be made more responsive to feminist critiques and gender justice imperatives. Feminist scholars have long argued that conventional transitional justice frameworks risk reinforcing patriarchal power structures by privileging public forms of political violence over the pervasive, often private, harms inflicted on women and marginalized gendered bodies during conflict<sup>106</sup>. In this regard, Colombia's approach marks a partial, though still contested, attempt to address such critiques.

<sup>103</sup> Government of Colombia and FARC-EP, 'Colombian Peace Agreement (English Translation)'.

<sup>104</sup> Jurisdicción Especial para la Paz, 'SIVJRNR: Sistema Integral de Verdad, Justicia, Reparación y No Repetición (English Version)', accessed 10 June 2025, [https://www.jep.gov.co/DocumentosJEPWP/4SIVJRNR\\_EN.pdf](https://www.jep.gov.co/DocumentosJEPWP/4SIVJRNR_EN.pdf).

<sup>105</sup> Kathryn Sikkink et al., '8. A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process', in *Time for Reparations*, ed. Jacqueline Bhabha, Margareta Matache, and Caroline Elkins (University of Pennsylvania Press, 2021), 119–36, <https://doi.org/10.9783/9780812299915-010>.

<sup>106</sup> Julieta Lemaitre, 'Transitional Justice and the Challenges of a Feminist Peace', *International Journal of Constitutional Law* 18, no. 2 (2020): 455–60, <https://doi.org/10.1093/icon/moaa050>.

First, Colombia's Victims and Land Restitution Law explicitly recognizes gender-based harms as a distinct category of victimization. This reflects an important shift from earlier models of transitional justice, which often rendered sexual and gender-based violence invisible within broader reparations frameworks. Furthermore, the Peace Accords (2016) were internationally recognized for incorporating a gender subcommission, the first of its kind in a major peace negotiation, which consulted extensively with feminist organizations and victims' groups to ensure gender-sensitive measures in the agreement<sup>107</sup>. This participatory innovation aligns with feminist calls for centering women's voices and lived experiences in the design of post-conflict justice mechanisms.

Second, the Colombian model engages with the redistributive dimension of gender justice, focusing not solely on financial reparations but on the redistribution of land and opportunities. The Land Restitution component of Law 1448 seeks to address historical patterns of land dispossession, disproportionately affecting rural women, Indigenous women, and Afro-Colombian women whose economic marginalization both preceded and was exacerbated by the conflict. Land restitution has the potential to materially alter gendered hierarchies of economic power and is thus aligned with transformative justice paradigms.

However, critical limitations remain. The report from the Kroc Institute's Barometer Initiative underscores both progress and persistent challenges<sup>108</sup>. Rural reform remains slow, with delays in land titling and the rollout of national plans. Political reforms intended to enhance women's representation and participation have yet to be fully realized, with legislative challenges and underfunded initiatives. Security for women leaders and human rights defenders

---

<sup>107</sup> Gómez and Montealegre, 'Colombian Women's and Feminist Movements in the Peace Negotiation Process in Havana'.

<sup>108</sup> Peace Accords Matrix (PAM), Kroc Institute for International Peace Studies, 'Victims at the Center: Status of Implementation of the Final Accord with a Victim's Perspective' (University of Notre Dame), accessed 11 June 2025, <https://doi.org/10.7274/XG94HM54J92>.



remains precarious, as violence against them continues unabated<sup>109</sup>. Within the transitional justice system, substantial strides have been taken in documenting sexual violence and promoting victim participation, but concerns remain about whether these processes will fully confront historical impunity<sup>110</sup>. Moreover, the gap between commitments at the national level and realities in the territories persists. While gender-sensitive policies exist on paper, their translation into concrete benefits for rural women, Afro-Colombians, Indigenous communities, and LGBTQ+ persons has been limited by institutional weaknesses, budget constraints, and continued insecurity in many regions<sup>111</sup>.

## Chapter Conclusion

Colombia's transitional justice experience offers valuable insights into both the potential and the limitations of national mechanisms in achieving transformative gender justice. The Colombian model demonstrates that when grassroots feminist advocacy is embedded into peace processes, as seen in the Gender Subcommission, representation can be meaningfully enhanced. When legal frameworks center redistribution of land and economic power, they can begin to dismantle the structural roots of gendered violence. And when recognition goes beyond symbolic acknowledgment to include measures of satisfaction and guarantees of non-repetition, it can foster dignity and healing. However, Colombia's experience also illustrates the profound challenges of implementation. To achieve transformative justice, progressive legislation needs to be backed by persistent political commitment along with adequate financial resources and strong institutional capabilities to tackle deep-rooted inequalities. Without addressing these

---

<sup>109</sup> European Center for Constitutional and Human Rights (ECCHR), 'Violence against Human Rights Defenders in Colombia – The Hague Should Act', accessed 10 June 2025, <https://www.ecchr.eu/en/case/violence-against-human-rights-defenders-in-colombia-the-hague-should-act/>.

<sup>110</sup> Peace Accords Matrix (PAM), Kroc Institute for International Peace Studies, 'Victims at the Center'.

<sup>111</sup> Lemaitre, 'Transitional Justice and the Challenges of a Feminist Peace'.

structural constraints, even the most ambitious national frameworks risk falling short of their transformative potential.

For the broader field of transitional justice, Colombia's case underscores the necessity of integrating Fraser's redistribution, recognition, and representation not as isolated pillars but as an interdependent and dynamic model. Achieving gender justice in post-conflict contexts must also require ongoing dialogue between national governments and feminist civil society actors, as well as mechanisms to ensure that marginalized voices remain central to both the design and implementation of justice processes. Sustained intersectional engagement allows transitional justice to meet its transformative goals by repairing past damages while creating a fairer and more inclusive future.

## **CHAPTER FIVE: LOCAL AND COMMUNITY-BASED APPROACHES TO GENDER JUSTICE**

Beyond the formal legal institutions, an important dimension of transitional justice is found in local, community-based initiatives that are grounded in the specific historical, cultural, and social contexts in which human rights abuses occurred. These mechanisms, which often operate outside conventional legal frameworks, tend to emphasize restorative over retributive approaches, prioritizing community participation, reconciliation, and accessibility. In contrast to the adversarial nature of international tribunals, local transitional justice processes are frequently characterized by their informal, participatory, and supplementary nature. This chapter explores how local communities have responded to human rights abuses in various conflicts, taking a look at the Women's Court in Sarajevo. Through this analysis, I assess both the limitations and the transformative potential of localized approaches, highlighting lessons

that can inform more context-sensitive and inclusive transitional justice processes in post-conflict societies worldwide.

## **Women's Court for the former Yugoslavia**

In the aftermath of the Yugoslav Wars, a legal tribunal proved to be insufficient in achieving justice for the survivors. One of the most significant critiques emerging from post-conflict transitional justice in the former Yugoslavia concerns the limitations of the International Criminal Tribunal for the former Yugoslavia (ICTY) in addressing the gendered dimensions of wartime violence. While the ICTY marked an important precedent by prosecuting high-level perpetrators and recognizing sexual violence as a crime against humanity, its focus remained largely on retributive justice and failed to fully encompass the lived realities of many survivors, especially women. Thousands of women who experienced gender-based violence during the wars were never afforded access to legal remedy or formal recognition of their suffering. The Tribunal's approach, centered on selective prosecution, inadvertently contributed to a prevailing sense of impunity and exclusion among survivors of gender violence<sup>112</sup>.

At the national level, judicial systems within the successor states of Yugoslavia exhibited structural weaknesses that further hindered post-war justice. Courts often lacked independence, and their decisions were frequently shaped by ethno-nationalist agendas rather than principles of impartiality or accountability<sup>113</sup>. In many cases, governments used trials not as tools for reconciliation but as opportunities to reinforce divisive narratives about victimhood and aggression, obscuring the complex realities of the conflict and perpetuating silence around

---

<sup>112</sup> C. Marchi-Uhel, 'The Availability and Accessibility of ICTY Archives via Information Centers', in *Assessing the Legacy of the ICTY*, ed. R. H. Steinberg (Leiden, Netherlands: Brill, 2011), 75–78.

<sup>113</sup> Council of Europe Commissioner for Human Rights, 'Post-War Justice and Durable Peace in the Former Yugoslavia', 2012, 39, <https://book.coe.int/eur/en/commissioner-for-human-rights/7332-pdf-post-war-justice-and-durable-peace-in-the-former-yugoslavia.html>.

gendered violence<sup>114</sup>. These dynamics exposed the failure of both international and domestic frameworks to address the intersectional and structural nature of the harm inflicted on women, whose experiences extended beyond the battlefield to include economic, political, and social violence.

In this context, feminist activists across the post-Yugoslav region began to challenge the adequacy of conventional justice mechanisms by envisioning an alternative form of accountability rooted in gendered epistemologies and collective memory. Inspired by the global movement for feminist tribunals, anti-nationalist women's groups developed the concept of a Women's Court in the 1990s — a court that would center women's voices, knowledge, and experiences as the primary source of truth<sup>115</sup>. After decades of organizing, this vision materialized in 2015 in Sarajevo. The Women's Court represented a deliberate departure from patriarchal legal norms by enabling women to serve simultaneously as witnesses, judges, and experts, thereby democratizing the structure of justice and placing emphasis on the epistemic authority of survivors.

Unlike the ICTY, which narrowly defined gender-based crimes in terms of sexual violence, the Women's Court sought to expose the broader continuum of gendered harm, including the marginalization of women in economic and political life, displacement, and psychological trauma. It also recognized the interplay between public and private forms of violence, acknowledging how war-related suffering often intersected with domestic and structural oppression<sup>116</sup>. This approach reflects a deeper understanding of justice as not merely

---

<sup>114</sup> Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans*, 1st ed. (Cornell University Press, 2009), <http://www.jstor.org/stable/10.7591/j.ctt7z9d2>.

<sup>115</sup> Trevisani, 'The Women's Court', 7.

<sup>116</sup> Women's Court Srebrenica, 'Seeking Truth and Justice: The Women of Srebrenica and the Women's Court', accessed 10 June 2025, <https://srebrenica.org.uk/what-happened/seeking-truth-and-justice-the-women-of-srebrenica-and-the-womens%20court>.

punitive but a transformative effort to create new systems, restore dignity, and challenge the social norms that enabled the violence in the first place.

Importantly, the Women's Court functioned not only as a symbolic space of testimony but also as a site of resistance to the nationalist amnesia that dominated public discourse in post-war states. Scholars have emphasized how regional leaders engaged in a "politics of oblivion" by refusing to acknowledge the crimes committed by their own groups, while simultaneously using international war trials to advance ethno-nationalist discourse and further entrench binary narratives of aggressors and victims<sup>117</sup>. The Women's Court disrupted this discourse by creating a transnational, feminist space where memory could be reclaimed and justice reimaged, not only as a legal outcome, but as a social and moral process of recognition, healing, and solidarity.

## Background

The structure and methodology of the 2015 Women's Court in Sarajevo deviated significantly from conventional legal forums. While primarily functioning as a hearing-based tribunal, the event also integrated artistic and activist elements, including an art exhibition that showcased visual expressions of resistance and memory. The event was supported by over ten feminist and anti-nationalist organizations, including Women in Black, whose long-standing advocacy played a foundational role in its realization<sup>118</sup>.

As Silvia Trevisani describes in "The Women's Court: A feminist approach to justice in the post-Yugoslav space," central to the Court were the voices of thirty-six women who came forward to testify publicly about their experiences of war and structural violence<sup>119</sup>. These witnesses underwent a rigorous and compassionate preparation process that included

---

<sup>117</sup> Trevisani, 'The Women's Court'.

<sup>118</sup> *ibid*

<sup>119</sup> *ibid*

participation in regional meetings where they could build mutual trust, receive psychological support, and work with organizers to craft testimonies that were both personally empowering and politically resonant. This preparatory work was not merely logistical but ideological, reflecting a feminist ethic of care that resisted the retraumatizing practices often associated with legal testimony in traditional courts. In addition to survivor accounts, the Court featured the contributions of expert witnesses tasked with situating the testimonies within broader socio-political and historical contexts. These experts analyzed the intersectional causes and consequences of violence, drawing attention to its gendered, ethnic, economic, and cultural dimensions, and thus reframed individual suffering within a collective framework of structural injustice. The inclusion of this analytical layer served a dual purpose: it validated the experiential knowledge of survivors while also challenging reductionist interpretations of violence that isolate it from its systemic roots.

Symbolically presiding over the proceedings was the Judicial Council, composed of regional and international women from diverse professional backgrounds, including activism, academia, law, and media. Although lacking formal legal authority, this council functioned as a feminist jury, charged with interpreting the testimonies and assigning responsibility. The council's rules of conduct also redefined the role of the audience, most of whom were women. Audience members were required to adhere to strict behavioral norms, such as refraining from questions or movement during testimony, thereby fostering an atmosphere of deep respect and uninterrupted listening. This emphasis on disciplined presence was an intentional intervention against the often depersonalizing atmospheres of formal courts, where survivors are frequently subjected to adversarial questioning or procedural indifference.

In its final deliberations, the Judicial Council identified a broad range of crimes that reflected the complexity of violence in the post-Yugoslav wars. These included “the crime of war against the civilian population,” “the crime of using women’s bodies as a battlefield,” and

“the crime of militaristic violence”, among others<sup>120</sup>. The council deliberately broadened the scope of culpability beyond direct perpetrators to include the political, military, and economic leadership, the intellectual elite, media institutions, religious authorities, and even international actors. These groups were implicated not only for their active participation in violence but also for enabling, legitimizing, or failing to prevent a misogynistic, militarized, and heteronormative system of oppression.

By refusing to reduce accountability to individual actors alone, the Women’s Court articulated a feminist politics of justice that illuminated the systemic and transnational dimensions of wartime harm. In doing so, it advanced an alternative paradigm of post-conflict accountability—one that centers collective memory, challenges dominant historiographies, and calls for a transformation of the very structures that perpetuate violence against women in both war and peace.

## Impact

Despite the innovative and explicitly feminist framework of the Women’s Court in Sarajevo, significant limitations persist in its inclusivity and structural reach. Although the Court was founded upon feminist principles and included long-standing alliances with lesbian feminist organizations, it failed to explicitly address the forms of gendered violence experienced by LGBTQ+ individuals<sup>121</sup>. This exclusion reflected broader patterns in the post-Yugoslav nationalist states, where non-normative identities have historically been unrecognized by both legal and cultural institutions. As a result, violence against queer and

---

<sup>120</sup> Judicial Council, ‘Preliminary Decisions and Recommendations Delivered in Sarajevo. Women’s Court: Feminist Justice’, 9 May 2015, [http://zenskisud.org/en/pdf/2015/Womens\\_Court\\_Preliminary\\_Decision\\_Judicial\\_Council\\_2015.pdf](http://zenskisud.org/en/pdf/2015/Womens_Court_Preliminary_Decision_Judicial_Council_2015.pdf).

<sup>121</sup> Trevisani, ‘The Women’s Court’.

trans persons remains largely unprosecuted and socially silenced<sup>122</sup>. While the Judicial Council acknowledged the role of heteronormativity in state violence, it did so exclusively through a cisnormative, biologically essentialist framework that treated “women” as a fixed and homogenous category. The absence of intersectional recognition of gender diversity thus perpetuated a form of exclusion within a forum otherwise committed to feminist justice.

A second critical limitation concerns the lack of institutional implementation of redistributive justice. Drawing on Nancy Fraser’s tripartite model, achieving gender justice requires not only symbolic acknowledgment and inclusive participation, but also material reparations that address the structural impoverishment of war-affected populations. In Bosnia and Herzegovina, for example, there remains no state-wide legal framework or comprehensive reparations policy that guarantees survivors access to restitution, compensation, or rehabilitation<sup>123</sup>. This failure is compounded by the state’s adherence to neoliberal market reforms and privatization policies, which further erode the socioeconomic rights of vulnerable groups, particularly women<sup>124</sup>. Without structural transformation, the potential of feminist legal forums like the Women’s Court remains largely symbolic rather than materially transformative.

Yet, even within these limitations, the Women’s Court offers critical insights into the power of inclusive, survivor-centered justice practices. As Duhacek emphasizes, the Court may not deliver legal verdicts or enforce punitive measures, but it does produce public declarations that hold significant discursive power<sup>125</sup>. These statements exert moral and political pressure not only on perpetrators, but also on institutions, both national and international, that have failed

---

<sup>122</sup> University of Banja Luka, Faculty of Philology and Natasa D. Vucenovic, ‘Homophobia in Serbian Online Discourse: The Case of the 2016 Belgrade Pride Parade’, *Филолог – Часопис За Језик Књижевност и Културу* 19, no. 19 (30 June 2019): 82–100, <https://doi.org/10.21618/fil1919082v>.

<sup>123</sup> O’Reilly, ‘Peace and Justice through a Feminist Lens’, 419–45.

<sup>124</sup> Timothy Donais, *The Political Economy of Peacebuilding in Post-Dayton Bosnia* (London: Routledge, 2005), 73–74.

<sup>125</sup> B. Duhacek, ‘A Women’s Court: A Feminist Approach to In/Justice’, in *Feminist Approaches to Transitional Justice*, ed. R. Rubio-Marín (Cambridge: Cambridge University Press, 2017), 162.



to prevent or redress wartime injustices<sup>126</sup>. This strategy of redistribution of shame mobilizes public discourse as a mechanism of accountability and challenges the invisibility of survivors in formal justice systems by placing their narratives at the center of collective memory and political responsibility. Compared to the ICTY, where many survivors of sexual violence reported feeling retraumatized, humiliated, or disrespected in adversarial courtroom settings, the Women's Court provided a space that affirmed survivors' dignity and political agency<sup>127</sup>. Rather than reducing them to passive victims, the Court enabled participants to articulate their experiences as part of a broader feminist resistance to injustice. In doing so, it transformed the act of testimony into a form of political empowerment.

Looking forward, the transformative potential of the Women's Court could be greatly enhanced by the full adoption of intersectionality as its foundational methodological practice. An intersectional approach would not only acknowledge the layered and differentiated experiences of violence across lines of gender identity, sexuality, ethnicity, race, and class, but also expand the Court's reach to include LGBTQ+ communities, whose suffering has long been marginalized in both international and domestic legal systems. By grounding its practice in intersectional feminism, the Women's Court could serve as a truly inclusive model of post-conflict justice—one that bridges symbolic recognition with structural transformation.

## Chapter Conclusion

The Women's Court in Sarajevo exemplifies how grassroots feminist interventions can disrupt dominant, patriarchal narratives of transitional justice. By centering survivor testimony, challenging nationalist historiographies, and foregrounding structural forms of harm, the Court moves beyond the retributive paradigm and offers an alternative vision of accountability rooted

---

<sup>126</sup> Trevisani, 'The Women's Court', 162.

<sup>127</sup> Katherine M. Franke, 'Gendered Subjects of Transitional Justice', *Columbia Journal of Gender and Law* 15 (2006): 813–28.

in collective memory and feminist solidarity. Importantly, this approach resonates with the continuum of violence framework introduced in Chapter 1, illustrating how feminist local justice practices can expose the persistent, everyday forms of gendered violence that traditional legal systems often fail to recognize.

Yet, as this chapter has also shown, the transformative potential of local justice initiatives remains contingent on their ability to integrate the three dimensions of Fraser's model. While the Women's Court succeeded in advancing recognition and fostering participatory representation, it lacked mechanisms for material redistribution, limiting its capacity to address the structural impoverishment and economic marginalization of survivors. Moreover, its failure to adopt an explicitly intersectional lens left key communities, particularly LGBTQ+ survivors, outside its scope of justice. These gaps mirror the recurring challenge identified throughout this paper: transitional justice processes, whether international, national, or local, continue to struggle to fully operationalize an intersectional and redistributive approach. Nonetheless, local initiatives such as the Women's Court offer invaluable lessons for the broader field of transitional justice. They remind us that justice is not the exclusive domain of formal legal institutions but also emerges through community-driven processes of truth-telling, solidarity, and resistance. Moreover, they underscore the critical importance of grounding justice mechanisms in the lived experiences of those most affected by conflict, particularly women, LGBTQ+ individuals, and other marginalized groups.

Taken together, the findings of this chapter reinforce the central argument of this paper: that achieving transformative gender justice requires a holistic and multi-scale approach in which international, national, and local mechanisms are not treated as isolated or hierarchical, but as mutually constitutive. Only by fostering synergies between these levels, while ensuring that feminist and intersectional perspectives are embedded at every stage, can transitional justice begin to dismantle the structural conditions that enable gendered violence and inequality.

## **CONCLUSION: TOWARD A TRANSFORMATIVE AND INTERSECTIONAL MODEL OF TRANSITIONAL JUSTICE**

This paper has argued that if transitional justice is to move beyond its historically narrow and often exclusionary frameworks, it must adopt a feminist and intersectional approach that fully integrates Nancy Fraser's three dimensions of justice: recognition, redistribution, and representation. Only through this holistic model can transitional justice meaningfully address the structural and systemic inequalities that shape both the causes of conflict and the lived experiences of survivors.

Across the preceding chapters, I have showcased that transitional justice mechanisms at all the international, national, and local levels offer distinct but incomplete contributions to the pursuit of gender justice. International mechanisms, as seen in the case of the ICC and the tribunals, have made important strides in advancing legal recognition of gender-based harms. However, they remain deeply constrained by retributive logics, colonial biases, and a limited capacity to address structural violence. National processes, such as Colombia's Victims and Land Restitution Law and Peace Accords, show greater potential for embedding redistributive and participatory dimensions of justice, particularly when driven by sustained feminist advocacy. However, these national frameworks remain vulnerable to political resistance, uneven implementation, and persistent gaps between legal commitments and material realities on the ground. Finally, local and community-based initiatives, exemplified by the Women's Court in Sarajevo, foreground the epistemic authority of survivors and challenge dominant patriarchal and nationalist narratives. They offer critical models of participatory and restorative justice but often lack the institutional power to secure material reparations and broader structural transformation.

Taken together, these findings underscore a central lesson: transformative gender justice cannot be achieved through isolated interventions at any single level of governance. Rather, it requires the construction of mutually constitutive relationships between international, national, and local mechanisms, relationships that are grounded in intersectional feminist practice, responsive to the lived experiences of marginalized communities, and committed to dismantling the deep-rooted structures that perpetuate gendered violence and inequality.

This vision also demands a sustained commitment to intersectionality. As this paper has shown, many transitional justice processes continue to essentialize categories of gender and fail to adequately address the differentiated and overlapping oppressions faced by LGBTQ+ individuals, Indigenous peoples, racialized minorities, and other marginalized groups. A transformative approach must not only recognize these diverse experiences but actively center them in the design, implementation, and evaluation of justice mechanisms. It must also adopt a continuum of violence framework, recognizing that gendered harms do not begin or end with moments of armed conflict or authoritarian rule, but are embedded in ongoing systems of militarism, patriarchy, heteronormativity, and economic exploitation.

Finally, this project is grounded in an ethic of hope and future-oriented practice. As I have written, I am mindful of the urgent need for inclusive and transformative transitional justice in contexts of many countries around the world. The models and lessons explored in this paper offer critical insights for such emerging processes. They remind us that transitional justice must not be reduced to legalistic or symbolic gestures, but must become a vehicle for envisioning and enacting new social relations grounded in dignity, equality, and collective care.

The path toward such a vision is neither linear nor assured. It will require ongoing dialogue, reflexivity, and coalition-building among feminist, queer, anti-colonial, and other social justice movements, both within and across borders. But as the case studies in this paper

have illustrated, transformative gender justice is not only possible, it is already being imagined and practiced in sites of resistance around the world. The challenge before us is to amplify, deepen, and sustain these efforts in the long and unfinished work of building just and inclusive post-conflict futures.

## BIBLIOGRAPHY

- Amnesty International. *Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces*. London: Amnesty International Publications, 1993.
- An-Na'im, Abdullahi Ahmed. 'Editorial Note: From the Neocolonial "Transitional" to Indigenous Formations of Justice'. *International Journal of Transitional Justice* 7, no. 2 (2013): 197–98. <https://doi.org/10.1093/ijtj/ijt012>.
- Arthur, Paige. 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice'. *Human Rights Quarterly* 31, no. 2 (2009): 321–67.
- Baines, Erin. 'Summary of Amicus Briefs by Prof. Erin Baines in The Prosecutor vs Dominic Ongwen'. University of British Columbia – SPPGA, 2021. <https://sppga.ubc.ca/news/summary-of-amicus-briefs-by-prof-erin-baines-in-the-prosecutor-vs-dominic-ongwen/>.
- Biddolph, Caitlin. 'Queering the Global Governance of Transitional Justice: Tensions and (Im)Possibilities'. In *Gender and Transitional Justice*, edited by Maria Martin de Almagro and Philipp Schulz, 288. Cham: Palgrave Macmillan, 2021.
- Butler, Judith. *Undoing Gender*. New York: Routledge, 2004.
- Clark, Phil. *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa*. Cambridge University Press, 2011. <https://www.cambridge.org/core/books/fictions-of-justice/A28CCC7EC19FCB6B3D2F88A420D732EB>.
- Coalition for the International Criminal Court. 'Who We Are'. Accessed 10 June 2025. <https://www.coalitionfortheicc.org/>.
- Cockburn, Cynthia. *From Where We Stand: War, Women's Activism and Feminist Analysis*. London, England: Zed Books, 2007. <https://doi.org/10.5040/9781350220287>.
- . 'Gender Relations as Causal in Militarization and War: A FEMINIST STANDPOINT1'. *International Feminist Journal of Politics* 12, no. 2 (June 2010): 139–57. <https://doi.org/10.1080/14616741003665169>.
- Cohen, Cynthia E. 'Reimagining Transitional Justice'. *International Journal of Transitional Justice* 14 (2020): 1–13. <https://doi.org/10.1093/ijtj/ijaa001>.
- Council of Europe Commissioner for Human Rights. 'Post-War Justice and Durable Peace in the Former Yugoslavia', 2012. <https://book.coe.int/eur/en/commissioner-for-human-rights/7332-pdf-post-war-justice-and-Durable-peace-in-the-former-yugoslavia.html>.
- Crenshaw, Kimberle. 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color'. *Stanford Law Review* 43, no. 6 (July 1991): 1241. <https://doi.org/10.2307/1229039>.
- De Almagro, Maria Martin, and Philipp Schulz. 'Gender and Transitional Justice'. In *Oxford Research Encyclopedia of International Studies*, by Maria Martin De Almagro and Philipp Schulz. Oxford University Press, 2022. <https://doi.org/10.1093/acrefore/9780190846626.013.669>.
- Demir, Ebru. 'Examining the Role of Outreach Work in the International Criminal Justice System: The Case of ICTY'. *İnönü Üniversitesi Hukuk Fakültesi Dergisi* 12, no. 1 (2021): 100–114. <https://doi.org/10.21492/inuhfd.812429>.
- Donais, Timothy. *The Political Economy of Peacebuilding in Post-Dayton Bosnia*. London: Routledge, 2005.
- Drumbl, Mark A. *Atrocity, Punishment, and International Law*. Cambridge: Cambridge University Press, 2007.

- Duhacek, B. 'A Women's Court: A Feminist Approach to In/Justice'. In *Feminist Approaches to Transitional Justice*, edited by R. Rubio-Marín, 162. Cambridge: Cambridge University Press, 2017.
- Engle, Karen. *The Grip of Sexual Violence in Conflict: Feminist Interventions in International Law*. Stanford: Stanford University Press, 2020.
- European Center for Constitutional and Human Rights (ECCHR). 'Violence against Human Rights Defenders in Colombia – The Hague Should Act'. Accessed 10 June 2025. <https://www.ecchr.eu/en/case/violence-against-human-rights-defenders-in-colombia-the-hague-should-act/>.
- Evola, Marco, Ivana Krstić, and Fuensanta Rabadán. 'Feminist Judgments'. In *Gender-Competent Legal Education*, edited by Dragica Vujadinović, Mareike Fröhlich, and Thomas Giegerich, 143–81. Springer Textbooks in Law. Cham: Springer International Publishing, 2023. [https://doi.org/10.1007/978-3-031-14360-1\\_5](https://doi.org/10.1007/978-3-031-14360-1_5).
- Feminism and Nonviolence Study Group, ed. *Piecing It Together: Feminism and Nonviolence*. Buckleigh, Westwood Ho: Feminism and Nonviolence Study Group, 1983.
- Fobear, K. 'Queering Truth Commissions'. *Journal of Human Rights Practice* 6, no. 1 (1 March 2014): 51–68. <https://doi.org/10.1093/jhuman/hut004>.
- Franke, Katherine M. 'Gendered Subjects of Transitional Justice'. *Columbia Journal of Gender and Law* 15 (2006): 799–830.
- Fraser, Nancy. 'From Redistribution to Recognition?' In *Redistribution or Recognition?: A Political-Philosophical Exchange*, edited by Nancy Fraser and Axel Honneth. London: Verso, 2003. <https://ethicalpolitics.org/blackwood/fraser.htm>.
- . *Scales of Justice: Reimagining Political Space in a Globalizing World*. Paperback ed. New Directions in Critical Theory. New York, NY: Columbia Univ. Press, 2010.
- Fraser, Nancy, and Axel Honneth. *Redistribution or Recognition? A Political-Philosophical Exchange*. London ; New York: Verso, 2003.
- Georgetown Institute for Women, Peace and Security. 'Conflicts to Watch in 2025: Women, Peace and Security in a More Volatile World', 2025. <https://giwps.georgetown.edu/conflicts-to-watch-in-2025-women-peace-and-security-in-a-more-volatile-world/>.
- Gómez, Diana Marcela, and Diana María Montealegre. 'Colombian Women's and Feminist Movements in the Peace Negotiation Process in Havana: Complexities of the Struggle for Peace in Transitional Contexts'. *Social Identities* 27, no. 4 (4 July 2021): 445–60. <https://doi.org/10.1080/13504630.2021.1924659>.
- Government of Colombia and FARC-EP. 'Colombian Peace Agreement (English Translation)', 2016. <https://peaceaccords.nd.edu/wp-content/uploads/2020/02/Colombian-Peace-Agreement-English-Translation.pdf>.
- Han, Enze, and Joseph O'Mahoney. *British Colonialism and the Criminalization of Homosexuality: Queens, Crime and Empire*. London: Routledge, 2018.
- Hoddy, Eric, and Paul Gready. 'Transitional Justice and Peacebuilding'. In *The Palgrave Encyclopedia of Peace and Conflict Studies*, edited by Oliver P. Richmond and Gözim Visoka, 1503–14. Cham: Springer International Publishing, 2022. [https://doi.org/10.1007/978-3-030-77954-2\\_133](https://doi.org/10.1007/978-3-030-77954-2_133).
- Hudson, Barbara. 'Beyond White Man's Justice: Race, Gender and Justice in Late Modernity'. *Theoretical Criminology* 10, no. 1 (2006): 29–46. <https://doi.org/10.1177/1362480606059981>.
- Human Rights Watch. *Shattered Lives: Sexual Violence During the Rwandan Genocide and Its Aftermath*. New York: Human Rights Watch, 1996.
- Inclusive Security. 'In the Midst of War: Women's Contributions to Peace in Colombia', 2012. <https://www.inclusivesecurity.org/wp->

- content/uploads/2012/08/16\_in\_the\_midst\_of\_war\_women\_s\_contributions\_to\_peace\_in\_colombia.pdf.
- Inclusive Security / ND Centre for Peace Accords. 'Towards Implementation of Women's Rights in the Colombian Final Peace Accord', 2020. <https://peaceaccords.nd.edu/wp-content/uploads/2020/11/Towards-Implementation-of-Womens-Rights-in-the-Colombian-Final-Peace-Accord-2.pdf>.
- International Center for Transitional Justice. 'Colombia'. Accessed 10 June 2025. <https://www.ictj.org/location/colombia>.
- . 'Handbook on Complementarity: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes', 2016. [https://www.ictj.org/sites/default/files/ICTJ\\_Handbook\\_ICC\\_Complementarity\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Handbook_ICC_Complementarity_2016.pdf).
- International Criminal Court. 'About the Court'. Accessed 10 June 2025. <https://www.icc-cpi.int/about/the-court>.
- . 'Cases'. Accessed 10 June 2025. <https://www.icc-cpi.int/cases>.
- . 'Home'. Accessed 10 June 2025. <https://www.icc-cpi.int/>.
- . 'Policy on the Crime of Gender Persecution', December 2022. <https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>.
- . 'Presidency of the Assembly of States Parties Responds to Announcement of Withdrawal from the Rome Statute: Hungary', April 2025. <https://www.icc-cpi.int/news/presidency-assembly-states-parties-responds-announcement-withdrawal-rome-statute-hungary>.
- . 'Situation in the State of Palestine: ICC Pre-Trial Chamber I Rejects State of Israel's Challenges to Jurisdiction and Issues Warrants of Arrest', November 2024. <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>.
- International Justice Resource Center. 'International Criminal Tribunal for Rwanda (ICTR)'. Accessed 10 June 2025. <https://ijrcenter.org/international-criminal-law/icttr/>.
- . 'International Criminal Tribunal for the Former Yugoslavia (ICTY)'. Accessed 10 June 2025. <https://ijrcenter.org/international-criminal-law/icty/>.
- Judicial Council. 'Preliminary Decisions and Recommendations Delivered in Sarajevo. Women's Court: Feminist Justice', 9 May 2015. [http://zenskisud.org/en/pdf/2015/Womens\\_Court\\_Preliminary\\_Decision\\_Judicial\\_Council\\_2015.pdf](http://zenskisud.org/en/pdf/2015/Womens_Court_Preliminary_Decision_Judicial_Council_2015.pdf).
- Jurisdicción Especial para la Paz. 'SIVJNR: Sistema Integral de Verdad, Justicia, Reparación y No Repetición (English Version)'. Accessed 10 June 2025. [https://www.jep.gov.co/DocumentosJEPWP/4SIVJNR\\_EN.pdf](https://www.jep.gov.co/DocumentosJEPWP/4SIVJNR_EN.pdf).
- Just Security. 'Negotiating Racial Injustice: How International Criminal Law Helps Entrench Structural Inequality', 2020. <https://www.justsecurity.org/71614/negotiating-racial-injustice-how-international-criminal-law-helps-entrench-structural-inequality/>.
- Kirabira, Tonny Raymond, Adrienne Ringin, and Rosemary Grey. 'Feminist Judgments at the International Criminal Court: The Case of Dominic Ongwen'. *SSRN Electronic Journal*, 2022. <https://doi.org/10.2139/ssrn.4194795>.
- Lemaitre, Julieta. 'After the War: Displaced Women, Ordinary Ethics, and Grassroots Reconstruction in Colombia'. *Social & Legal Studies* 25, no. 5 (October 2016): 545–65. <https://doi.org/10.1177/0964663916636442>.
- . 'Transitional Justice and the Challenges of a Feminist Peace'. *International Journal of Constitutional Law* 18, no. 2 (2020): 455–60. <https://doi.org/10.1093/icon/moaa050>.



- Marchi-Uhel, C. 'The Availability and Accessibility of ICTY Archives via Information Centers'. In *Assessing the Legacy of the ICTY*, edited by R. H. Steinberg, 75–78. Leiden, Netherlands: Brill, 2011.
- Mibenge, Chiseche. *Sex and International Tribunals: The Erasure of Gender from the War Narrative*. Philadelphia: University of Pennsylvania Press, 2013.
- New Perspectives on Turkey. 'Political Homophobia as a Tool of Creating Crisis Narratives and Ontological Insecurities in Illiberal Populist Contexts: Lessons from the 2023 Elections in Turkey', 2024. <https://www.cambridge.org/core/journals/new-perspectives-on-turkey/article/political-homophobia-as-a-tool-of-creating-crisis-narratives-and-ontological-insecurities-in-illiberal-populist-contexts-lessons-from-the-2023-elections-in-turkey/35773BDFED5312268D74E539C866E5AB>.
- Ni Aolain, Fionnuala D. 'Learning the Lessons: What Feminist Legal Theory Teaches International Human Rights Law and Practice'. *SSRN Electronic Journal*, 2009. <https://doi.org/10.2139/ssrn.1413930>.
- O'Brien, Erin and others. 'The Other Inhumane Act of Forced Marriage in Prosecutor v. Ongwen'. *Opinio Juris*, 2022. <https://opiniojuris.org/2022/05/03/the-other-inhumane-act-of-forced-marriage-in-prosecutor-v-ongwen/>.
- Office of the High Commissioner for Human Rights. 'Women's Rights Are Human Rights'. Accessed 10 June 2025. <https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf>.
- Oosterveld, Valerie. 'Gender, Persecution, and the International Criminal Tribunals'. *Duke Journal of Gender Law & Policy* 13 (2006): 81–111.
- O'Reilly, Maria. 'Peace and Justice through a Feminist Lens: Gender Justice and the Women's Court for the Former Yugoslavia'. *Journal of Intervention and Statebuilding* 10, no. 3 (2 July 2016): 419–45. <https://doi.org/10.1080/17502977.2016.1199482>.
- Peace Accords Matrix (PAM), Kroc Institute for International Peace Studies. 'Victims at the Center: Status of Implementation of the Final Accord with a Victim's Perspective'. University of Notre Dame. Accessed 11 June 2025. <https://doi.org/10.7274/XG94HM54J92>.
- Peace Research Institute Oslo. 'Blogs at PRIO'. Accessed 10 June 2025. <https://www.prio.org/blogs/1164>.
- Peskin, Victor. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation*. Cambridge: Cambridge University Press, 2008.
- Queen's University Belfast Reparations Archive. 'Victims Law 1448/2011', 2011. <https://reparations.qub.ac.uk/assets/uploads/Victims-Law-1448-2011.pdf>.
- Rao, Rahul. *Out of Time: The Queer Politics of Postcoloniality*. Oxford: Oxford University Press, 2020.
- Richmond, Oliver P., and Gözim Visoka, eds. *The Palgrave Encyclopedia of Peace and Conflict Studies*. Springer eBook Collection. Cham: Palgrave Macmillan, 2022. <https://doi.org/10.1007/978-3-030-77954-2>.
- Schaack, Beth Van. 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson'. *American University Journal of Gender, Social Policy & the Law* 17, no. 2 (2009): 359–401.
- SDG16.plus. 'Colombia's Measures for Armed Conflict Victim Reparations and Land Restitution'. Accessed 10 June 2025. <https://www.sdg16.plus/policies/colombias-measures-for-armed-conflict-victim-reparations-and-land-restitution/>.
- Shaak, Beth Van. 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson'. *American University Journal of Gender, Social Policy & the Law* 17, no. 2 (2009): 359–401.

- Sikkink, Kathryn, Douglas A. Johnson, Phuong Pham, and Patrick Vinck. '8. A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process'. In *Time for Reparations*, edited by Jacqueline Bhabha, Margareta Matache, and Caroline Elkins, 119–36. University of Pennsylvania Press, 2021. <https://doi.org/10.9783/9780812299915-010>.
- . '8. A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process'. In *Time for Reparations*, edited by Jacqueline Bhabha, Margareta Matache, and Caroline Elkins, 119–36. University of Pennsylvania Press, 2021. <https://doi.org/10.9783/9780812299915-010>.
- . 'A Critical Assessment of Colombia's Reparations Policies in the Context of the Peace Process'. In *Time for Reparations*, edited by Jacqueline Bhabha, Margareta Matache, and Caroline Elkins, 119–36. University of Pennsylvania Press, 2021. <https://doi.org/10.9783/9780812299915-010>.
- Skaar, Elin. 'Reconciliation in a Transitional Justice Perspective'. *Transitional Justice Review*, 2012, 1–51. <https://doi.org/10.5206/tjr.2012.1.1.4>.
- Sriram, Chandra Lekha. 'Beyond Transitional Justice: Peace, Governance, and Rule of Law'. *International Studies Review* 19, no. 1 (2017): 53–69.
- Stamenkovikj, Natasha. *The Right to Know the Truth in Transitional Justice Processes: Perspectives from International Law and European Governance*. International Criminal Law Series, volume 17. Leiden, the Netherlands Boston: Koninklijke Brill NV, 2021. <https://doi.org/10.1163/9789004439474>.
- Stiglmayer, Alexandra, ed. *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Lincoln: University of Nebraska Press, 1994.
- Subotić, Jelena. *Hijacked Justice: Dealing with the Past in the Balkans*. 1st ed. Cornell University Press, 2009. <http://www.jstor.org/stable/10.7591/j.ctt7z9d2>.
- Svallfors, Signe. 'Gender Dynamics During the Colombian Armed Conflict'. *Social Politics: International Studies in Gender, State & Society* 31, no. 2 (18 June 2024): 298–320. <https://doi.org/10.1093/sp/jxad016>.
- The Gender Hub. 'Women's Rights After War', 2024. <https://thegenderhub.com/wp-content/uploads/2024/03/Womens-Rights-After-War.pdf>.
- The Gender Security Project. 'Aashinabe Justice'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice/aashinabejustice>.
- . 'Bashingantahe Councils'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice/bashingantahe-councils>.
- . 'Decolonial Healing Justice'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice>.
- . 'Ifoga'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice/ifoga>.
- . 'Inuit Justice'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice/inuit-justice>.
- . 'Koori Courts'. Accessed 10 June 2025. <https://www.gendersecurityproject.com/decolonial-healing-justice/koori-courts>.
- Trevisani, Silvia. 'The Women's Court: A Feminist Approach to Justice in the Post-Yugoslav Space'. *Women's Studies International Forum* 77 (November 2019): 102216. <https://doi.org/10.1016/j.wsif.2019.03.008>.
- UN. *Universal Declaration of Human Rights: Dignity and Justice for All of Us*. s.l: United Nations, 2013. <https://doi.org/10.18356/e9d835b3-en>.

- UN Women. 'Women's Meaningful Participation in Transitional Justice', March 2022. <https://www.unwomen.org/en/digital-library/publications/2022/03/research-paper-womens-meaningful-participation-in-transitional-justice>.
- United Nations Security Council. 'Resolution 827 (1993), S/RES/827 (25 May 1993)', 1993.
- . 'Resolution 955 (1994), S/RES/955 (8 November 1994)', 1994.
- University of Banja Luka, Faculty of Philology, and Natasa D. Vucenovic. 'Homophobia in Serbian Online Discourse: The Case of the 2016 Belgrade Pride Parade'. *Филолог – Часопис За Језик Књижевност и Културу* 19, no. 19 (30 June 2019): 82–100. <https://doi.org/10.21618/fil1919082v>.
- Verdeja, Ernesto. 'A NORMATIVE THEORY OF REPARATIONS IN TRANSITIONAL DEMOCRACIES'. *Metaphilosophy* 37, no. 3–4 (July 2006): 449–68. <https://doi.org/10.1111/j.1467-9973.2006.00440.x>.
- Washington Office on Latin America. 'Colombia's 52-Year-Old Conflict with the FARC Comes to an End', August 2016. <https://www.wola.org/analysis/colombias-52-year-old-conflict-with-the-farc-comes-to-an-end/>.
- Women's Court Srebrenica. 'Seeking Truth and Justice: The Women of Srebrenica and the Women's Court'. Accessed 10 June 2025. <https://srebrenica.org.uk/what-happened/seeking-truth-and-justice-the-women-of-srebrenica-and-the-womens%20court>.
- Žarkov, Dubravka. *The Body of War: Media, Ethnicity, and Gender in the Break-Up of Yugoslavia*. Durham: Duke University Press, 2007.