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An exploration of feminist issues and strategies in the field of transitional justice

Una exploración de temas y estrategias feministas en el ámbito de la justicia transicional

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Summary: Introduction. 1. Making visible the legacy of violence against women in conflicts. 2. Feminist critique of pathiarcal impunity during transitional processes. 3. Feminist strategies expand the limits of transitional justice. Conclusion. References.

Abstract: Feminism has confronted impunity for human rights violations in conflict situations by developing different legal, political and social strategies that have successfully enriched the debates and practice of transitional justice. At the same time, significant criticism has arisen within feminism regarding the ability of these strategies to transform structural gender inequalities. This paper focuses on the main issues and strategies feminism has proposed in the field of transitional justice and explore considerations about their transformative capacity.

Key words: Feminism, transitional justice, gender, human rights.

Resumen: El feminismo ha hecho frente a la impunidad de las violaciones de los derechos humanos en situaciones de conflicto mediante el desarrollo de diferentes estrategias jurídicas, políticas y sociales que han enriquecido con éxito los debates y la práctica de la justicia transicional. Al mismo tiempo, han surgido críticas significativas dentro del feminismo con respecto a la capacidad de estas estrategias para transformar las desigualdades estructurales de género. Este artículo se centra en los principales temas y estrategias que el

feminismo ha propuesto en el ámbito de la justicia transicional y explora diferentes consideraciones sobre su capacidad transformadora.

Palabras clave: Feminismo, justicia transicional, género, derechos humanos.

Introduction¹

Feminism has enriched and complexified debates on transitional justice by introducing gender as a central dimension of the analysis. Firstly, the study of violence against women during conflicts have showed the extend of sexual and gender-based crimes, as well as the impacts of other forms of victimization such as forced migration or economic, social and cultural violence. Secondly, faced with this legacy of violence, one of the main feminist priorities has been to address the gender-specific harms against women in transitional justice mechanisms and processes (O'Rourke 2015 and 2017).

Feminism has confronted patriarchal impunity by developing different strategies, paying particular attention to promoting changes in the legal framework related to armed conflicts (Chinkin 2014) and confronting gender gaps in truth commission and reparation programmes. At the same time, some feminist initiatives have focused on the search for alternative mechanisms outside the current paradigm of transitional justice (Fulchiron 2017 and 2021). After some decades of feminist interventions in the field, the efforts to transform this paradigm "from within" have been especially critised. Authors in the Global North have argued that these efforts have ignored "the need to approach transitional justice projects from the question of how best to pursue the inevitably internally contested political project of securing material gains for women through periods of transition" (Bell and O'Rourke 2007). A mayor critique is that they have "privileged technical over transformative feminist gains in transitional justice" (O'Rourke 2015, 43). In the Global South, other authors question the "transitional justice spell", seeing it as yet another tool serving the logic of neocolonialism (Gómez Correal 2016). This article aims to review some of the issues feminism has dealt with and the strategies it has deployed to engender the field, as well as to explore their transformative capacity in advancing gender justice.

This work is based on a literature review in the fields of gender, conflict and peace, and gender and transitional justice, drawing from examples mainly refered to Latin American countries such as Colombia and Guatemala. In both countries, feminist movement has been prominent in promoting truth, justice and reparation for sexual and

¹ This work has been carried out withing the framework of the Research Group on Human Security, Local Human Development and International Cooperation of Hegoa, Institute for Development and International Cooperation Studies. This group is recognized as part of the Basque University System (IT434-22).

gender-based crimes in their respective armed conflicts, leading to noteworthy results from the point of view of legal proceedings, truth seeking investigations, and proposals for reparation. Therefore, these are two experiences of particular interest to approach feminist strategies in transitional justice processes.

1. Making visible the legacy of violence against women in conflicts

For several decades now, feminism has expanded the empirical knowledge about the violence against women in armed conflicts (Thursen and Twagiramariya 1998, Turpin 1999, Moser and Clark 2001, Ní Aoláin et al. 2011, Cohn 2015, Segato 2016), which has allowed for a comprehensive and increasingly accurate picture of the gendered impacts of wars and post-war periods.

As a result, it is now widely recognized that sexual and gender-based violence is a widespread violation of women's human rights in all countries and territories affected by conflict and repression. In particular, sexual violence has become largely the main interest of feminist studies and activism in war and post-war zones (Leatherman 2013, DeLargy 2015). This is consistent with the fact that half of the resolutions of the Women, Peace and Security Agenda of the United Nations Security Council are focused on sexual violence². Despite having been historically considered as a collateral and inevitable damage of armed conflicts, feminist research has demonstrated that sexual violence is frequently used as a weapon of war, that is, it becomes part of the military and political strategies planned and deployed. In such cases, sexual violence does not usually occur in an isolated or sporadic manner, but systematically and on a large scale. It is a weapon with great destructive capacity, since it generates multiple individual and collective impacts and it seeks to cause direct harm to women and the maximum community destructuring of their groups of belonging.

² In 2000, the United Nations Security Council (2000) approved Resolution 1325 on Women, Peace and Security, which recognizes the various gender-based effects of armed conflict, calls for the protection of women from all forms of violence against them and urges the guarantee of their participation in the promotion of peace at all levels of decision-making. Resolution 1325 led to the subsequent adoption, between 2008 and 2020, of new resolutions on the subject, all of which have come to be known as the international Women, Peace and Security Agenda (WPS). As a whole, this agenda promotes women's participation in peacebuilding, prevention and protection from violence and reparations for victims.

Rita Laura Segato points to “the functionality of sexual victimization, of cruelty against women’s bodies in the field of war, a field where the pact between men has to be very tight and where the dissolution of community patterns of existence is vital” (Segato 2016, 163)³.

In close connection with sexual violence, feminism claims that another form of violence against women in armed conflict is reproductive violence, less analysed than sexual violence, but increasingly used as an autonomous conceptual category, especially in Colombia (Cocomá and Laguna 2020). The Colombian Commission for the Clarification of Truth, Coexistence and Non-Repetition (2022, 110) defined it as “any action and omission aimed at affecting, on the one hand, the right of women to make decisions about their reproductive life and, on the other hand, their health in relation to reproductive capacity or the integrity of their reproductive organs”. Based on several documented cases, the Commission’s final report determines that reproductive violence includes forced contraception and sterilization, forced pregnancy and abortion, torture during pregnancy, and forced childbearing.

Given its recurrence during conflicts and the growing academic and political attention it has received, sexual violence is often considered synonymous with the violence faced by women in war (Zarkov 2006). Moreover, it is argued that “armed conflict has become routinely represented as rape and forms of sexual violence against women, rendering invisible other atrocities and defining women solely through their sexuality and reproductive capacity” (Chinkin 2014, 697). In view of this simplification, feminism has highlighted that sexual violence is one component of a broader repertoire of violence that women experience in situations of conflict. Indeed, treating sexual violence in isolation may, on the one hand, stigmatise survivors around a single experience of victimisation and deny their capacity for agency. On the other hand, it may downplay other forms of violence that also affect women during conflicts, including violations of their civil and political rights (murders, arbitrary detention, torture, forced disappearance, massacres, etc.), as well as their economic, social and

³ Among those responsible, armies and paramilitary groups have often used sexual violence as a weapon of war, for example, in the framework of counterinsurgency strategies and genocide or ethnic cleansing campaigns, and as part of generalized attacks against the civilian population that include other serious crimes such as murder, torture and forced disappearances. Likewise, different non-state armed actors have been responsible for sexual violence, and even United Nations personnel, both Blue Helmets in peacekeeping missions and civilian workers with a presence in different parts of the world (United Nations 2019).

cultural rights, since conflicts not only intensify direct violence against women, but also widen structural gender violence and the power gap between men and women.

Consequently, feminism has broadened the scope of the analysis to make visible and analyse other forms of violence. For example, it has shown that forced migration affects in a high proportion to women and girls during armed conflicts, with several gendered impacts (Meertens 2012). At the same time, the CEDAW Committee (2017, para. 17) recalls that forced migration constitutes one of the emergency situations in which gender-based violence against women is aggravated, as it not only increases their exposure to physical violence, including sexual violence and trafficking for sexual exploitation, but also generates processes of impoverishment, due to the loss or dispossession of their homes, land, property and means of livelihood.

In fact, as mentioned above, the violation of economic, social and cultural rights of women is persistent during and after armed conflict, examples of which are: the greater impact on women of the destruction of public infrastructure and the lack of essential services (health, education, transportation, etc.), the destruction of livelihoods such as agricultural crops or the elimination of salaried jobs; increased risks associated with forced labor (which in the case of women can lead to situations of domestic slavery and sexual slavery); attacks and destruction of educational centers, which in some cases may have the specific intention of preventing girls' access to education; humanitarian crises (displacement, famine, epidemics, etc.) where there is often an increase in the mortality of girls and women and in their exposure to abuse; or practices of ethnic cleansing, acculturation or ethnocide, often directed against women because of their role in the reproduction and transmission of the cultural identity of social groups (Palacios 2020).

Finally, armed conflicts and repression also have a specific impacts on sexual and gender diversities, an issue that is being increasingly analysed. Research carried out so far give evidence that the LGBTIQ community face murder, sexual violence, persecution, forced displacement and public stigmatization, among other crimes (Peretko 2024). For example, in Colombia, although not all LGBTI people who have been victims of the armed conflict have been so because of their sexual orientation, gender identity or expression, the different armed actors have instrumentalized social prejudices against this sector of the population to achieve their war aims (Colombia Diversa 2020, 83).

2. Feminist critique of patriarchal impunity during transitional processes

Roberto Garretón, former representative for Latin America and the Caribbean of the United Nations High Commissioner for Human Rights, argues that impunity has four dimensions: 1) legal impunity, which is the lack of criminal punishment for crimes against human rights, is established mainly through amnesty laws and other measures such as the rules on military or national security secrets; 2) political impunity, which does not distinguish between the democratic form of government and the criminal form of government, so that the perpetrators receive political support and achieve the highest citizen distinctions; 3) moral impunity, which guarantees the perpetrators a clear conscience by justifying the crimes as a means of preserving “higher values”; and 4) historical impunity, which is twofold: on the one hand, the official lie about the crimes is imposed as the truth, and on the other hand, oblivion is sought, which means not only the risk of repetition but it is perhaps the source of greatest pain for the victims (Garretón 2004, 93-94). From a feminist perspective, a fifth dimension can be added to this characterisation, namely patriarchal impunity, which not only ignores or silences the gender-based violence during conflicts or authoritarian regimes but also hinders the equal and non-discriminatory exercise of the rights to truth, justice and reparation for women and other minority groups.

Firstly, as far as the right to truth is concerned, patriarchal impunity explains why, until well into the 21st century, truth commissions have paid scant attention to sexual and gender-based violence during conflicts. The expert Vasuki Nesiah refers to this as a problem well identified by the feminist movement: “Few truth commissions have fully addressed gender, particularly the impact of human rights abuse on women and sexual minorities. In fact, women’s groups have often criticized truth commissions for failing to appreciate the significant and specifically gendered effects of political violence. Historically, truth commission processes have failed many women” (Nesiah 2006, 2). This failure has resulted in incomplete findings and has denied women recognition of their suffering during truth processes. Given the structural nature of violence against women, in the context of armed conflicts such violence has not been easily perceived as an exceptional event that, due to its seriousness, would justify its inclusion in the mandates of the truth commissions. Moreover, the tendency of these commissions has been to focus on human rights violations that affect men in greater numbers (extrajudicial executions, arbitrary detentions,

imprisonment, forced disappearances, etc.), relegating to the background or omitting those that are directed to a greater extent against women. Besides, since women are the main witnesses before the truth commissions, they have often denounce violence against other people, usually male relatives, rather than violence against them. This is a tendency that can be attributed, among other causes, to: the devaluation of women's experiences compared to those of men; the persistence of the social imaginary that perceives them only as indirect victims or "relatives of" and prevents them from being asked the necessary questions to recount their own experience; and the difficulty in recognizing certain human rights violations as such, given the normalization of violence against them, which precedes and follows conflicts, as the feminist concept of *continuum* of violence has accurately described.

Secondly, with respect to the right to justice, feminist analyses focus on the factors that hinder the demand for justice specially for sexual and gender-based crimes during armed conflict. At the individual level, some women may fear reprisals, which are common when the perpetrators enjoy impunity and continue to live in the same community. In this regard, the UN Secretary General acknowledges the link between individual silence and official silence: "Survivors cannot be expected to denounce what the State itself denies. When perpetrators go free, survivors walk in fear, bearing the burden of ostracism and shame" (United Nations 2022). At the family and socio-community level, the social stigma associated specially with sexual violence forces many women to remain silent. At the cultural level, the patriarchal system and religious fundamentalisms put pressure on women to resign themselves to violence and assume certain suffering as part of the gender mandates. Another factor that affects women's access to justice is economic, given the costs of initiating and sustaining judicial processes that can last for years and take place in locations far from the victims' places of residence. This is a major drawback for many of them, especially the most impoverished ones, peasants or from popular sectors, who do not have sufficient material means and/or live in rural areas far from the main judicial centers. Last but not least, feminist critique points to the judicial system itself, where numerous gender stereotypes and prejudices remain deeply installed. In particular, decolonial feminism criticises the fact that hegemonic model of justice originated in the Western modernity is from the beginning permeated by sexism, classism and colonialism (Gómez Correal 2016, Fulchiron 2021). It is therefore a system in which women victims, especially those impoverished and racialised, are generally re-

victimized through practices such as: the permanent questioning of their credibility, their blaming for the crime committed against them, the consideration of violence against women as irrelevant, the negligence in the investigations, or the absence of mechanisms to preserve their dignity, protection and safety.

Finally, reparation is an integral component of the victims' right to justice, although all too often, States have conceived of it as a substitute for justice. Moreover, it is common for States to resort to compensation as a preferential formula, based on a limited and insufficient vision of what the obligation to guarantee the right to reparation entails⁴. The feminist perspective on reparations advocates a comprehensive and holistic approach. Given the historical *continuum* of violence against women and that "no inequality is more pervasive, both vertically and horizontally across the globe than gender inequality" (Valji 2007, 5), a gender-sensitive reparation is one that aims to transform the structural causes of inequality. In this regard, the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation states that "reparation must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women's and girls' lives" (V.A 2007). Following this proposal, the International Criminal Court acknowledges that adopting a gender approach means promoting "reparations that are transformative and contribute to achieving the advancement of gender equality" (ICC 2014, 42).

Looked at it more closely, the expert Ruth Rubio-Marin has studied the different answers that women, individually and collectively, give to the why, what and how of reparations, concluding that those answers depend on many factors including: "the types of conflict; the

⁴ The United Nations (2005) distinguishes between five types of reparation, which can be summarized as follows: 1) restitution, which involves restoring to the victim, for example, freedom, identity, employment, residence, land and/or property; 2) compensation, which involves compensating economically assessable damages resulting from human rights violations; 3) rehabilitation, referring to medical and psychological care, as well as legal and social services; 4) satisfaction, which includes aspects such as the verification and public acknowledgment of the facts, the search for persons forcibly disappeared, the imposition of sanctions on those responsible, or measures to restore the dignity and reputation of the victims, among others; and 5) guarantees of non-repetition, which seek to prevent new human rights violations. These would include, for example, the reform of State security forces, the disqualification of persons responsible for human rights abuses from public positions, or actions of education for peace and memory.

boundaries of the imaginable in a concrete scenario; past or present experiences of subordination; the overall amount of violence and victimization that men and women have been subject to in each case; and the cultural meanings that provide the context for interpretation of the ensuing harms and losses" (Rubio-Marín 2006, 28). Therefore, beyond commonalities in a gendered view of reparations, a feminist perspective about reparation deals with the differences surrounding the definition and ways of implementation of this fundamental right of victims of human rights violations.

3. Feminist strategies expand the limits of transitional justice

As is well known, the field of transitional justice has undergone significant development and progressive standardization in the last decades. However, it is less frequently acknowledged that this progress is due to the persistence of victims' and human rights movement in their demands for justice. This movement is largely made up of women mobilised in grassroots organizations, many of which are direct victims of violence and/or relatives of victims. However, their collective action goes beyond stereotypical views on the victimisation of women in conflicts, and connects with very relevant trajectories of political and social activism (Guzmán and Mendia 2013). For example, in Latin America women were at the heart of struggles for truth, justice and reparation long before the transitional justice mechanisms were established. As former director of the Inter-American Institute of Human Rights Roberto Cuéllar states, those struggles "began with resistance, which is composed of multiple actions, such as accompanying victims, fighting for the defence of human rights, confronting fear and threats, and the search for missing persons, undertaken by courageous women's movements that took to the streets and became the protagonists of the political scene, in all 'mothers and relatives' of victims that changed the history of the human rights movement in the region" (Cuéllar 2011, 8).

As a result of the recent history of feminist advocacy in this field, the transitional justice mechanisms have progressively introduced the gender variable. As it comes to the right to truth, one of the main achievements has been the international recognition that the mandates of truth commissions should include the principle of non-discrimination to ensure that the experiences of all victims are adequately recorded. This has led to profound changes in the practice of truth-finding processes. For example, despite the fact that their respective mandates

had not foreseen it, the truth commissions in South Africa (1995), Guatemala (1996) and Peru (2001) paid attention to sexual violence in a way that previous commissions did not. Later, the mandate of the Sierra Leone Commission (2002) explicitly included the need to investigate sexual violence during the armed conflict. As for the more recent Colombian Truth Commission (2022), it applied a cross-cutting gender approach and investigated both women's human rights violations and those of the LGBTI population (Mendia 2020). Viewed in perspective, these experiences reflect a dynamic of accumulated feminist learning, as each commission offered guidelines for action to the next ones, without in any case overlooking the need to design their objectives, structure and functions taking into account the particularities of the context.

Despite limitations and disappointments, from a feminist perspective truth commissions continue to hold potential as instruments for the advancement of gender justice. "They have the symbolic, institutional and structural capacity to articulate women's experience of conflict, define such experiences in the language of human rights and humanitarian law violations, and create the moral and legal basis to require redress in measures such as reparations that often follow truth processes" (Ní Aoláin et al. 2011, 185). At a practical level, and based on their direct experience in postwar settings, "women's groups have also recognized that truth commissions can provide an extraordinary window of opportunity to highlight neglected abuses, research the enabling conditions of gendered violations, provide a forum for victims and survivors, recommend reparations that redress injustices, and leave a long-term legacy that is responsive to women's history" (Nesiah 2006, 2).

In Latin America, the perception of the transformative potential of truth commissions led the Colombian women's network Ruta Pacífica de las Mujeres, which brings together more than 300 grassroots organisations, to carry out a comprehensive three-year investigation into human rights violations against women during the armed conflict, a process which they named the Colombian Women's Truth and Memory Commission (Ruta Pacífica de las Mujeres 2013). This enormous effort contributed to women's advocacy and participation in the negotiation process in Havana between the government and the FARC-EP, which finally resulted in the inclusion of one hundred gender measures in the Peace Accord signed in 2016 (ONU Mujeres Colombia 2018). Additionally, it served as a central documentary basis for the elaboration of the Final Report of the Colombian Commission for the Clarification of Truth, Coexistence and Non-repetition (2022), which

includes the narrative of women and other historically marginalized social groups, such as the LGBTI population, more extensively than in other truth commission before.

With regard to the right to justice and reparation, the expansion of the definition of the crimes of concern in transitional justice to include those committed against women has been defined as a feminist success (Turner 2017, 57). This is especially so in reference to sexual violence during conflict, around which feminist activism in the legal sphere during the 1990s stood out and led to significant legislative and jurisprudential developments. This has been widely explained in the cases of the *ad hoc* international criminal Tribunals for the Former Yugoslavia and for Rwanda, the hybrid Special Court for Sierra Leone, and the International Criminal Court (Chinkin 2014). As part of the feminist successful legal advocacy towards gender justice, it can also be mentioned that the CEDAW Committee in its General Recommendation number 33 calls on states to “provide for institutional reforms, repeal discriminatory laws and enact legislation that provides adequate sanctions in accordance with international human rights standards, and determine reparation measures with the close collaboration of women’s organizations and civil society in order to help overcome discrimination that already existed before the conflict” (CEDAW Committee 2015, art. 19, e). It also recommends that non-judicial remedies, such as public apologies, public memorials and guarantees of non-repetition through truth, justice and reconciliation commissions, should “not be used as substitutes for investigations and prosecutions of perpetrators” (CEDAW Committee 2015, art. 19, f). Similarly, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict clearly advocates accountability, or prosecution, as a prevention or deterrence tool to break the culture of impunity for sexual violence and reinforce global norms (United Nations 2022).

Likewise, another feminist success has been to promote the judicialisation of sexual crimes and gender-based crimes⁵ not only in international tribunals but also in national courts. The internalization of international criminal law into national legal systems and prosecutions in national courts has been particularly relevant in Latin America,

⁵ The ICC has established the distinction between “sexual crimes”, which include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence, and “gender-based crimes”, defined as those “committed against persons, whether male or female, because of their sex and/or socially constructed gender roles”, and which “are not always manifested as a form of sexual violence” (ICC 2014, 3).

where difficulties in confronting impunity at the national level have forced systematic recourse to the Inter-American System for the Promotion and Protection of Human Rights. It is illustrative the judicial processes led in national courts by women survivors of sexual violence during the war in Guatemala. Despite the complexity of accessing justice through the same structures of the State responsible for the crimes denounced, the results achieved have been very significant in terms of: breaking the impunity inside the country, the judicial and social recognition of the violence suffered by women, the punishment of those responsible, and the strengthening of democratic institutions and the rule of law (Guzmán 2021).

In this regard, the struggle of Mayan Q'eqchi' women from the Sepur Zarco community has been paradigmatic. In 2016, the Highest Risk Court A of Guatemala City ruled in their favor, sentencing two former members of the military for crimes against humanity, including sexual violence, sexual slavery and enslavement committed against them between 1982 and 1983. Few years after, in 2022, the same court sentenced five former members of the paramilitary group Patrullas de Autodefensa Civil (PAC), found guilty of crimes of sexual violence committed against Achi Mayan women in Rabinal also in the early 1980s. In both cases, the sentence included individual and collective reparations (related to the rights to education, health, memory and land restitution) essential for promoting women's strategic gender interests (Barrios 2020). Another example is that of Colombia, where, in 2023, the Special Jurisdiction for Peace, a transitional justice mechanism which has a strong restorative orientation, announced the opening of the Macro-case number 11 named as "Gender-based violence, sexual violence, reproductive violence and other crimes committed out of prejudice based on sexual orientation, diverse gender expression and/or identity in the framework of the Colombian armed conflict"⁶. Here again, the feminist movement is making a substantial contribution to the case, not only by facilitating the testimony of women survivors, but also by helping to define and contextualise the crimes being prosecuted. Adding to its transformative potential, the feminist commitment to judicialization of sexual and gender-based crimes during conflict has achieved results not only in changing laws, but also in changing the discursive and symbolic

⁶ This macro-case is divided into three sub-cases: 1) Gender-based violence against civilians committed by members of the security forces; 2) Gender-based violence against civilians committed by members of the FARC-EP; and 3) Gender and bias-based violence within the security forces and the FARC-EP.

dimension inherent in courts, giving visibility to historically discriminated subjects and recognition to their demands (Segato 2013).

Nonetheless, it is possible to identify some intrafeminist tensions or debates about the scope of the changes promoted and the effectiveness of feminist action in the field of transitional justice. Some critiques relate to the nature of the legal response and come mainly from the academia, such as the fact that international criminal law is reactive, its remedies are only punitive, it fails to take account of the multiple harms generated by sexual violence, and it does not address fundamental issues of power of the international legal system and its hierarchy based on gender (Bell and O'Rourke 2007, Chinkin 2014, O'Rourke 2017). These arguments complement those that arise from daily legal, forensic and psychosocial practice with women survivors of violence, such as: the traumatic experience that the search for justice through the courts entails for many women, the null or low expectations with respect to the punishment of those responsible, the discrediting of the courts due to their patriarchal, colonial and racist character, or the disagreement with the understanding of justice from a logic of punishment (Fulchiron 2021).

This set of criticisms has led to the emergence of feminist positions that advocate for different different ways of understanding and applying justice and reparation outside the transitional justice paradigm. One example at the grassroots level is the organization *Actoras de Cambio* in Guatemala, which works with Mayan women survivors of sexual violence during the armed conflict. Taking into account the existing gap between the institutionalized idea of justice and the re-victimizing experiences of women in the courts, they propose an alternative to formal justice based on a policy of recognition, love and healing among women, so that they can "repair" their damaged lives and recover their own and collective power with which to create conditions for a life free of violence in their communities. As Liduvina Méndez explains: "Throughout history, feminists have tried different types of justice, and the one that has yielded the best results is this feminism that proposes the recovery of our powers, the recovery of confidence in ourselves, the construction of collectives and collectivities, of being together, of supporting each other. I believe that feminism is a source of social learning and, for social movements, of how justice is done and how feminist justice is built" (Méndez 2020).

Conclusion

Patriarchal impunity during transitional periods starts when violence against women in conflicts is denied, made invisible or minimized. This explains why feminism has considered strategic to make visible and address the interconnected set of harms affecting women in war and post-war situations, as well as to criticize the absence of gender in transitional justice mechanisms. To confront this absence and place the experiences and demands of women in conflict situations more centrally within the human rights framework, feminism has deployed a series of strategies that encompass all areas of transitional justice. For example, feminism has been especially successful in transforming the legal and policy framework to include gendered crimes in armed conflicts and achieving significant rulings in international and national courts.

At the same time, some feminist scholars have severely criticized the effectiveness of these strategies, citing their inability to substantially transform women's lives. In addition, based on the historical experience of exclusion and/or revictimisation of women who claim for their rights through transitional justice mechanisms, there are feminist proposals for building alternative forms of justice and reparation that focus not so much on seeking perpetrators's accountability, but rather on the recovery of survivors through the strengthening of support networks among women. Feminist approaches in this case are not giving priority to legal action and formal demands, but to the recovery and the positive transformation of the lives of women through community and collective action.

Although these intrafeminist critical proposals are fundamental, they do not seem to invalidate the progress made and yet to be made in expanding the limits of transitional justice mechanisms from within. This is a path of trial and error that, viewed as a whole, has achieved very substantial conceptual and practical progress in a very short time. Many women's organizations directly affected by conflicts are fully aware of the risks of instrumentalization, depoliticization, or co-optation of feminist demands in the dominant paradigm of transitional justice, but also of the empowering potential of the processes of demanding truth, justice, and reparation that are articulated around the mechanisms currently in place. For this reason, these groups have become involved in making use of these mechanisms and have focused on the transformative capacity of the processes generated around them, rather than solely in their results. In other words, they have found that the use of these mechanisms, with adaptations to the

respective contexts, can be an strategie not necessarily unique or neather always effective, but at least useful for guiding and making the exercise of women's rights to truth, justice, and reparation more viable in practice.

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