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Art: Hammering Suffering at  
*Fragmentos*

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# Gender-Sensitive Reparation through Art: Hammering Suffering at *Fragmentos*\*

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**Abstract [En]:** This article examines the concept of reparation within transitional justice through a gender-sensitive lens, with a particular focus on the role of art as a form of symbolic reparation for women who have survived armed conflict. It traces the evolution of reparative paradigms—from predominantly legalistic and corrective frameworks to broader, transformative approaches—and identifies key shortcomings in prevailing practices. In particular, the article argues that conventional approaches often fail to capture the complexity of women’s experiences of victimization and neglect their agency as active participants in reshaping their lives and contributing to the post-conflict reconstruction. Within this framework, artistic expression is explored as a critical site for processing and reinterpreting conflict-related experiences, with the potential to generate inclusive and transformative forms of reparation grounded in women’s lived realities. The analysis centers on *Fragmentos, Espacio de Arte y Memoria*, a counter-monument in Bogotá co-created by women survivors of sexual violence during the Colombian conflict.

**Abstract [It]:** Il contributo approfondisce il tema della riparazione nei contesti di giustizia di transizione in prospettiva di genere, con particolare attenzione al potenziale dell’arte come forma di riparazione simbolica per le donne sopravvissute ai conflitti armati. A partire da un’analisi dell’evoluzione dei paradigmi riparativi—da modelli correttivi, di matrice giuridica, a concezioni più ampie, orientate alla trasformazione strutturale—l’articolo ne evidenzia i limiti applicativi, mostrando come tali approcci non riescano a riconoscere la complessità della vittimizzazione femminile, né il ruolo delle donne come soggetti capaci di incidere attivamente sulla propria esistenza e sul processo di ricostruzione post-conflittuale. In questa prospettiva, l’arte si configura come un possibile spazio di elaborazione e risignificazione dell’esperienza del conflitto, in grado di generare risposte riparative inclusive, trasformative e radicate nei vissuti delle donne. L’analisi si concentra sul caso di *Fragmentos, Espacio de Arte y Memoria*, contro-monumento realizzato a Bogotá da donne sopravvissute a violenza sessuale durante il conflitto colombiano.

**Keywords:** transitional justice, reparation, women, art, *Fragmentos*

**Parole chiave:** giustizia di transizione, riparazione, donne, arte, *Fragmentos*

**Table of contents:** 1. Introduction. 2. Evolving trajectories of reparation: from international law to transitional justice. 3. Gender-sensitive reparation: recognition, transformation and participation. 4. Between promise and practice. 5. Women shaping their own reparation through artistic practice. 5.1. The role of art in engendering reparation. 5.2. From weapons to resistance: the case of *Fragmentos, Espacio de Arte y Memoria*. 6. Conclusion.

## 1. Introduction.

In recent decades, the international community has increasingly recognized the distinct ways in which women are affected by armed conflicts, as well as the pervasive and systematic nature of gender-based violence in such settings. Landmark rulings by the International Criminal Tribunals for the former Yugoslavia and Rwanda marked a turning point in this regard, by classifying various forms of violence

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\* Peer reviewed.

against women as international crimes and paving the way for their explicit inclusion in the Rome Statute<sup>1</sup>. At the same time, perspectives on women in conflict have evolved beyond the narrow view of passive victimhood. While gender-based violence—such as sexual violence, sexual slavery, and other forms of coercion—remains one of the most destructive and widespread forms of harm during war, women also frequently occupy active and multifaceted roles, including those of caregivers, mediators, and participants in resistance movements. In some contexts, they may also engage directly in violence, whether as combatants or as agents of political transformation<sup>2</sup>.

This growing attention to the diversity of women’s experiences in conflict has been accompanied by a broader recognition of the need to make peacebuilding efforts genuinely gender-inclusive. This means not only designing interventions that address women’s specific realities but also ensuring their meaningful participation in shaping transitional justice processes, as their perspectives can significantly influence both the aims and the outcomes of post-conflict reconstruction<sup>3</sup>. Within this broader context, reparations for women have emerged as a key concern. Reparations—understood not merely as financial compensation, but as symbolic, collective, and transformative measures—are essential tools for acknowledging harm and fostering healing and reconciliation. Crucially, they function as a bridge between past abuses and future social rebuilding, signaling a state’s commitment to confronting wrongdoing and preventing its recurrence. Yet too often, these measures are conceived in gender-neutral terms, and women are frequently excluded from the design and implementation of reparation programs. As a result, gender-based violence is minimized, and the effectiveness and legitimacy of initiatives aimed at addressing it are significantly undermined<sup>4</sup>.

This study is grounded in this perspective. It adopts a gender-sensitive approach focused on women and examines how reparation measures respond to the specific harms they endure in conflict, while also supporting the forms of agency they exercise in its aftermath. Within this framework, particular attention

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<sup>1</sup> In particular, see International Criminal Tribunal for Rwanda (ICTR), *Prosecutor v. Jean-Paul Akayesu*, Judgment of September 2, 1998, Case No. ICTR-96-4-T; International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Anto Furundžija*, Judgment of December 10, 1998, Case No. IT-95-17/1-PT; International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Dragoljub Kumarac, Radomir Kovač and Zoran Vuković*, Judgment of February 22, 2001, Case Nos. IT-96-23-T and IT-96-23/1-T.

<sup>2</sup> B. HAMBER, I. PALMARY, *Gender, Memorialization, and Symbolic Reparations*, in R. RUBIO-MARÍN (Ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Cambridge University Press, Cambridge, 2009, pp. 332-337.

<sup>3</sup> For an extensive discussion on efforts to make post-conflict interventions gender-inclusive, see M. D’AMICO, T. GROPPI, C. NARDOCCI (Eds.), *Women and Peace*, Franco Angeli, Milan, 2024.

<sup>4</sup> R. MANJOO, *Introduction: reflections on the concept and implementation of transformative reparations*, in *The International Journal of Human Rights*, 21, 9, 2017, p. 1195; R. RUBIO-MARÍN, *Introduction: A Gender and Reparations Taxonomy*, in R. RUBIO-MARÍN (Ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Cambridge University Press, Cambridge, 2009, pp. 2-3; A. SARIS, K. LOFTS, *Reparation Programmes: A Gendered Perspective*, in C. FERSTMAN, M. GOETZ, A. STEPHENS (Eds.), *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity: Systems in place and systems in the making*, Nijhoff, Leiden, Boston, 2009, p. 81.

is given to the role of art as a vehicle for advancing gender-sensitive reparation through bottom-up, participatory practices, showing how creative processes can open spaces for women's voices and collective engagement in post-conflict settings. In doing so, the study brings together conceptual analysis and attention to concrete experiences to reflect on how reparations can better address the lived realities of women in post-conflict societies.

Following this introduction, the article is structured into four main sections. Section 2 traces the evolution of reparation paradigms from international law to transitional justice, highlighting the shift from corrective models to more victim-centered and transformative understandings. Section 3 examines the gendered nature of harm in conflict and sets out a three-dimensional framework for gender-sensitive reparation, structured around recognition, transformation, and participation. Section 4 uses this framework to critically assess existing post-conflict reparation schemes and their capacity to advance these three dimensions in practice. Section 5 explores the potential of art-based symbolic reparation along the same axes, first at a theoretical level and then through an analysis of *Fragmentos, Espacio de Arte y Memoria*, a counter-monument forged from melted weapons by women survivors of sexual violence during the Colombian armed conflict.

## **2. Evolving trajectories of reparation: from international law to transitional justice.**

The principle that states have an obligation to provide reparation for internationally wrongful acts is firmly rooted in international law and has long been recognized as a foundational norm. A seminal articulation of this duty can be found in the 1928 jurisprudence of the Permanent Court of International Justice (PCIJ), the forerunner of today's International Court of Justice, which famously held that “reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed”<sup>5</sup>. This core understanding has been codified and further developed in the *Articles on Responsibility of States for Internationally Wrongful Acts* (the ILC Articles), which constitute the primary reference framework in this matter. According to Article 31 of the ILC Articles, a state responsible for an internationally wrongful act is under an obligation to make “full reparation” for the injury caused, whether material or moral. From the perspective of public international law, then, states must restore the *status quo ante*—the situation that existed before the breach occurred. This is to be achieved, where possible, through *restitutio in*

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<sup>5</sup> Permanent Court of International Justice (PCIJ), *Chorzów Factory (Germany v. Poland)*, Judgment (Merits), 13 September 1928, Series A, No. 17, p. 47.

*integrum*, that is, by restoring the injured party to the position they would have been in if the wrongful act had not occurred<sup>6</sup>.

One important point to clarify when considering the concept of reparation under public international law is that it traditionally operates as a matter of inter-state responsibility: international legal obligations are understood to exist between states, not between states and individuals. However, this changes within the framework of international human rights law, where relations between individuals and states come into play. In this context, principles of reparation have developed primarily through the jurisprudence of regional human rights courts, most notably the Inter-American Court of Human Rights<sup>7</sup>.

A landmark case in this evolution is *Velásquez Rodríguez v. Honduras* (1988), in which the Court held that a violation of an international obligation that causes harm entails a duty to provide adequate reparation to the victims<sup>8</sup>. In the same judgment, the Court also demonstrated a clear awareness of the depth of suffering experienced by victims of serious human rights violations, as well as the significant potential of reparation itself. On the one hand, the judges broadened the traditional notion of *restitutio in integrum* to include not only “the restoration of the prior situation” but also “the reparation of the consequences of the violation, and indemnification for patrimonial and non-patrimonial damages, including emotional harm”<sup>9</sup>. On the other hand, the Court recognized that reparation is not solely about redressing past harm but also serves a preventive function, thus contributing to a broader process of coming to terms with the past<sup>10</sup>. Consistent with this expanded and forward-looking understanding, the Court has further emphasized the temporal dimension of reparation, affirming that the obligation to provide redress for gross human rights violations is not limited by time or political change: it remains in force until fully satisfied and, in doing so, connects different historical periods and regimes<sup>11</sup>.

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<sup>6</sup> On the topic, D. SHELTON, *Righting Wrongs: Reparations in the Articles on State Responsibility*, in *The American Journal of International Law*, 96, 4, 2002.

<sup>7</sup> A. J. CARRILLO, *Justice in Context: The Relevance of Inter-American Human Rights Law and Practice to Repairing the Past*, in P. DE GREIFF (ed.), *The Handbook of Reparations*, Oxford University Press, Oxford, 2006, eBook, pp. 506 ff.; D. CASSEL, *The Expanding Scope and Impact of Reparations Awarded by the Inter-American Court of Human Rights*, in *Revista do Instituto Brasileiro de Direitos Humanos*, 7, 2006, pp. 92 ff.

<sup>8</sup> Inter-American Court of Human Rights (IACtHR), *Velásquez Rodríguez v. Honduras*, Reparations and Costs, Judgment of July 29, 1988, Series C No. 4, para. 25.

<sup>9</sup> Inter-American Court of Human Rights (IACtHR), *Velásquez Rodríguez v. Honduras*, *cit.*, para. 26.

<sup>10</sup> L. J. LAPLANTE, *Bringing Effective Remedies Home: The Inter-American Human Rights System, Reparations, and the Duty of Prevention*, in *Netherlands Quarterly of Human Rights*, 22, 3, 2004, pp. 357-361.

<sup>11</sup> In this sense, the duty to provide reparation can be understood as “manifestly transitional”. See R. G. TEITEL, *Transitional Justice*, Oxford University Press, Oxford, 2000, p. 125. The understanding of reparation developed in the *Velásquez Rodríguez* case has had a tangible impact on the design of transitional justice processes in Latin America. By affirming the enduring nature of reparation, the Inter-American Court not only reinforced the legal obligation to provide redress but also helped shape the normative foundations of reparation programs in countries such as Argentina and Chile, thus offering guidance to states seeking to address the lasting consequences of past repression. In this regard, see A. J. CARRILLO, *Justice in Context*, *cit.*, p. 506.

The increasing focus on reparation for victims of gross human rights violations at the regional level has led to broader recognition of its significance. Notably, the possibility of awarding reparations has been incorporated into the framework of the Rome Statute, which entered into force in 2002. Under this framework, individuals found responsible for international crimes may be required to provide reparations, a process further supported by the Trust Fund for Victims<sup>12</sup>. Additionally, reparation has been acknowledged in key international soft-law instruments. Among the most comprehensive are the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, adopted in 2006<sup>13</sup>.

Rooted in the recognition of victims' right to a remedy under international law<sup>14</sup>, the Principles do not introduce new legal obligations but rather identify innovative mechanisms and procedures for implementation. In this spirit, they advocate for a broad approach to reparation—one that centers the needs and perspectives of victims and moves beyond a narrow understanding of reparation as merely restoring the *status quo ante*. They thus set out a multidimensional strategy encompassing five key forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. In brief, each of these types of reparation serves a distinct purpose. Restitution seeks to restore victims to their pre-violation state, through measures such as the restoration of liberty or the return to one's place of residence; compensation offers material redress proportionate to the harm suffered; rehabilitation aims at physical and psychological recovery; satisfaction encompasses interventions such as truth-telling, memorialization, and public apologies; guarantee of non-repetition involves structural and institutional reforms to prevent future violations<sup>15</sup>.

On these grounds, the concept of reparation takes shape within the broader framework of transitional justice strategies. Among all the measures that make up the transitional justice toolkit<sup>16</sup>, reparation holds

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<sup>12</sup> For further discussion, G. BITTI, G. GONZÁLEZ RIVAS, *The reparations provisions for victims under the Rome Statute of the International Criminal Court*, in THE INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION (Ed.), *Redressing injustices through mass claims processes: Innovative responses to unique challenges*, Oxford University Press, Oxford, 2006, pp. 45-65.

<sup>13</sup> UNITED NATIONS GENERAL ASSEMBLY, *Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law*, UN Doc. A/RES/60/147, 21 March 2006.

<sup>14</sup> Although the Principles explicitly reference an individual right to reparation, the contours of this right under international law remain unclear. On the topic, F. HALDEMANN, *Principle 31. Rights and Duties Arising Out of the Obligation to Make Reparation*, in F. HALDEMANN, T. UNGER (Eds.), *The United Nations Principles to Combat Impunity. A Commentary*, Oxford University Press, Oxford, 2018, pp. 338 and 346.

<sup>15</sup> For further discussion, M. C. BASSIOUNI, *International recognition of victims' rights*, in *Human Rights Law Review*, 6, 2, 2006, pp. 247-276; D. SHELTON, *The United Nations Principles and Guidelines on Reparations: Context and Contents*, in K. DE FEYTER, S. PARMENTIER, M. BOSSUYT, P. LEMMENS (Eds.), *Out of the Ashes. Reparations for Victims of Gross and Systematic Human Rights Violations*, Intersentia, Antwerpen, Oxford, 2005, pp. 11-33.

<sup>16</sup> Transitional justice is typically structured around four main pillars: truth, justice, reparation, and guarantees of non-recurrence. More recently, a fifth pillar has been recognized—that of memory. See UNITED NATIONS GENERAL ASSEMBLY, *Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice*, UN Doc. A/HRC/45/45, 9 July 2020; UNITED NATIONS SECURITY COUNCIL, *The rule*

a particularly central place. It is, in fact, the only measure designed explicitly and exclusively for the benefit of victims, aiming to provide a meaningful response to the harm they endured and thus supporting them in rebuilding their lives<sup>17</sup>.

In this context, rather than differentiating among the five categories of reparation identified by the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, practitioners and scholars often draw a key conceptual distinction between “material” and “symbolic” forms of reparation. Material reparations typically involve tangible benefits to victims—such as financial compensation, healthcare, education, property restitution, or rehabilitation—reflecting a blend of compensation, restitution, and rehabilitation measures. Symbolic reparations, by contrast, seek to acknowledge suffering and reaffirm dignity through non-material means, such as official apologies, truth-telling initiatives, or the renaming of public spaces. Importantly, this distinction serves a heuristic purpose rather than reflecting a rigid divide in reality; in fact, material and symbolic measures often intersect and reinforce one another<sup>18</sup>.

Reparations may vary not only in form but also in scope. They can be designed to address harm at different levels: on the one hand, “individual” reparations are directed at specific victims based on the particular violations they suffered; on the other, “collective” reparations respond to harm experienced by groups and aim to repair the social fabric and affirm their identity and rights. An effective reparation strategy must therefore adopt a holistic and context-sensitive approach, combining different interventions to respond meaningfully to the diverse realities and needs of victims<sup>19</sup>.

Regardless of the specific measures adopted, a clear understanding of the purpose and nature of reparation within transitional justice frameworks is essential. In contexts marked by mass violence, the harm suffered is so extensive and multidimensional that a fully corrective model—akin to that applied in judicial proceedings—is neither conceptually adequate nor practically feasible. Instead, reparation in transitional settings serves broader functions: it becomes a “medium for the contentious yet hopeful negotiation in the present of proper recognition of the past and proper terms of relation for the future”<sup>20</sup>.

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*of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General*, UN Doc. S/2004/616, 23 August 2004.

<sup>17</sup> P. DE GREIFF, *Introduction. Repairing the Past: Compensation for Victims of Human Rights Violations*, in P. DE GREIFF (Ed.), *The Handbook of Reparations*, Oxford University Press, Oxford, eBook, 2006, p. 2.

<sup>18</sup> For instance, compensation becomes more meaningful when embedded within a broader narrative of acknowledgment and accountability, whereas symbolic gestures may be perceived as hollow if not accompanied by tangible forms of support. See OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *Rule-of-law tools for post-conflict states: Reparations programmes*, UN Doc. HR/PUB/08/1, 2008, pp. 22-26.

<sup>19</sup> MOFFETT, *Transitional justice and reparations: Remediating the past?*, in C. LAWTHORP, L. MOFFETT, D. JACOBS (Eds.), *Research handbook on transitional justice*, Edward Elgar Publishing, Cheltenham, 2017, pp. 386-388; OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *Rule-of-law tools for post-conflict states*, *op. cit.*, p. 22.

<sup>20</sup> M. U. WALKER, *Making Reparations Possible: Theorizing Reparative Justice*, in C. CORRADETTI, N. EISIKOVITS, J. V. ROTONDI, *Theorizing Transitional Justice*, Routledge, London, 2015, p. 217.

In other words, reparation should be understood as a set of measures grounded in past harm but oriented toward restoring dignity and improving victims' future prospects<sup>21</sup>.

In this light, reparation is more than a mere technical obligation. According to some scholars, it constitutes a *political process* aimed at recognizing victims as individuals and citizens, restoring their dignity, and rebuilding trust in state institutions<sup>22</sup>. Others go further, framing reparation as a *transformative process*—one with the potential to confront the structural inequalities that enabled violence and exclusion in the first place, while fostering the conditions for a more inclusive and democratic society. From this angle, the idea of returning victims to their pre-conflict status is not only unachievable but also undesirable, as it risks re-establishing the very conditions of injustice and inequality that contributed to violence in the first place. Transitional justice should therefore embrace a reparative paradigm that actively seeks to transform social order, so that past abuses are not only acknowledged but rendered truly unrepeatable<sup>23</sup>. Crucially, this shift away from a case-by-case approach does not imply neglecting the needs of victims. In practical terms, reparation in transitional justice contexts is often implemented through collective, administrative (out-of-court) programs, which should be shaped around victims' concrete experiences, expectations, and social realities. In other words, victims' voices should guide reparation programs to ensure they are both symbolically meaningful and practically effective in addressing the harm they have suffered.

### **3. Gender-sensitive reparation: recognition, transformation and participation.**

As previously mentioned, reparation is the only mechanism within transitional justice that is specifically designed for the benefit of victims. This means that reparative programs must be built around the experiences of victims and, where those victims are women, must take into account women's specific experiences of victimization and the unique ways in which conflicts impact their lives.

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<sup>21</sup> This conception of reparation aligns closely with the broader aims of transitional justice, which operates as both a backward-looking and forward-looking process designed to promote peaceful coexistence through social transformation. On the topic, F. HALDEMANN, *Transitional justice for foxes: conflict, pluralism and the politics of compromise*, Cambridge University Press, Cambridge, New York, 2023, pp. 18-19; C. SANDOVAL, *Transitional Justice and Social Change*, in *International Journal on Human Rights*, 20, 2014.

<sup>22</sup> P. DE GREIFF, *Justice and reparation*, in P. DE GREIFF (Ed.), *The handbook of reparations*, Oxford University Press, Oxford, eBook, 2006, p. 454. See also L. MOFFETT, *Transitional justice and reparations*, *cit.*, pp. 381-382; M. U. WALKER, *Making Reparations Possible*, *cit.*, pp. 217-218.

<sup>23</sup> R. MANJOO, *Introduction*, *cit.*, p. 1196-1200; L. MOFFETT, *Transitional justice and reparations*, *op. cit.*, p. 382-383; R. RUBIO-MARÍN, *Introduction: A Gender and Reparations Taxonomy*, *cit.*, p. 17; R. UPRIMNY YEPES, *Transformative Reparations of Massive Gross Human Rights Violations: Between Corrective and Distributive Justice*, in *Netherlands Quarterly of Human Rights*, 27, 4, 2009, pp. 637-645. For a critical discussion of the concept of transformative reparations, see M. U. WALKER, *Transformative reparations? A critical look at a current trend in thinking about gender-just reparations*, in *International Journal of Transitional Justice*, 10, 1, 2016.

Although theoretically intuitive, this principle has proven difficult to implement. Until recently, women have been largely neglected in transitional justice efforts, both in academic and policy discourse. Little attention has been paid to the forms of victimization that affect them, their post-conflict needs, and their inclusion in peacebuilding strategies<sup>24</sup>. A clear example of this can be found in the way sexual violence has historically been treated—either ignored altogether or dismissed as a secondary side effect of armed conflict. Thanks to the advocacy of transnational feminist networks, the Rome Statute today recognizes various forms of violence against women as war crimes, crimes against humanity, and, in certain cases, acts of genocide. However, during the negotiations leading up to its adoption, many delegations opposed the inclusion of sexual offenses, arguing that such crimes were either marginal compared to other atrocities or too difficult to prosecute<sup>25</sup>.

The work of feminist networks has also been crucial in the gradual efforts to engender reparations—primarily by focusing on the forms of violence suffered by women in contexts of conflict and political repression, along with their long-term consequences. As the literature on the subject has now clearly established, women in such situations experience not only sexual offences, but also a range of intersecting, cumulative violations, including forced displacement, loss of family members, and destruction of livelihoods<sup>26</sup>. These dynamics have been evident across different conflicts. In Bosnia, for example, while sexual violence was systematically used as a weapon of war, many women also lost husbands, brothers, and sons, and to this day have received no information about the fate of their loved ones<sup>27</sup>. In the Syrian conflict, millions of women were displaced, often finding themselves alone and solely responsible for heavy caregiving burdens, without access to support or resources<sup>28</sup>. Thus, beyond the serious physical and psychological consequences—ranging from trauma to reproductive health risks—gender-based violence frequently results in long-term poverty and social isolation. During the Rwandan genocide, thousands of women were raped, many of whom contracted HIV or were later marginalized by their

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<sup>24</sup> C. O'ROURKE, *Transitional justice and gender*, in C. LAWOTHER, L. MOFFETT, D. JACOBS (Eds.), *Research Handbook on Transitional Justice*, Edward Elgar Publishing, Cheltenham, 2017, pp. 118 ff.; R. RUBIO-MARÍN, *The gender of reparations: Setting the agenda*, in R. RUBIO-MARÍN (Ed.), *What happened to the women? Gender and reparations for human rights violations*, Social Science Research Council, New York, 2006, pp. 22-23.

<sup>25</sup> R. COPELON, *Gender crimes as war crimes: integrating crimes against women into international criminal law*, in *McGill Law Journal*, 46, 1, 2000, p. 233.

<sup>26</sup> L. JOLOF, P. ROCCA, M. MAZAHERI, L. OKENWA EMEGWA, T. CARLSSON, *Experiences of armed conflicts and forced migration among women from countries in the Middle East, Balkans, and Africa: A systematic review of qualitative studies*, in *Conflict and Health*, 16, 1, 2022, pp. 5 ff.; R. RUBIO-MARÍN, *What happened to the women? Gender and reparations for human rights violations*, Social Science Research Council, New York, 2006; R. RUBIO-MARÍN, *The gender of Reparations in Transitional Societies*, in R. RUBIO-MARÍN (Ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Cambridge University Press, Cambridge, 2009, pp. 97-101.

<sup>27</sup> AMNESTY INTERNATIONAL, *Casualties of War: Women's Bodies, Women's Lives – Stop Crimes against Women in Armed Conflict*, Amnesty International Publications, 2004, pp. 8-9.

<sup>28</sup> UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, *Inter-agency assessment: Gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage*, 2013 (retrieved from [UN Women website](#)).

communities. The stigma also affected their daughters, who were often associated with the violence their mothers endured and therefore excluded from society<sup>29</sup>.

Within this framework, it is worth noting that violence against women in conflict settings is not simply a byproduct of war, nor is it solely driven by military objectives. Rather, the victimization of women must be understood within a broader context shaped by the power dynamics that structure the societies in which they live. Central to this is the often patriarchal nature of the social and institutional arrangements governing women's lives, in which women become targets of violence precisely because they are women: they are viewed as subordinate to men, as objects of sexual gratification, or as vessels of social, cultural, and biological reproduction<sup>30</sup>. In this sense, gender-based violence perpetrated during conflict serves to reinforce power hierarchies that are already present in peacetime, intensify during conflict, and persist in post-conflict settings. In other words, gender-based violence must be understood as existing along a *continuum*<sup>31</sup>: conflicts do not generate entirely new forms of violence but rather exacerbate and expose those that already exist—such as domestic abuse, economic inequality, and control over women's bodies<sup>32</sup>.

When seen in this light, violence against women poses a serious challenge for transitional justice, particularly in relation to reparations. As previously noted, women often suffer severe physical, psychological, and social harm in the aftermath of conflict, typically within environments where war has intensified pre-existing gender inequalities and power imbalances. Moreover, even when the violence is

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<sup>29</sup> M. DENOV, D. SAAD, *Umvana n'umugore: The gendered realities of girls born of conflict-related sexual violence and their mothers in post-genocide Rwanda*, in *Journal of Health Psychology*, 29, 13, 2024, pp. 1506-1512.

<sup>30</sup> R. RUBIO-MARÍN, *Gender and Collective Reparations in the Aftermath of Conflict and Political Repression*, in R. RUBIO-MARÍN (Ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Cambridge University Press, Cambridge, 2009, p. 389; M. U. WALKER, *Gender and Violence in Focus: A Background for Gender Justice in Reparations*, in R. RUBIO-MARÍN (Ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, Cambridge University Press, Cambridge, 2009, pp. 24-28.

<sup>31</sup> The concept of the *continuum of violence* has become a key analytical tool in feminist studies on gender-based violence in peacetime contexts, where it serves to challenge fragmented and hierarchical approaches to understanding violence against women. Originally developed by Liz Kelly, the concept asserts that male violence should be seen as existing along a *continuum*—from highly visible and extreme forms such as rape and femicide to everyday acts that are often normalized or socially tolerated, including harassment, threats, economic control, and emotional abuse (L. KELLY, *Surviving Sexual Violence*, Polity Press, Cambridge, 1988). This interpretative framework has also been taken up in the field of peace and conflict studies, where it is linked to broader theories of structural, cultural, and direct violence. In this context, large-scale physical violence is understood not as an isolated eruption, but as embedded in a broader environment shaped by systemic inequalities and cultural narratives that legitimize or obscure harm. These conditions create fertile ground for physical violence to occur, persist, and remain underreported. On the topic, see N. SCHEPER-HUGHES, P. BOURGOIS, *Introduction: Making sense of violence*, in N. SCHEPER-HUGHES, P. BOURGOIS (Eds.), *Violence in war and peace: An anthology*, Blackwell, Oxford, 2004. See also J. GALTUNG, *Violence, Peace, and Peace Research*, in *Journal of Peace Research*, 6, 3, 1969; J. GALTUNG, *Cultural Violence*, in *Journal of Peace Research*, 27, 3, 1990; N. SCHEPER-HUGHES, *Small wars and invisible genocides*, in *Social Science & Medicine*, 43, 5, 1996.

<sup>32</sup> C. COCKBURN, *The continuum of violence: A gender perspective on war and peace*, in W. GILES (Ed.), *Sites of violence: Gender and conflict zones*, University of California Press, Berkeley, 2004, pp. 43-44; M. U. WALKER, *Gender and Violence in Focus*, *cit.*, pp. 28-31.

not overtly gendered, its impact on women is shaped by their social status, which generally places them in conditions of heightened economic and social vulnerability compared to men<sup>33</sup>. This underscores the importance of designing reparation programs that reflect the complexity of women’s victimization and promote comprehensive, context-sensitive, and holistic responses. Such programs should not only support survivors in coping with the psychological and material consequences of violence but also aim to challenge and transform the structural inequalities that enabled such violations and continue to threaten women’s security and equality in post-conflict settings.

To this end, insights from feminist literature and gender-sensitive post-conflict reparation scholarship suggest that reparation programs for women should be articulated along three interrelated dimensions: recognition, transformation, and participation.

Promoting reparative measures that foster *recognition* entails, first and foremost, acknowledging the harm and suffering endured by women. From this perspective, the goal is to help survivors reach “a psychological state in which they feel that adequate amends have been made for a wrong committed”, thereby restoring their sense of dignity and humanity<sup>34</sup>. However, recognition must extend beyond the acknowledgment of harm: women should be recognized not only as victims, but as individuals capable of consenting, resisting, negotiating, and reshaping both their lives and the environments in which they live—as agents in their own right. This requires the promotion of empowerment initiatives—such as access to education, vocational training, and awareness-raising programs—that support women in claiming their place as equal rights holders within the emerging social order<sup>35</sup>.

From this standpoint, reparation is not merely a means to ensure a dignified life: it represents an emancipatory process, one that enables both personal and systemic *transformation*. By reclaiming control over their lives and asserting their roles as citizens, women rebuild a sense of agency, restore their self-worth, and redefine their identities in ways that resist the stigma and silence often associated with gender-based violence. Yet, these acts also carry systemic implications, as they are inherently political: they directly confront and destabilize the gendered structures of domination that seek to marginalize women, thus advancing social change<sup>36</sup>.

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<sup>33</sup> INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, *Gender and transitional justice: A training module series – Module 3: Reparative*, 2018, (retrieved from the [International Center for Transitional Justice website](#)).

<sup>34</sup> B. HAMBER, *Narrowing the micro and the macro: A psychological perspective on reparations in societies in transition*, in P. DE GREIFF (Ed.), *The handbook of reparations*, Oxford University Press, Oxford, 2006, eBook, p. 564. See also R. RUBIO-MARÍN, *The gender of Reparations in Transitional Societies*, *cit.*, pp. 72 ff.

<sup>35</sup> R. MANJOO, *Introduction*, *op. cit.*, pp. 1197-1198; R. RUBIO-MARÍN, *The gender of Reparations in Transitional Societies*, *cit.*, pp. 66 ff.; A. SARIS, K. LOFTS, *Reparation Programmes*, *cit.*, p. 97.

<sup>36</sup> R. MANJOO, *Introduction*, *op. cit.*, pp. 1198-1199; F. NÍ AOLÁIN, C. O’ROURKE, A. SWAINE, *Transforming Reparations for Conflict-Related Sexual Violence: Principles and Practice*, in *Harvard Human Rights Journal*, 28, 2015, pp. 141-142; R. RUBIO-MARÍN, *Introduction: A Gender and Reparations Taxonomy*, *cit.*, pp. 16-17; A. SARIS, K. LOFTS, *Reparation Programmes*, *op. cit.*, pp. 91-96. To be effective, such change must be supported through interventions at the systemic,

Within this process, ensuring the active *participation* of women who have directly experienced violence plays a crucial role in shaping and implementing reparation programs<sup>37</sup>. Their involvement responds to a range of epistemological, political, and symbolic imperatives, all closely tied to the goals of recognition and transformation.

First, only women themselves can authentically and consciously articulate and narrate the forms and implications of their victimization. This is essential not just for understanding the full extent of the harm they have endured, but also contributes to the production of a situated, non-stereotypical perspective on gender-based violence and the power relations that sustain it. Indeed, like all oppressed subjectivities, women occupy a privileged position from which to analyze the dynamics of oppression, precisely because of their lived experience<sup>38</sup>. Thus, women's narratives emerge as powerful tools for challenging dominant representations of such violence and for informing reparation strategies that are both transformative and genuinely responsive to survivors' needs.

Second, enabling women to actively participate in the development and implementation of institutional responses to violence represents a form of reparative recognition. Promoting participation not only acknowledges and validates the pain and suffering experienced by women but also dismantles the logic of passive victimhood. It allows women to assert themselves as legitimate voices in the public sphere, thereby reaffirming their political agency and their role in shaping their future<sup>39</sup>.

Finally, the active presence of women in peacebuilding processes directly challenges entrenched gender hierarchies by reaffirming the principles of dignity, equality, and justice, and by contributing to the construction of a more democratic social order. The inclusion of women in traditionally male-dominated spheres of power disrupts the naturalization of male authority and destabilizes the symbolic codes that

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institutional, and relational levels. On the one hand, this entails dismantling gender-oppressive social, economic, and cultural norms—whether formally codified or informally maintained—and pursuing the redistribution of resources and opportunities. On the other hand, it requires engaging both women and men in a process of critical reflection on the power dynamics that shape personal relationships, with the aim of fostering more egalitarian ways of living together. In this sense, reparation must be conceived in connection with broader transitional justice and peacebuilding efforts—yet it nonetheless has a vital role to play in advancing gender justice and enabling long-term social transformation. Although not adopting a gender perspective, see C. CHISARI, *Rethinking transitional justice through the lens of structural violence: Toward a new model of intervention for post-conflict societies*, Doctoral dissertation, University of Milano-Bicocca, 2024, Chapter III.

<sup>37</sup> R. RUBIO-MARÍN, *The gender of Reparations in Transitional Societies*, *cit.*, pp. 71 ff.; R. RUBIO-MARÍN, *Gender and Collective Reparations in the Aftermath of Conflict and Political Repression*, *cit.*, pp. 393-395; S. WILLIAMS, E. PALMER, *Transformative Reparations for Women and Girls at the Extraordinary Chambers in the Courts of Cambodia*, in *International Journal of Transitional Justice*, 10, 2, 2016, pp. 313 ff.; R. RUBIO-MARÍN, P. DE GREIFF, *Women and Reparations*, in *International Journal of Transitional Justice*, 1, 3, 2007, p. 324.

<sup>38</sup> D. HARAWAY, *Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective*, in *Feminist Studies*, 14, 3, 1988; S. HARDING, *Whose Science? Whose Knowledge?: Thinking from Women's Lives*, Cornell University Press, New York, 1991, pp. 150-151.

<sup>39</sup> C. CORREA, J. GUILLEROT, L. MAGARRELL, *Reparations and victim participation: A look at the truth commission experience*, in C. FERSTMAN, M. GOETZ, A. STEPHENS (Eds.), *Reparations for victims of genocide, war crimes and crimes against humanity: Systems in place and systems in the making*, Nijhoff, Leiden, Boston, 2009, p. 397.

regulate the distribution of political power<sup>40</sup>. In this sense, women's action functions as a subversive and transformative force.

These perspectives have been recognized in several international instruments<sup>41</sup>. Among them, the most significant is the 2007 Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation<sup>42</sup>, which marked a turning point in reimagining gender-sensitive reparations by setting out guiding principles for victim-centered and transformative reparative justice. In line with the above, the Nairobi Declaration recognizes that women and girls experience the consequences of armed conflict in specific—and often exacerbated—ways and asserts that reparative responses cannot be gender-neutral. According to the Declaration, reparations must be grounded in victims' lived experiences, be proportionate to the harm suffered, and aim to transform the structural inequalities that shape the lives of women and girls. Notably, it stresses that reparation for women cannot be limited to individual financial compensation. Instead, it must include collective, symbolic, and material interventions that strengthen survivors' autonomy and promote substantive gender equality. The Declaration also highlights the importance of women's active participation in all stages of reparation programs, emphasizing the need to listen to their priorities and ensure equitable access to available forms of support. This approach aims to promote social change and the redistribution of power<sup>43</sup>.

#### 4. Between promise and practice.

Building on the above discussion, a gender-sensitive reparation program should be grounded in three interrelated dimensions. First, it must affirm the *recognition* of women as autonomous individuals and equal citizens, while acknowledging the harm they have endured. Second, it should aim to *transform* gendered victim identities, as well as the structural inequalities that sustain violence against women in conflict-affected and post-conflict contexts. Finally, such initiatives must ensure the active and meaningful *participation* of women in both their development and delivery. However, translating these principles into reality is far from straightforward: the practical implementation and design of reparation programs often

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<sup>40</sup> C. O'ROURKE, *Transitional justice and gender*, *cit.*, pp. 131-132.

<sup>41</sup> Among the most significant, UNITED NATIONS SECURITY COUNCIL, *Security Council resolution 1325 on women and peace and security*, UN Doc. S/RES/1325, 2000; COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, UN Doc. CEDAW/C/GC/30, 2013; UNITED NATIONS SECRETARY-GENERAL, *Guidance note of the Secretary-General: Reparations for conflict-related sexual violence*, 2014; UNITED NATIONS SECURITY COUNCIL, *Strengthens justice and accountability and calls for a survivor-centered approach in the prevention and response to conflict-related sexual violence*, UN Doc. S/RES/2467, 2019.

<sup>42</sup> *Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation*, 2007, March 19–21. Issued at the International Meeting on Women's and Girls' Right to a Remedy and Reparation, Nairobi, Kenya.

<sup>43</sup> On the topic, V. COUILLARD, *The Nairobi Declaration: Redefining Reparations for Women Victims of Sexual Violence*, in *International Journal of Transitional Justice*, 1, 1, 2007.

prove to be complex, uneven, and disconnected from the ambitions articulated in theoretical and normative frameworks.

It is worth noting, first of all, that transitional justice initiatives are beginning to show greater sensitivity to the specific forms of violence experienced by women in conflicts, and to the need for reparations that reflect those experiences. Truth commissions have played a central role in this evolution, with their recommendations often shaping reparation policies and guiding institutional responses<sup>44</sup>. The most recent and arguably most emblematic example is the Colombian Truth Commission (2018–2022), which adopted an intersectional approach that was attentive to the interplay of gender, race, class, and territory. In its final report, the Commission acknowledged the war’s differentiated impact on women and the persistence of violence in the aftermath, explicitly referring to the *continuum* of gender-based violence. On these grounds, it called for reparation strategies that move beyond financial compensation to address the relational, communal, and symbolic dimensions of harm<sup>45</sup>.

Nevertheless, recognizing the gendered nature of violence in transitional contexts does not lead automatically to action on the ground—not even when formal commitments to address it are in place. Research shows that provisions related to women, girls, and gender issues in peace agreements tend to have lower implementation rates than other measures<sup>46</sup>. This is because “the compact concerning equality ... tends to be at the ‘soft’ and not ‘hard’ end of legal enforcement” and “the social and political dimensions of inequality and discrimination through which different groups are constituted in transitional societies are generally left to the struggle for enforcement involving parties representing these groups in negotiations”<sup>47</sup>. In Sierra Leone, for instance, the Truth and Reconciliation Commission acknowledged the violence suffered by women and recommended a broad reparation program, including medical, educational, and symbolic support. Yet despite the government’s commitment, implementation was minimal, and women received only limited benefits, falling short of both recognition and support<sup>48</sup>.

In most cases, however, violence against women continues to receive limited attention—both within the broader framework of peace processes and, more specifically, in reparation programs. Even when gender

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<sup>44</sup> C. O’ROURKE, *Transitional justice and gender*, cit., pp. 125-126.

<sup>45</sup> L. ESTUPIÑÁN-ACHURY, N. D. ANZOLA VIRGÜEZ, *Sin mujeres no habrá verdad ni paz grande en Colombia*, in M. D’AMICO, T. GROPPI, C. NARDOCCI (Eds.), *Women and Peace*, cit., p. 81; D. M. GÓMEZ CORREAL, *Las mujeres y la perspectiva de género en la Comisión de la Verdad en Colombia: Avances y desafíos para el esclarecimiento de la verdad*, in I. MENDIA AZKUE (Ed.), *Enfoque de género en comisiones de la verdad: Experiencias en América Latina y África*, Hegoa, Bilbao, 2020, pp. 141-150.

<sup>46</sup> PeaceRep, *Women & gender. Key findings on when and how women and sexual and gender minorities navigate inclusion across all stages of a peace process*, n.d. (retrieved from [PeaceRep: The Peace and Conflict Resolution Evidence Platform website](https://www.peacerep.org/en/peace-rep-women-gender-key-findings-on-when-and-how-women-and-sexual-and-gender-minorities-navigate-inclusion-across-all-stages-of-a-peace-process)).

<sup>47</sup> F. NÍ AOLÁIN, E. ROONEY, *Underenforcement and Intersectionality: Gendered Aspects of Transition for Women*, in *International Journal of Transitional Justice*, 1, 3, 2007, pp. 345-346.

<sup>48</sup> J. KING, *Gender and reparations in Sierra Leone: The wounds of war remain open*, in R. RUBIO-MARÍN (Ed.), *What happened to the women? Gender and reparations for human rights violations*, Social Science Research Council, New York, 2006, pp. 271 and 276.

is acknowledged, the focus tends to fall almost exclusively on sexual violence or physical harm, while a wide range of other forms of harm are routinely overlooked. These include not only the psychological trauma resulting from conflict, but especially the structural and social conditions under which women must survive and attempt to rebuild a dignified life<sup>49</sup>. Because these aspects are often neglected, they are rarely addressed adequately by reparation mechanisms, which therefore remain partial and insufficient in delivering meaningful relief to victims. Crucially, by failing to engage with women's socio-economic and cultural realities, such initiatives are unable to challenge the gender *status quo* and consequently fall short of fostering genuine transformation of the structural inequalities that persist in post-conflict settings<sup>50</sup>. To make matters worse, reparation programs aimed at women—particularly symbolic and collective measures—often depoliticize the violence they have endured, reducing it to a matter of personal suffering. Moreover, women's experiences are frequently framed through essential narratives that emphasize traditional roles of care and sacrifice, portraying them as passive victims or grieving mothers rather than political subjects. This dynamic is especially evident in commemorative practices, where men are typically depicted as heroic and agentic figures, while women—when present at all—appear as mourners or individuals in need of protection<sup>51</sup>. While symbolic measures may offer some degree of recognition and psychological relief, they risk reinforcing the same patriarchal narratives and power structures that enable violence in the first place when disconnected from a genuine engagement with women's lived realities. Ultimately, this may prevent women from being recognized as agents of change, both in shaping their own lives and in contributing to the reconstruction of post-conflict societies<sup>52</sup>. The lack of recognition of women's agency, along with the overly narrow focus on gender-based violence and discrimination, is also linked to their limited participation in both peace processes and the development of reparation programs. While women are often the first to raise their voices in support of peace, in 2024 they represented only 7% of negotiators, 14% of mediators, and 20% of signatories in

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<sup>49</sup> Such as restricted access to economic and productive resources, social stigmatization, material impoverishment, and imposed redefinition of family and community roles. See C. BELL, K. MCNICHOLL, *Principled Pragmatism and the Inclusion Project: Implementing a Gender Perspective in Peace Agreements*, in *Feminists@Law*, 9, 1, 2019, p. 13; C. BELL, C. O'ROURKE, *Peace Agreements or 'Pieces of Paper'? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements*, in *International and Comparative Law Quarterly*, 59, 4, 2010, p. 968; F. NÍ AOLÁIN, *Transformative Gender Justice?*, in P. GREADY, S. ROBINS (Eds.), *From Transitional to Transformative Justice*, Cambridge University Press, Cambridge, 2019, p. 162; K. SIKKINK, H. CLAPP, D. MARÍN-LÓPEZ, A. SCHMIDT, *Gender and Transitional Justice: Explaining Global Trends*, in *The International Journal of Transitional Justice*, 18, 2024, p. 399.

<sup>50</sup> R. UPRIMNY YEPES, *Transformative Reparations of Massive Gross Human Rights Violations*, *cit.*, pp. 643-645. As previously mentioned in footnote 36 of this work, transforming the *status quo* cannot be achieved through reparative measures alone. Structural change demands systemic, institutional, and relational interventions across all pillars of transitional justice. This does not mean, however, that reparative measures cannot also play an important role.

<sup>51</sup> B. HAMBER, I. PALMARY, *Gender, Memorialization, and Symbolic Reparations*, *cit.*, pp. 339-343.

<sup>52</sup> B. HAMBER, I. PALMARY, *Gender, Memorialization, and Symbolic Reparations*, *op. cit.*, pp. 344 ff.

peace and ceasefire agreements<sup>53</sup>. Excluding the case of Colombia, which stands out as a unique example of high female participation<sup>54</sup>, the percentage of women signatories drops to just 7%<sup>55</sup>. Although research highlights that simply ‘having women in the negotiation rooms’ does not automatically ensure attention to gender-related concerns, it also demonstrates that their presence is positively correlated with more inclusive peace agreements that reflect women’s perspectives and needs<sup>56</sup>. The key point seems to be that when women are excluded from the arenas where transitional and reparation priorities are defined, their lived experiences and demands are likewise excluded from the frameworks guiding transitional justice. Importantly, this exclusion both reflects and reinforces the gendered power structures that systematically kept women out of decision-making spaces before and during the conflict. In doing so, it entrenches pre-existing male-dominated power dynamics and ultimately hinders the transformation of women’s roles and identities in post-conflict societies<sup>57</sup>.

Faced with this scenario, it is worth asking what lies behind the ongoing challenges in adopting a gender-sensitive approach in reparation programs—one that includes recognition, transformation, and participation. While the marginalization of women and their concerns are undoubtedly rooted in the frequently patriarchal character of (post-)conflict societies, they may also stem from the prevailing paradigms that shape the field of transitional justice itself. In particular, they seem to be closely linked to the liberal, top-down model that has come to dominate transitional justice practice.

Over time, transitional justice has developed with a strong focus on strengthening democratic institutions, promoting a market-oriented economy, and advancing civil and political rights, at the expense of social, economic, and cultural rights, as well as the structural causes of conflict<sup>58</sup>. This imbalance extends to

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<sup>53</sup> UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, *Facts and figures: Women, peace, and security*, 2024 (retrieved from [UN Women website](#)). See also S. N. ANDERLINI, *Women building peace: What they do, why it matters*, Lynne Rienner Publishers, Boulder, 2007, pp. 53 ff. With specific reference to reparation programs, see B. HAMBER, I. PALMARY, *Gender, Memorialization, and Symbolic Reparations*, *cit.*, pp. 354-355.

<sup>54</sup> On the topic, L. ESTUPIÑÁN-ACHURY, N. D. ANZOLA VIRGÜEZ, *cit.*

<sup>55</sup> UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, *Facts and figures*, *cit.* On the limited representation of women in both the design and implementation of reparation programs intended to address their own experiences and needs, see F. NÍ AOLÁIN, C. O’ROURKE, A. SWAINE, *Transforming Reparations for Conflict-Related Sexual Violence*, *cit.*, pp. 131-133.

<sup>56</sup> E. GOOD, *Power Over Presence: Women’s Representation in Comprehensive Peace Negotiations and Gender Provision Outcomes*, in *American Political Science Review*, 2024, p. 8; E. PORTER, *Women, Political Decision-Making, and Peace-Building*, in *Global Change, Peace & Security*, 15, 3, p. 250.

<sup>57</sup> C. O’ROURKE, *Transitional justice and gender*, *cit.*, pp. 131-132.

<sup>58</sup> L. ARBOUR, *Economic and Social Justice for Societies in Transition*, in *International Law and Politics*, 40, 1, 2007, pp. 4-10; M. EVANS, *Structural Violence, Socioeconomic Rights, and Transformative Justice*, in *Journal of Human Rights*, 15, 1, 2016, pp. 4-5; P. GREADY, S. ROBINS, *From Transitional to Transformative Justice: A New Agenda for Practice*, in *International Journal of Transitional Justice*, 8, 3, 2014, p. 341; D. N. SHARP, *Addressing Economic Violence in Times of Transition: Towards a Positive Paradigm for Transitional Justice*, in *Fordham International Law Journal*, 35, 3, 2012, pp. 792-801; L. WALDORF, *Anticipating the Past: Transitional Justice and Socio-Economic Wrongs*, in *Social & Legal Studies*, 21, 2, 2012, p. 173. It is worth noting that, as highlighted *supra* in Section 2, the concept of reparation originated and developed within the judicial sphere, particularly in the context of human rights jurisprudence. As is well known, there exists a longstanding imbalance between civil and political rights and economic and social rights in the field of human rights—an imbalance reflected in

reparation programs and has specific implications for women for two main reasons. First, civil and political rights violations are most often experienced by men during conflict, whereas violations of economic, social, and cultural rights—such as forced displacement or the loss of livelihoods—tend to disproportionately affect women<sup>59</sup>. Second, this focus reflects a narrow understanding of violence—one that centers primarily on “direct violence”<sup>60</sup>, while ignoring the deeper systems and dynamics that normalize injustice and contribute, directly or indirectly, to the outbreak of conflict<sup>61</sup>. This helps explain why reparation programs and peacebuilding strategies focus mainly on sexual violence or other forms of physical harm experienced by women, while systemic harms and the structural causes of gender-based violence often remain unaddressed.

The emphasis on sexual violence may also be related to how, under a liberal paradigm, the field of transitional justice has progressively favored institutional mechanisms operating through “supra-state and ‘state-like’ structures” to deal with the past, such as tribunals and truth commissions<sup>62</sup>. By their very nature, these mechanisms adopt a legalistic framework that fails to engage with structural inequalities. Specifically, “[c]riminal trials [tend] to cast conflicts in terms of identifiable criminal acts against the victim’s body integrity, formalizing an attitude that the conflict revolved more around physical violence than unequal social structures”<sup>63</sup>. Truth commissions similarly concentrate on “the ‘most serious’ violations, a standard set with reference to law”<sup>64</sup>, thereby overlooking broader patterns of systemic abuse. Within this context, it is worth noting that this ‘violation-centric approach’ presents clear obstacles to achieving gender-sensitive and transformative outcomes. Indeed, it tends to frame women primarily as victims (of a norm violation), which can have a retraumatizing effect and perpetuate reductive narratives

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the distinction between first- and second-generation rights. More broadly, “[h]uman rights foregrounds problems of participation and procedure, at the expense of distribution”, with the result that economic and social rights have historically emerged as “aspirational principles” rather than “enforceable rights”. These same biases have been reproduced within human rights-oriented transitional justice frameworks. See D. KENNEDY, *The International Human Rights Movement: Part of the Problem?*, in *Harvard Human Rights Journal*, 15, 2002, p. 109; E. WILES, *Aspirational Principles or Enforceable Rights? The Future for Socio-Economic Rights in National Law*, in *American University International Law Review*, 22, 1, 2006, p. 64.

<sup>59</sup> R. RUBIO-MARÍN, P. DE GREIFF, *Women and Reparations*, *cit.*, p. 327.

<sup>60</sup> “Direct violence” refers to the visible manifestations of violence, including acts that inflict physical harm—such as rape and murder—or that restrict individuals’ ability to act, such as exclusion from political participation. It does not, however, account for economic, social, and cultural violations, which remain invisible. These forms of harm reflect broader patterns of injustice in society, characterized by unequal life chances—a condition commonly described as “structural violence”. See J. GALTUNG, *Violence, Peace, and Peace Research*, *cit.* For a detailed analysis of the concept of structural violence in transitional justice contexts, see C. CHISARI, *Revisiting structural violence: Galtung’s legacy and power relations*, in *Scienza e Pace*, 15, 2, 2024, pp. 1-24.

<sup>61</sup> Z. MILLER, *Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice*, in *The International Journal of Transitional Justice*, 2, 2008, p. 271; D. N. SHARP, *Addressing Economic Violence in Times of Transition*, *cit.*, pp. 792-801.

<sup>62</sup> K. McEVOY, *Beyond Legalism: Towards a Thicker Understanding of Transitional Justice*, in *Journal of Law and Society*, 34, 4, 2007, p. 421.

<sup>63</sup> P. McAULIFFE, *Transformative Transitional Justice and the Malleability of Post-Conflict States*, Edward Elgar, Cheltenham, 2017, p. 38.

<sup>64</sup> C. CAMPBELL, C. TURNER, *Utopia and the Doubters: Truth, Transition and the Law*, in *Legal Studies*, 28, 3, 2008, p. 377.

on their identities<sup>65</sup>. In turn, this indirectly reinforces rigid gender binaries in which women are seen only as passive and helpless, while men take on the roles of either perpetrators or saviors<sup>66</sup>.

Finally, the institutionalization of transitional justice mechanisms has resulted in a growing detachment of individuals and communities from the very initiatives intended to address past harm, in the sense that those most directly affected by violence and injustice are often left out of shaping, managing, or even participating in decisions about how such harms should be acknowledged and addressed<sup>67</sup>. Thus, while women have historically been excluded from the design and implementation of reparation programs specifically as women, this exclusion must also be understood in light of a broader tendency within the field to adopt a top-down approach.

In response to these limitations, a growing body of scholarship calls for a fundamental rethinking of transitional justice—one that goes beyond the pursuit of peace through the redress of individual violations to confront the structural inequalities that sustain them. In line with this shift from “negative” to “positive” peace<sup>68</sup>, scholars increasingly advocate for a transformative and participatory approach that engages with the material conditions and power relations underpinning injustice. From this perspective, many contributions highlight the value of bottom-up processes that give communities a meaningful role in identifying priorities and shaping responses. This requires moving beyond centralized institutional mechanisms and recognizing the importance of local knowledge and collective forms of organization<sup>69</sup>. On this basis, reparations for women must go beyond one-size-fits-all legal frameworks. Instead, they should reflect the range of women’s experiences and identities, enabling forms of justice that emerge from the specific social and cultural contexts in which they live. Drawing on local knowledge and community practices makes it possible to develop reparations that are more closely attuned to these realities and, in turn, more meaningful and transformative.

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<sup>65</sup> K. FRANKE, *Gendered Subjects of Transitional Justice*, in *Columbia Journal of Gender and Law*, 15, 3, 2006, pp. 282-283.

<sup>66</sup> N. HENRY, *The fixation on wartime rape: Feminist critique and international criminal law*, in *Social & Legal Studies*, 23, 1, 2014, pp. 98 ff.

<sup>67</sup> GREADY, S. ROBINS, *From transitional to transformative justice: A New Agenda for Practice*, *cit.*, pp. 350-354; P. LUNDY, M. McGOVERN, *Whose Justice? Rethinking Transitional Justice from the Bottom Up*, in *Journal of Law and Society*, 35, 2, 2008, pp. 275-276; K. McEVOY, *Beyond Legalism*, *cit.*, pp. 421-424.

<sup>68</sup> Peace does not solely entail the absence of large-scale violence or individual violations (so-called negative peace); it also signifies the absence of conditions that could imply violence (so-called positive peace). See J. GALTUNG, *Violence, Peace, and Peace Research*, *cit.*, p. 183.

<sup>69</sup> J. BALINT, J. EVANS, N. McMILLAN, *Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach*, in *The International Journal of Transitional Justice*, 8, 2014, pp. 198 ff.; M. EVANS, *Structural Violence, Socioeconomic Rights, and Transformative Justice*, *cit.*, pp. 5-9; P. FIRCHOW, Y. SELIM, *Meaningful Engagement from the Bottom-Up? Taking Stock of Participation in Transitional Justice Processes*, in *International Journal of Transitional Justice*, 16, 2, 2022, pp. 2 ff.; P. GREADY, S. ROBINS, *From Transitional to Transformative Justice: A New Agenda for Practice*, *cit.*, p. 354; P. LUNDY, M. McGOVERN, *Whose Justice?*, *op. cit.* pp. 277 ff.; K. McEVOY, *Beyond Legalism*, *op. cit.*, pp. 430-432.

## 5. Women shaping their own reparation through artistic practice.

As previously discussed, although both academic research and international frameworks stress the importance of gender-sensitive approaches to reparation, initiatives aimed at women often fall short in terms of recognition, meaningful transformation, and active participation. This persistent gap is not only the product of resource constraints and entrenched patriarchal dynamics within (post-)conflict societies, but also of the liberal and institutional framework that has long shaped transitional justice practice—a framework more conducive to maintaining negative peace than to enabling deeper social transformation. By contrast, the pursuit of positive peace requires measures rooted in local contexts, designed to be participatory and attentive to the reconstruction of social relations.

Against this backdrop, women themselves have begun to articulate alternative visions of justice and reparation from the ground up. In many contexts, this has taken the form of community-based initiatives that create networks of solidarity, mutual aid, and collective care—practices that not only compensate for institutional shortcomings but also cultivate relational agency and everyday forms of resistance<sup>70</sup>. The *City of Women* in Turbaco, Colombia, is illustrative of this dynamic: a self-organized settlement founded by displaced women that integrates housing reconstruction with educational projects and income-generating activities, all developed independently of state-led frameworks<sup>71</sup>. Similarly, in Guatemala, CONAVIGUA (Coordinadora Nacional de Viudas de Guatemala) has long led exhumations, community support, and psychosocial accompaniment, particularly for Indigenous women whose losses were largely neglected by state-led processes<sup>72</sup>. In each of these cases, women have taken the lead in shaping their own approaches to repair and acknowledgment, combining material support with relational healing and symbolic recognition.

Situated within this broader landscape of culturally grounded responses, certain experiences stand out for their powerful role in bringing women's voices and perspectives to the forefront. These are creative, art-based practices that arise directly from women's lived realities of violence and conflict, transforming personal and collective pain into shared narratives that challenge institutional silences and enrich bottom-up forms of reparation. Far from functioning as merely symbolic gestures, they operate as relational practices that bridge together memory, protest, and healing, making women's agency visible where formal

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<sup>70</sup> S. N. ANDERLINI, *Women Building Peace*, *cit.*, pp. 54-58; M. D'AMICO, T. GROPPi, C. NARDOCCI (Eds.), *Women and Peace*, *cit.*, Part two. Recent examples include Yemeni women who negotiated access to clean water for civilians amid ongoing violence, and the formation in 2023 of the *Peace for Sudan Platform*—a coalition of more than 49 women-led organizations calling for a more inclusive peace process. See UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, *Facts and figures*, *cit.*

<sup>71</sup> Project developed by the League of Displaced Women (Liga de Mujeres Desplazadas, Colombia). For more information, see the article published in [The Guardian](#).

<sup>72</sup> For more information, see the website of the organization [Coordinadora Nacional de Viudas de Guatemala – CONAVIGUA](#).

mechanisms have often failed. Concrete examples help illustrate this. One such case is the *arpilleras* of Chile—handmade tapestries crafted by women during and after the Pinochet dictatorship, which depict scenes of everyday life under repression. These textiles served both as acts of defiance and as vehicles of memory, documenting loss, resistance, and survival<sup>73</sup>. Another compelling example is *Mother's Scarf*, a memorial installation launched in 2022 by the Mothers of Srebrenica. Made from thousands of knotted scarves and shawls, the work expresses collective mourning and resilience while honoring the memory of those killed in the 1995 genocide<sup>74</sup>.

While cultural and artistic practices—such as visual arts, performance, and music—have not traditionally held a central place in transitional justice frameworks, their peacebuilding value is increasingly being recognized. For instance, some scholars have highlighted the deterrent potential of art: by humanizing both victims and perpetrators, art draws audiences into direct, sensory engagement with the suffering caused by war and human rights violations. In doing so, it fosters a deeper emotional understanding that may discourage the recurrence of violence and injustice<sup>75</sup>. In addition, art can facilitate the rebuilding of community bonds and promote peaceful dialogue about the past, acting as a mediating tool: “[a]rt can catalyse a shift into empathy with groups of people divided over a range of charged social issues”<sup>76</sup>. Equally important, art has also proven capable of conveying forms of truth that conventional legal tools struggle to capture—as seen, for example, in Indigenous land claims where paintings have served as legal maps and embodiments of ancestral law<sup>77</sup>. Finally, art offers a non-verbal space for victims to express themselves freely, validating their experiences and fostering emotional healing. At the same time, it opens the way for alternative narratives, inviting critical engagement with the past and giving voice to perspectives often excluded from official accounts. In doing so, it may help challenge the dominant symbolic order and support broader structural change<sup>78</sup>.

Taken together, these insights suggest that art—understood as a socially engaged, culturally embedded, and emotionally situated practice—can play a crucial role in shaping gender-sensitive approaches to

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<sup>73</sup> J. ADAMS, *Art against dictatorship: Making and exporting arpilleras under Pinochet*, University of Texas Press, Austin, 2013.

<sup>74</sup> J. ANGELL, ‘Mother’s Scarf’: *A creative commemoration for the women of Srebrenica*, in *Balkan Diskurs*, 2022, August 5 (retrieved from [Balkan Diskurs website](#)).

<sup>75</sup> R. MANI, *Women, art and post-conflict justice*, in *International Criminal Law Review*, 11, 3, 2011, pp. 551-552.

<sup>76</sup> M. LEBARON, *Introduction*, in M. LEBARON, J. SARRA (Eds.), *Changing our worlds: Arts as transformative practice*, AFRICAN SUN MeDIA, Stellenbosch, 2018, p. 18.

<sup>77</sup> S. VERMEYLEN, *Canvases as legal maps in native title claims*, in U. DIECKMANN (Ed.), *Mapping the Unmappable? Cartographic Explorations with Indigenous Peoples in Africa*, Transcript Verlag, 2021, pp. 261–290.

<sup>78</sup> J. BOESTEN, H. SCANLON (Eds.), *Gender, transitional justice and memorial arts: Global perspectives on commemoration and mobilization*, Routledge, Oxon, New York, 2021; E. FRASCO, L. SHERR, M. C. DEDIOS SANGUINETI, N. VERA SAN JUAN, R. BURGESS, *The impact of creative arts-based interventions for mental health in conflict-affected contexts: A systematic narrative review*, in *Mental Health*, 7, 2025; E. GARNSEY, *Rewinding and unwinding: Art and justice in times of political transition*, in *International Journal of Transitional Justice*, 10, 3, 2016; A. KURZE, C. K. LAMONT (Eds.), *New critical spaces in transitional justice: Gender, art, and memory*, Indiana University Press, Bloomington, 2019, Part I; P. D. RUSH, O. SIMIĆ (Eds.), *The arts of transitional justice: Culture, activism, and memory after atrocity*, Springer, New York, 2014.

reparation, rooted in recognition, transformation, and participation. The next two sections develop this argument in more detail. Section 5.1. turns to theory, examining how artistic practices can acknowledge and begin to address women’s experiences of harm, foster their agency, and challenge the structures that sustain gender-based violence, including by creating spaces in which women’s voices and experiences acquire public resonance. Section 5.2. then moves from theory to practice, analyzing *Fragments, Espacio de Arte y Memoria*—a counter-monument in Bogotá co-created by women survivors of sexual violence during the recent armed conflict—to explore how the reparative potential of art can be realized in concrete terms.

### 5.1. The role of art in engendering reparation.

Since ancient times, art has transcended the realm of aesthetics. In the face of personal or collective crises, individuals and communities have turned to expressive forms such as music, dance, storytelling, and the visual arts to process their lived experiences and help rebuild social cohesion<sup>79</sup>. In more recent decades, the potential of artistic practices as resources for emotional, psychological, and relational survival has also been increasingly recognized within therapeutic settings. Art has become an effective tool in interventions aimed at supporting and rehabilitating individuals who have endured traumatic events, including gender-based violence such as sexual assault, domestic abuse, and trafficking for sexual exploitation<sup>80</sup>. Within these contexts, art<sup>81</sup> and art therapy<sup>82</sup>—when grounded in a feminist framework—have proven effective

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<sup>79</sup> Among many others, E. DISSANAYAKE, *Homo Aestheticus: Where Art Comes From and Why*, University of Washington Press, Seattle, 1995.

<sup>80</sup> Among others, S. L. BROOKE, *Art therapy: An approach to working with sexual abuse survivors*, in *The Arts in Psychotherapy*, 22, 5, 1995; C. A. MALCHIODI, G. MILLER, *Art therapy and domestic violence*, in C. A. MALCHIODI (Ed.), *Handbook of art therapy* (2nd ed.). Guilford Press, New York, 2011. Art can also be a valuable means of more deeply exploring the experiences of abuse suffered by women, as discussed in J. BIRD, *Art therapy, arts-based research and transitional stories of domestic violence and abuse*, in *International Journal of Art Therapy*, 2017.

<sup>81</sup> Artistic expression and the representation of women—or female experience—in art have traditionally reflected deeply patriarchal and male-dominated dynamics. Women have not been active protagonists in the artistic narratives that concern them, but rather the objects of a voyeuristic, objectifying “male gaze”. They are positioned as something to be looked at and assigned meaning, rather than as subjects with their own agency—capable of constructing meaning, identity, and visions of the world. This dynamic is especially evident in painting and cinema, where female figures are often portrayed as objects of visual pleasure. Within this framework, the (male, heterosexual) viewer occupies the role of active, looking subject, while the woman is represented passively, as an eroticized visual object. This mechanism reflects broader gendered power relations: the act of looking has historically been a privilege of those in positions of power (men), while being looked at is the role assigned to those subjected to it (women). See L. MULVEY, *Visual pleasure and narrative cinema*, in *Screen*, 16, 3, 1975. In contrast, feminine and feminist aesthetics articulate a plural and “female” gaze that subverts the passive role traditionally assigned to women, restoring their agency as active subjects. This perspective rejects the objectified, passive depiction of the female body and instead foregrounds women’s subjective, emotional, and relational experiences. The female gaze does not simply invert traditional roles; rather, it seeks to generate new representational forms that render visible female will, complexity, and agency. See, among others, I. BREY, *Le regard féminin: Une révolution à l’écran*, Éditions de l’Olivier, Paris, 2020; B. HOOKS, *Black Looks: Race and Representation*, South End Press, Boston, 1992.

<sup>82</sup> Traditional therapeutic approaches often fall short in adequately addressing gender-specific concerns. Many models overlook the ways in which gendered power dynamics, structural inequalities, and social expectations shape women’s

not only in helping women confront and process their histories of victimization, but also in fostering both personal and systemic transformations aimed at empowerment and the dismantling of structural and gender-based inequalities.

A deeper examination begins with the distinctive features of artistic expression. First, art offers an *immediate* and *accessible* mode of communication, particularly significant for survivors of severe violence. Traumatic events, such as those related to gender-based violence, often lead to disorientation and impair the ability to articulate what has happened through words alone. In such cases, art serves as a medium to express profound emotional truths and facilitate reconnection with the self<sup>83</sup>. Along these lines, studies involving women survivors of sexual abuse show that painting can render visible what would otherwise remain hidden and unspoken, while dance helps restore embodied awareness. These practices provide a more direct and safer engagement with trauma, enabling survivors to begin integrating their painful experiences into their narratives without becoming overwhelmed<sup>84</sup>.

Second, art offers an *authentic* space for self-expression, allowing survivors to articulate their stories through forms that are meaningful to them. This process holds particular significance for women, as gender-based violence is often represented—and socially perceived—through abstract and stereotypical accounts shaped by the dominant patriarchal culture. Such portrayals risk flattening the complexity of individual realities and may contribute to a form of re-victimization by reproducing patterns and images that fail to accurately reflect the lived experiences of survivors<sup>85</sup>.

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lived experiences—particularly in contexts of violence, trauma, and marginalization. As a result, therapy may risk individualizing problems that are deeply embedded in broader socio-cultural structures, rather than acknowledging and addressing the systemic nature of women's suffering. See, among others, L. S. BROWN, *Subversive Dialogues: Theory in Feminist Therapy*, Basic Books, New York, 1994. Feminist approaches to therapy emerged in response to these limitations, emphasizing the need to situate personal experiences within broader social and political contexts. Rather than treating the individual in isolation, feminist therapy seeks to reveal how systems of oppression, patriarchy, and gender norms contribute to psychological distress. It promotes egalitarian relationships between therapist and client, values the client's voice and lived experience, and often integrates activism and social change into the therapeutic process. In doing so, feminist therapy not only fosters individual empowerment but also challenges the structural conditions that perpetuate gender-based harm. For further discussion, C. J. BLACK, *Translating Principles into Practice: Implementing the Feminist and Strengths Perspectives in Work with Battered Women*, in *Affilia*, 18, 3, 2003; C. Z. ENNS, *Feminist Theories and Feminist Psychotherapies: Origins, Themes, and Diversity*, Haworth Press, Binghamton, 2004.

<sup>83</sup> C. A. MALCHIODI, *Trauma and Expressive Arts Therapy. Brain, Body, and Imagination in the Healing Process*, The Guilford Press, New York, London, 2020, pp. 2-12; C. A. MALCHIODI, G. MILLER, *Art therapy and domestic violence*, *cit.*, p. 336.

<sup>84</sup> C. EASTWOOD, *Art therapy with women with borderline personality disorder: A feminist perspective*, in *International Journal of Art Therapy*, 17, 3, 2012, p. 108; L. J. MILLS, J. C. DANILUK, *Her body speaks: The experience of dance therapy for women survivors of child sexual abuse*, in *Journal of Counseling & Development*, 80, 1, 2002, p. 82.

<sup>85</sup> P. DE GREIFF, *Preface: On Making the Invisible Visible: The Role of Cultural Interventions in Transitional Justice Processes*, in C. RAMÍREZ-BARAT (Ed.), *Transitional Justice, Culture, and Society: Beyond Outreach*, Social Science Research Council, New York, 2014, pp. 18-20. In this light, the case of a group of Sierra Leonean women who complemented their formal court testimonies with a theatrical performance is compelling. As one of the participants stated, this artistic act allowed them to communicate the emotional weight and intricacy of their stories with greater resonance, fostering deeper understanding among the court personnel. See S. STEPAKOFF, *Telling and Showing: Witnesses Represent Sierra Leone's War Atrocities in Court and Onstage*, in *TDR: The Drama Review*, 52, 1, 2008, p. 22.

From these perspectives, art emerges as a tool of recognition and healing: it is an active process of working through victimization, in which the artist acknowledges the emotional and existential ruptures caused by violence and begins to confront them. At the same time, the emancipatory and transformative potential of art begins to unfold. By *actively* engaging with trauma, artistic creation enables women to distance themselves from the traditional image of the *passive* victim, thereby restoring their sense of agency.

More precisely, the emancipatory power of art lies first and foremost in the very act of creation. Giving shape to something new out of traumatic experience allows women to reframe what happened in ways that feel more manageable. Through creative engagement, they may begin to see how emotional turmoil can be contained, reinterpreted, or even reclaimed. Such a process fosters self-esteem, strengthens a sense of inner resilience, and helps restore trust in one's inner resources—key steps in rebuilding agency<sup>86</sup>.

At the same time, art can be emancipatory for women as it generates awareness. It can help them realize the unequal power structures that shape their lives—structures that confine them to positions of subordination and control. Such awareness emerges through a process of symbolic externalization, in which images and materials give tangible form to experiences of marginalization, constraint, and violence. By making these dynamics visible, artistic practice enables personal reflection on one's identity, lived reality, and social role as a woman and can support transformative change<sup>87</sup>.

Finally, art is also emancipatory and transformative in that it serves as a concrete tool for empowerment. An example comes from an embroidery workshop with Bedouin women in southern Israel, where one participant created two dolls representing a sheik and his wife. Although the wife appears submissive, she is shown ignoring her husband's commands. The irony embedded in the scene turns the embroidery into a subtle act of resistance, allowing the woman to express her defiance of patriarchal norms in a way that was immediately understood within the group<sup>88</sup>. Narrating one's condition of pain or subjugation through aesthetic forms thus opens the possibility of initiating a path of identity reconstruction.

In this context, it is important to note that artistic expression is, by nature, outward facing: through the creative act, intimate experiences are shared with an audience, who in turn engages in a personal

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<sup>86</sup> M. FRANKLIN, *Art Therapy and Self-Esteem*, in *Art Therapy: Journal of the American Art Therapy Association*, 9, 2, 1992, p. 80; See also S. L. BROOKE, *Art therapy, cit.*, pp. 448-449.

<sup>87</sup> K. WRIGHY, *The Re/Imaginations in Art Psychotherapy for Girls and Young Women*, in A. HUET, L. KAPITAN (Eds.), *International Advances in Art Therapy Research and Practice: The Emerging Picture*, Cambridge Scholars Publishing, Newcastle upon Tyne, 2021, pp. 297-302. See also S. HOGAN, *Problems of identity: Deconstructing gender in art therapy*, in S. HOGAN (Ed.), *Revisiting feminist approaches to art therapy*, Berghahn Books, Oxford, New York, 2012, pp. 28-29.

<sup>88</sup> M. KATOSHEVSKUI, E. HUSS, *Using crafts in art therapy through an intersectional feminist empowerment lens: The case of Bedouin embroidery in Israel*, in L. LEONE (Ed.), *Craft in Art Therapy: Diverse Approaches to the Transformative Power of Craft Materials and Methods*, Routledge, New York, 2020, pp. 150-151.

reinterpretation of what is presented<sup>89</sup>. This dynamic positions art as a collective and relational space, with significant implications at multiple levels – both in terms of recognition and in fostering personal and systemic transformation.

To begin with, the encounter with a work of art elicits a sensory response. Before any intellectual understanding can take shape, the viewer experiences the artwork physically—they ‘feel’ it. This visceral engagement enables the emotions embedded in the piece to be recognized and even held by another person. In the case of a work that conveys a woman’s pain, such moments of empathic connection allow trauma to begin emerging from isolation, opening up the possibility for psychological repair<sup>90</sup>.

This proximity, however, is not limited to feeling alone. From the perspective of the artist—a woman who has experienced violence or oppression—having her pain acknowledged by the viewer can initiate a redefinition of subjectivity. After all, subjectivity is shaped in relation to others: revealing one’s suffering, sharing it, and seeing it mirrored in another’s emotional response enables the artist to begin to reimagine herself outside the frame of victimhood<sup>91</sup>. From the viewer’s standpoint, on the other hand, empathy becomes a doorway to thought. The sensory impact of the artwork can spark critical reflection, prompting an internal dialogue about the work’s meaning and the realities it exposes<sup>92</sup>. In this way, art becomes a catalyst for awareness, allowing the viewer to perceive aspects of reality that may have previously gone unrecognized<sup>93</sup>.

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<sup>89</sup> A. CIURLO, *L’arte nella costruzione della memoria collettiva colombiana: l’apporto della diaspora in Europa*, in REMHU, *Revista Interdisciplinar Da Mobilidade Humana*, 29, 62, 2021, p. 68.

<sup>90</sup> In this regard, the literature on art therapy emphasizes the crucial role of the encounter between the trauma survivor and the therapist. Art therapy becomes a true healing process when the individual undergoing treatment is able to give shape to their trauma through creative expression. In this dynamic, the therapist does not act as a distant evaluator but as an empathetic, attuned witness—someone who receives, contains, and validates what is being expressed. The therapeutic relationship thus becomes a relational space where pain can be externalized and symbolized, and where the empathetic presence of another person makes it possible for the survivor to begin integrating the traumatic experience, no longer in isolation but through connection with another human being. See, among others, H. BURT, *Women, Art Therapy and Feminist Theories of Development*, in S. HOGAN (Ed.), *Revisiting feminist approaches to art therapy*, cit., pp. 74-75. Yet this kind of empathetic connection is not limited to the therapeutic dyad. Trauma can also be processed and shared through art in public or community spaces, where the presence of a broader audience becomes part of the healing process. See C. A. MALCHIODI, *Trauma and Expressive Arts Therapy*, cit., pp. 118-122.

<sup>91</sup> Not in explicit reference to art, see J. BUTLER, *Giving an Account of Oneself*, Fordham University Press, New York, 2005.

<sup>92</sup> J. BENNETT, *Empathic Vision: Affect, Trauma, and Contemporary Art*, Stanford University Press, Stanford, 2005, pp. 7 and 35 ff.

<sup>93</sup> An example of this process can be seen in *Wila Patjbaru/Sobre la sangre* (2017) by Teresa Margolles. The work consists of a large textile soaked with the blood of ten women murdered in acts of femicide in La Paz, Bolivia, and embroidered by local artisans using traditional motifs from Bolivian folk-dance costumes. The piece confronts how gender-based violence is often hidden or downplayed beneath layers of cultural and folkloric expression. The use of blood creates a powerful sensory shock that engages the viewer emotionally and, subsequently, draws them into a critical reflection on the systemic violence and injustice it evokes. See ARTEINFORMADO, *Sobre la sangre* (retrieved from the [ArteInformado website](#)); J. SKELLY, *Hard touch: Gore capitalism and Teresa Margolles’s soft interventions*, in *H-ART: Revista de Historia, Teoría y Crítica de Arte*, 6, 1, 2020.

The sensory and cognitive impact of art can therefore open pathways to generative insight, ultimately serving as a vehicle for political critique and social transformation. Art is never neutral; it positions itself within the visible field and has the capacity to reveal the contradictions, exclusions, and conflicts that shape societies. In doing so, it contributes to the construction, legitimation, or contestation of the dominant symbolic order<sup>94</sup>. As such, art is a space of confrontation, resistance, and collective transformation. This is especially true in the case of works created by women who have been silenced, oppressed, or subjected to gender-based violence. Here, the artwork is not merely a representation of the female experience but allows such experiences to emerge and articulates new possibilities for existence in the public sphere. After all, “[t]he function of art is to do more than tell it like it is—it’s to imagine what is possible”<sup>95</sup>.

## 5.2. From weapons to resistance: the case of *Fragmentos, Espacio de Arte y Memoria*.

Gender-based violence has been one of the most pervasive and devastating features of the Colombian conflict. Armed groups systematically employed sexual violence as a weapon of war, not only to intimidate communities and assert territorial control, but also to reinforce traditional gender roles and perpetuate patriarchal structures through the domination of women’s bodies. Moreover, Colombian women were subjected to reproductive violence, forced displacement, land dispossession, the loss of family members, and social stigmatization, all of which deepened their marginalization and undermined prospects for post-conflict reconciliation<sup>96</sup>.

At the same time, the Colombian case stands out for the notable attention paid to gender-based violence in the peace process, as well as for the meaningful involvement of women in it. During the peace negotiations between the Colombian government and the FARC in Havana, women participated in a significant and unprecedented way, representing not only the government and the guerrillas but also victims’ organizations<sup>97</sup>. Although the *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera* [Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace], signed in 2016 and revised in 2017, partially weakened the momentum for gender justice that had emerged during the talks, it nevertheless preserved opportunities for developing

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<sup>94</sup> C. MOUFFE, *Artistic activism and agonistic spaces*, in *Art & Research*, 1, 2 (retrieved from the [Journal website](#)).

<sup>95</sup> B. HOOKS, *Art on my mind: Visual politics*, The New Press, New York, 1995, p. 128.

<sup>96</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *La guerra inscrita en el cuerpo: Informe nacional de violencia sexual en el conflicto armado*, 2017, pp. 47-54.

<sup>97</sup> As part of this process, the Gender Subcommittee was established in 2014 to review all documents produced during the peace negotiations, ensuring their alignment with gender-sensitive language and provisions. See L. ESTUPIÑÁN-ACHURY, N. D. ANZOLA VIRGÜEZ, *cit.*, p. 76.

gender-sensitive approaches. Within this broader framework, artistic practices began to emerge as forms of both memorialization and reparation for Colombian women.

The Colombian Peace Agreement is structured around six core components: 1) Comprehensive rural reform; 2) Political participation; 3) Ceasefire, cessation of hostilities, and laying down of arms; 4) Solution to the problem of illicit drugs; 5) Victims; and 6) Implementation and verification mechanisms. Art as a peace-building practice is most directly connected to two of these components. Specifically, point 5 (Victims) emphasizes the importance of symbolic reparations, including commemorative and inclusive initiatives aimed at restoring victims' dignity. Even more crucial, however, is point 3 (Ceasefire, cessation of hostilities, and laying down of arms), which calls for the surrender and destruction of weapons by the FARC-EP and their symbolic transformation into three commemorative monuments—one at the United Nations headquarters, one in the Republic of Cuba, and one in Colombia (para. 3.1.7). Among these three monuments, *Fragmentos, Espacio de Arte y Memoria*, the one created in Colombia, is particularly significant for its gendered approach to memory and symbolic reparation.



Fig. 1: *Fragmentos*, entrance of the building<sup>98</sup>.

*Fragmentos* is a site-specific art installation located within the ruins of a 19th-century colonial house. The space features raw white walls and relatively high ceilings, with the ruins carefully preserved and made visible from within through large glass panels. This design choice underscores the installation's character as a liminal space—“[a] space that remains somewhere between the past and the present, life and death, the ruin and something that dwells on within”<sup>99</sup>. The installation comprises three rooms: two host temporary exhibitions, while the third projects a video documenting the creation process of the work. At

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<sup>98</sup> Source: [Website of Granada Garcés Arquitectos](#), the studio in charge of the architectural and musicographic intervention of *Fragmentos*.

<sup>99</sup> M. D. R. ACOSTA LÓPEZ, *Rendering the unheard-of believable: On Fragmentos by Doris Salcedo and Duelos by Clemencia Echeverri*, in L. BRITTO, A. R. LÓPEZ-PEDREROS (Eds.), *Histories of perplexity: Colombia, 1970s–2010s*, Routledge, New York, Abingdon, 2024, p. 404.

its core lies a floor made from 37 tons of melted weapons, transformed into tiles by 11 women<sup>100</sup> survivors of sexual violence during the Colombian conflict. The project was led by the Colombian sculptor Doris Salcedo, renowned for works that reflect on violence, memory, and collective trauma<sup>101</sup>.



Fig. 2: *Fragments*, hall, floor, and ruins<sup>102</sup>.

*Fragments* is thus the material outcome of the survivors' own labor. They physically engraved, hammered, and shaped the metal tiles that make up the floor, imprinting upon them both the physical and symbolic traces of what they endured. The surface of the tiles is not entirely smooth: "just like the scars left by the physical, psychological, and sexual violence suffered by these women, the metal sheets retain the marks of the blows they received"<sup>103</sup>. The artwork, therefore, embodies the experience of the women, who find in art a safe and authentic channel of expression, free from stereotypical rhetoric and representational constraints<sup>104</sup>.

One of the first things that strikes the visitors to *Fragments* is that, although it expresses pain, it does not dwell on the brutal details of the events that shaped the lives of Colombian women during the conflict. As noted, the central element is a floor forged by the women themselves, while the surrounding space remains empty, occasionally hosting temporary exhibitions. These features align with Salcedo's broader

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<sup>100</sup> Both academic and non-academic sources discussing *Fragments* differ in reporting the number of women involved in its creation. In this work, the number of participants is identified as eleven, based on the list of names provided in the official video by the Museo Nacional de Colombia documenting the making of the piece. These eleven women are: Sirley Dominicó, Estebana Roa Montoya, Magaly Belalcazar, Nelcy Ramos, Nidia Cortés, Fulvía Chungana, Ángela María Escobar, Alejandra Vera, Marisol Betancourt Nupàn, Nancy Gómez Ramos, and María Felicitas Valderrama. See MUSEO NACIONAL DE COLOMBIA, *Fragments* [Video], YouTube 2020 (retrieved from the [YouTube channel of the Museo Nacional de Colombia](#)).

<sup>101</sup> MUSEO NACIONAL DE COLOMBIA, *Fragments*, *op. cit.*

<sup>102</sup> Source: [Website of Granada Garcés Arquitectos](#), the studio in charge of the architectural and musicographic intervention of *Fragments*.

<sup>103</sup> J. MARTÍNEZ, *Un territorio acechado: realismo espectral en Fragmentos de Doris Salcedo*, in *Revista de Estudios Colombianos*, 55, 2020, p. 44 (my translation).

<sup>104</sup> RED DE MUJERES VÍCTIMAS Y PROFESIONALES, *Fragments: nuestra reparación*, in *Revista Arcadia*, n.d. (retrieved from [Revista Arcadia website](#)).

artistic approach: though deeply political and critical, her work refrains from depicting violence explicitly. In her view, this restraint enables viewers to focus on loss, on grief, and on what remains—or does not remain—after violence<sup>105</sup>. This is also what emerges in *Fragmentos*. As the artist herself has pointed out, “[t]his work presents only emptiness and absence, because it is precisely through these elements that I can convey the utterly irredeemable nature of war”<sup>106</sup>. In a similar vein, she stressed that it is “an empty, a silent place, because war reduces us to silence and creates a void, a sense of emptiness”<sup>107</sup>. The emptiness and the presence of the floor alone are designed to evoke an emotional response: these are the features that speak directly to the visitor and create an empathetic connection with the women who made the work.



Fig. 3: *Fragmentos*, floor and void<sup>108</sup>.

At the same time, the empty space and the floor are also meant to elicit a cognitive response in the viewer, encouraging both personal and collective reflections on the Colombian conflict and on the ways in which women experienced it. As some visitors have observed, “[t]his place is a place of peace, of reconciliation, but it is also a place that reminds us of our history, of the events that shape and form us as Colombians”<sup>109</sup>. Importantly, these reflections do not occur through the imposition of a fixed interpretation of events, as the monument-like nature of *Fragmentos* might initially suggest. On the contrary, they arise from the viewers’ personal encounter with the environment. Indeed, *Fragmentos* is not a monument, but a counter-

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<sup>105</sup> M. SAONA, *Touching pain: The matrixial experience of trauma in works by Doris Salcedo*, in J. BOESTEN, H. SCANLON (Eds.), *Gender, Transitional Justice and Memorial Arts*, Routledge, Oxon, New York, 2021, pp. 194-195.

<sup>106</sup> M. B. SÁEZ DE IBARRA, *Fragmentos: un lugar común*, in *Revista Arcadia*, n.d. (retrieved from [Revista Arcadia website](#)).

<sup>107</sup> MUSEO NACIONAL DE COLOMBIA, *Fragmentos*, cit.

<sup>108</sup> Source: [Website of Granada Garcés Arquitectos](#), the studio in charge of the architectural and musicographic intervention of *Fragmentos*.

<sup>109</sup> S. VARGAS MARTÍNEZ, *Análisis para la musealización del conflicto armado en Colombia*, in *Actas. Red Latinoamericana de Metodología de las Ciencias Sociales*, 2023, p. 5 (my translation).

monument, as Salcedo herself has emphasized<sup>110</sup>. It is not a “vertical, phallic space tied to the visual tradition of war”, meant to convey a triumphant narrative. Rather, it is a “horizontal and open space”, intended to allow diverse lived realities to surface and to foster situated memories and thoughts<sup>111</sup>.

For the artist, these aspects are essential. The main objective of *Fragmentos* is, in fact, to “make the present sensitive to a plurality of pasts that resist disappearance, including those that do not let themselves be told, represented, or collected in official narratives. The floor tiles and the open space demarcated by *Fragmentos* are there to enable other modes of resonance for sounds that might otherwise remain unheard”<sup>112</sup>. In this sense, *Fragmentos* functions as a “medium”—it is a place “to be haunted by the presence of the absent and by silenced whispers that continue to struggle to be heard”<sup>113</sup>. It is precisely in the encounter with something not physically present but deeply felt that a dialogue may unfold—even a dissonant one—opening the way for a multiplicity of thoughts and, consequently, of memories<sup>114</sup>.

Within this dynamic, the possibility arises for a dual recognition of the women who took part in the creation of *Fragmentos*—and, by extension, for all those who, like them, endured violence and abuse during the conflict. First, the emotional response elicited by the work entails an acknowledgment of the pain these women suffered, thereby affirming the dignity of their experience as victims. Second, the viewer’s engagement with the outcome of their labor invites recognition of something beyond suffering. The fact that the women themselves forged the floor represents an active response to trauma: *Fragmentos* is not only a site of testimony, but a deliberate act of reclaiming agency and initiating renewal. In this way, the women appear not merely as passive victims, but as active subjects capable of reshaping their lives and contributing to the construction of a peaceful democratic order.

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<sup>110</sup> On the topic, P. VIOLI, *Story of a counter monument: Doris Salcedo’s Fragmentos in Bogotá*, in *Punctum: International Journal of Semiotics*, 5, 2, 2019, pp. 64 ff. The term “counter-monument” emerged in Germany in the context of postwar reflection on the Holocaust. Given the challenges of commemorating historical events marked by collective guilt, German artists developed a form of remembrance that deliberately rejected the celebratory and authoritative rhetoric of traditional monuments. Instead, they embraced principles of instability, impermanence, active public engagement, and critical reflection on memory. See J. E. YOUNG, *The Counter-Monument: Memory against Itself in Germany Today*, in *Critical Inquiry*, 18, 2, 1992.

<sup>111</sup> M. ALLENDE CONTADOR, *Monumentos actuales para territorios con conflictos imperecederos, permanentes, constitutivos, instituyentes, legendarios, pero muy, pero muy reales*, Ciclo de conversaciones abiertas sobre el momento social y la ciudad que vivimos. Barco Galería para la Arquitectura, 2020, p. 2 (my translation). See also M. B. SÁEZ DE IBARRA, *Fragmentos: un lugar común*, cit.

<sup>112</sup> M. D. R. ACOSTA LÓPEZ, *Rendering the unheard-of believable*, cit., p. 407.

<sup>113</sup> J. MARTÍNEZ, *Un territorio acechado*, cit., p. 46 (my translation).

<sup>114</sup> From this perspective, *Fragmentos* can be described as a “performative monument”. Unlike traditional monuments, these monuments do not simply “represent” memory—they stage it, creating spaces open to confrontation, reinterpretation, and critique. Here, performance becomes a means of challenging dominant narratives and giving voice to marginalized or traumatic memories. See M. WIDRICH, *Performative monuments: The rematerialisation of public art*, Manchester University Press, Manchester, 2014.

This understanding, as may be perceived by the viewer, emerges clearly from the accounts of the artists. For them, being involved in the creation of *Fragmentos* was a way to release their anger and embark on a genuine process of healing, personal reconstruction, and empowerment. In their own words:

“When we had to go to Bogotá to melt down the metal, and we made the “boom boom boom!” noises, which sounded like gunshots, the first thing we felt was anger and we started to hit it hard, really hard, and we worked fast, and went and got other sheets of metal, and hit those hard too”.

“Hammer strokes full of anger and fury, for myself and others, hammering out my own story and that of other people, because I’ve listened to the stories of other women who were victims of this, and you go on hammering”.

“I start to get the poison out of my system, you could say. I find an outlet for my anger, and I have all those thoughts about what happened. Then you go on hammering and beating, get rid of that poison and start to feel a little bit of relief”.

“I gave it everything, with each stroke of the hammer. I beat down on those memories, molded my memories onto this sheet of metal, and then I felt really proud that I’d done it because here I was, pounding everything that happened to me into this object”<sup>115</sup>.

“Hearing the sound of the hammers striking the metal molds and feeling the fatigue in our hands from repeatedly performing this action were exercises that represented a process of catharsis and liberation for us, during which we also experienced mixed feelings such as anger and pain. However, while reliving our painful experiences, we were also touched by feelings of hope and dignity because we were aware of the place where we stood”<sup>116</sup>.



Fig. 4: *Fragmentos*, metal tiles<sup>117</sup>.

As these testimonies suggest, the creative process allowed the women to face their painful experiences without being overwhelmed. Hammering became a way to channel their pain, summon inner strength,

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<sup>115</sup> MUSEO NACIONAL DE COLOMBIA, *Fragmentos*, *cit.*

<sup>116</sup> RED DE MUJERES VÍCTIMAS Y PROFESIONALES, *Fragmentos*, *cit.*

<sup>117</sup> Source: [Archivio Código](#).

and begin to process what they had lived through<sup>118</sup>. At the same time, the act sparked both personal and symbolic renewal. Transforming weapons—once instruments of violence—into something lasting and meaningful triggered a renewed sense of self and belief in their capacity to act. As Salcedo observed, “[t]he women’s reaction was extraordinary because of their awareness that the gun’s meaning was being transformed by their agency of hammering and reshaping the metal. They were quite moved to realise that they were making art and history”<sup>119</sup>.

Within this framework, the potential for social transformation also emerges. *Fragmentos* centers on women—those who disproportionately bore the weight of the conflict due to intersecting forms of oppression and specific historical and socio-economic conditions. This focus carries emancipatory significance in itself: by speaking out and asserting their own histories, the women challenge the patriarchal power structures of Colombian society. On a collective level, however, it is public engagement that can foster relational and social practices capable of rejecting discrimination and oppression, opening up possibilities for more egalitarian and non-violent dynamics. The fact that *Fragmentos* stimulates dialogue and reflection encourages this process. Moreover, it symbolically enacts it: the material and its transformation stand for history, and for the fact that we, as individuals, have both the right and the power to change it.

*Fragmentos* has not been immune to criticism<sup>120</sup>, including from a gender perspective. Of particular relevance to discussions on gender-sensitive reparative practices is the observation that *Fragmentos* may not be a truly collaborative work: the women survivors of violence were not involved in the conceptual design, but only in the physical execution of the piece<sup>121</sup>. Further criticism has been directed at the video installation in one of the three rooms of *Fragmentos*, which explains the origins of the work. Although the women who participated in the project appear in the video, very little is shared about them: their names are only shown at the end, and for most of the video, their identities are confined to the role of victims, thus reproducing the conventional image of the suffering woman in need of protection<sup>122</sup>. Finally, Salcedo

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<sup>118</sup> This process was further enabled by the mutual support the women offered one another. As one participant in the project testified: “[w]hat I’m beginning to realize is that there are lots of other women in the same condition. That’s when I start to talk about it, then I feel free and start to escape from this glass case and understand, firstly, that I am not alone, and secondly, that I have rights and my dignity, which is even more important”. MUSEO NACIONAL DE COLOMBIA, *Fragmentos*, *op. cit.*

<sup>119</sup> A. SHAW, *Doris Salcedo’s army of women reshape the meaning of guerrilla weapons*, in *The Art Newspaper*, 2018, December 1 (retrieved from [The Art Newspaper website](#)).

<sup>120</sup> M. D. R. ACOSTA LÓPEZ, *Rendering the unheard-of believable*, *cit.*, pp. 406 ff.; C. ELSTON, *Nunca Invisibles: Insurgent Memory and Self-representation by Female Excombatants in Colombia*, in *Wasafiri*, 35, 4, 2020, p. 70; V. GUTIÉRREZ TURBAY, *Fragmentos de Doris Salcedo: Contra-monumentos, afectos, justicia y enfoque de género*, Programa de Magister en Estudios Latinoamericanos, Universidad de Chile, 2019, pp. 9 ff.; S. VARGAS MARTÍNEZ, *Análisis para la musealización del conflicto armado en Colombia*, *cit.*, pp. 11 ff.

<sup>121</sup> V. GUTIÉRREZ TURBAY, *Fragmentos de Doris Salcedo*, *op. cit.*, p. 11.

<sup>122</sup> *Ibid.*, pp. 9-10.

is said to aestheticize women's suffering in order to provoke compassion in the viewer. However, in doing so, she may risk obscuring the structural dimension of violence and failing to foster collective, critical, and political engagement necessary to challenge the *status quo*<sup>123</sup>.

These critiques are understandable and undoubtedly have some merit. However, it seems difficult to deny the potential of *Fragmentos*—at the very least—in offering participants a profound sense of recognition and personal empowerment. As suggested by research on the topic, when victims take part in the creation of a memorial—or of any symbolic gesture or object intended to acknowledge their suffering—the resulting work is more likely to hold real value for them, including in terms of psychological reparation<sup>124</sup>. Moreover, the social response to a memorial also matters<sup>125</sup>: the fact that *Fragmentos* received significant public visibility and engagement likely contributed to the women feeling seen and heard. As one woman involved in the project stated, “[b]eing able to work with Doris was a kind of recognition for us, for the victims. It was part of the process of making amends, of the reparations that we were never able to obtain”<sup>126</sup>. On this basis, despite its possible limitations, *Fragmentos* appears to represent a compelling example of how artistic practices can serve as a vehicle for promoting meaningful, gender-sensitive forms of reparation in post-conflict contexts.

## 6. Conclusion.

This study has examined the evolving landscape of reparation within transitional justice, with a particular focus on the gendered nature of harm and the potential of artistic expression to contribute to reparative efforts for women. Grounded in international law, the concept of reparation has undergone significant expansion—moving beyond a strictly legal and corrective model aimed at restoring the *status quo ante*, toward a more multidimensional, victim-centered, and transformative approach. This shift has been especially important in addressing the specific experiences and needs of women, whose suffering in conflict settings is shaped by intersecting forms of violence and structural inequality. These realities call for holistic strategies of reparation, which prioritize *recognition, transformation, and participation*.

Despite progress in international legal standards and policy commitments toward acknowledging women's roles and their positions in conflict, the practical implementation of gender-sensitive reparation remains uneven. Violence against women is still predominantly framed in terms of sexual or physical abuse, while women are mainly excluded from decision-making processes. Furthermore, symbolic forms of reparation frequently depoliticize women's experiences, reducing them to narratives of passive

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<sup>123</sup> *Ibid.*, p. 16.

<sup>124</sup> B. HAMBER, *Narrowing the micro and the macro*, *cit.*, p. 571.

<sup>125</sup> B. HAMBER, *Narrowing the micro and the macro*, *op. cit.*, p. 571.

<sup>126</sup> MUSEO NACIONAL DE COLOMBIA, *Fragmentos*, *cit.*

victimhood and thereby risking the reinforcement of gender-oppressive social structures. Crucially, reparation initiatives often fall short of fostering meaningful transformation, as they fail to address the root causes of gender inequality or to empower women to actively shape their futures.

Against this backdrop, this study has highlighted the potential of art to advance symbolic reparation practices that are genuinely gender-sensitive. As a bottom-up practice, art enables women to express their experiences of pain on their own terms, fosters moments of listening and acknowledgment, and affirms their resilience and humanity. In doing so, it creates space for both *participation* and *recognition*—and, ultimately, for identity reconstruction, healing, and empowerment. Moreover, as a medium of critical and political expression, art becomes a tool for *transformation*, capable of challenging gendered power structures and entrenched social inequalities.

These dimensions have been illustrated through the case of *Fragmentos*, a counter-monument built in Bogotá by women survivors of sexual violence during the Colombian armed conflict. Far from merely commemorating suffering, *Fragmentos* reworks it through an embodied and collective process that restores both visibility and agency to the women involved. It becomes a space for dialogue and reflection, challenges the silences of official narratives, and proposes alternative imaginaries that contribute to the goals of gender-sensitive reparation. As this experience demonstrates, when women participate in shaping their own reparation, memory becomes action and opens up to the concrete possibility of more equitable futures—anchored in dignity and the dismantling of structural inequalities.

Despite its limitations, the experience of *Fragmentos* illustrates not only the potential of art to meaningfully contribute to gender-sensitive reparation, but also the urgency of moving beyond liberal, top-down transitional justice frameworks. As widely noted in critical scholarship, conventional transitional justice paradigms often fail to engage with the lived realities of affected communities and overlook the structural injustices that shape their experiences. In response, an expanding body of literature calls for more grounded, participatory approaches—ones that focus on local voices, acknowledge cultural specificities, and treat survivors not as passive recipients but as agents of change<sup>127</sup>. In this context, artistic practices such as *Fragmentos* offer a compelling pathway. By enabling women to actively participate in shaping the narratives, forms, and meanings of their own reparation, such initiatives promote a more inclusive and transformative model of transitional justice that enables long-term social change and positive peace.

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<sup>127</sup> See *supra* note 69.