



# Restoring Sexual Dignity: Sexual Violence, Human Dignity and Transitional Justice in Colombia

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## Abstract

This article explores the role of human dignity in shaping policies and advocacy efforts, particularly in recognizing and addressing the harm caused by sexual violence against victims of Colombia's armed conflict. It focuses on women who have experienced sexual and reproductive violence, using the concept of sexual dignity to examine the mechanisms employed in Colombia's transitional justice process. The analysis draws on interviews, reports from the Truth Commission, the Historical Memory Group, laws and reports by victims' organizations, applying a binary model of "dignity takings" and "dignity restoration". The article proposes that policies for addressing the needs of victims of sexual violence should consider the multiple forms of dignity takings and dignity restoration experienced by victims. The article proposes a model with four binaries: body violation/body autonomy; lack of control over the future/control over the future; denial of the past/authorship of one's narrative; and shame/honour. It also addresses other forms of dignification, such as spiritual healing and community-building.

**Keywords:** Sexual dignity; sexual violence; reproductive violence; Colombian peace; transitional justice.

## Introduction

This article examines the role of human dignity in shaping policies and advocacy efforts, particularly regarding the recognition and redress of the harm caused by sexual violence against victims of the armed conflict in Colombia (1964–2016). By studying the concept of "sexual dignity" (High, 2021) in the context of transitional justice, the research suggests that we can enhance our understanding of the goals of transitional justice and help to develop guidelines for policy creation and implementation. For this project, we interviewed four stakeholders working directly with victims of sexual violence in Colombia in 2024: the Unidad de Víctimas (Victims' Unit);<sup>1</sup> the Jurisdicción Especial para la Paz (Special Jurisdiction for Peace, JEP); a women victims' organization; and a women's rights organization. The research followed a qualitative content analysis of documents from victims' organizations, legal norms and reports by transitional justice (TJ) institutions such as the reports surrounding Macro-case 11 from the JEP and reports on sexual violence developed by the Centro Nacional de Memoria Histórica (National Historical Memory Center, CNMH) and the Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (Commission for the Clarification of Truth, for Coexistence and Non-Repetition, CEV).<sup>2</sup> It also includes an analysis of videos of events organized by the CEV and its final report.<sup>3</sup>

This study faced the risk of contributing to over-emphasizing sexual violence as a form of gendered victimhood often overshadowing other forms of gender-based violence experienced by victims during conflict (Sánchez Parra, 2023). However, the topic of sexual violence was included in the research because in a survey on social representation of dignity in Colombia, 215 respondents identified sexual violence as the most representative form of dignity violation.<sup>4</sup> While perceptions of everyday



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notions of dignity varied across the respondents, there was a general view about the impact of sexual violence on dignity loss/violation. It became clear that the connection between sexual violence and the taking and restoration of dignity was an important avenue of research.

The focus of this article is conflict-related sexual violence, which refers to sexual violence committed as “an unlawful policy, tactic or strategy during armed conflict” (Gaggioli, 2014, p. 519). This type of sexual violence is not only committed opportunistically but is part of a strategy of war. Sexual violence in armed conflict is used as a tool to exert power and control over women, often in situations of territorial control and violent operations. It is used as a tool to dehumanize the opponent. In her work on politics of disgust and politics of the body, Debra Bergoffen (2020, p. 60) explains how conflict-related sexual violence was used as a tool to create body boundaries:

Tutsi women, degraded by public rapes, became living objects of disgust as their filthy and half naked living bodies were marched through towns and villages. Reduced to disgusting sex objects in death, their publicly displayed mutilated genitals produced lasting nauseating images that overwhelmed the claims of their living bodies’ right to exist.

This violence targets women’s dignity, intimacy and sexuality, presenting a continuous threat to their lives. It is also a means of suppressing women’s leadership and autonomy, marking them through the possession and subjugation of their bodies and minds (CEV, 2022a).

One goal of transitional justice is to restore victims’ rights, which involves the recognition of the harms that they suffered and the facilitation of the appropriate measures for their reparation. In the context of TJ, according to Habermas (2010), the notion of human dignity helps to identify the harms of human rights violations and define the remedy and best practices to address their remedy and victims’ rights to truth, justice and reparation. Domestic and international tribunals, such as the International Criminal Tribunals for the Former Yugoslavia and Rwanda, have recognized the dehumanization experienced by victims of sexual violence as outrages upon personal dignity (Sterio & Scharf, 2019). These crimes include practices “such as forced nudity (including forced public nudity), threats of sexual mutilation, rape, sexual violence, sexual exploitation (including the sale of victims to others as sexual slaves) and the constant fear of being subjected to sexual violence” (Oosterveld, 2019, pp. 209–210). To these globally recognized crimes of conflict-related sexual violence, Colombia’s Truth Commission was “the first truth-seeking transitional justice body worldwide to directly investigate [reproductive violence] ... and to include them in their final report” (Sánchez Parra, 2023, p. 29).

In Colombia, sexual violence disproportionately affects the most vulnerable populations, particularly Indigenous, peasant and Afro-Colombian women from lower socioeconomic backgrounds (CEV, 2022a). This article focuses on women victims of sexual and reproductive violence in the Colombian conflict, due to their over-representation among victims, although this does not mean that men and members of other gender identities were not victim of sexual and reproductive violence.<sup>5</sup> The Truth Commission reports that at least 32,446 people in Colombia had been victims of violations against their sexual freedom and integrity by 2022. Women and girls account for 92.5 per cent of these victims. Of the 1294 cases reported to the Commission, involving 1154 individuals who experienced sexual violence, 89.51 per cent were women and 10.49 per cent were men. Sexual violence was the fourth most commonly reported type of violence, with women experiencing an average of 1.3 incidents per event (CEV, 2022b). Sexual violence in the context of armed conflict is intertwined with other forms of violence, such as torture, kidnapping and the forced recruitment of minors. For instance, the Final Report of the Colombian Truth Commission revealed that among the testimonies of 775 children forcibly recruited by the Fuerzas Armadas Revolucionarias de Colombia (Colombian Revolutionary Armed Forces, FARC) guerrillas, there were 64 cases of forced abortion, in addition to 241 cases of women being coerced into using contraception (CEV, 2022a).

Despite the centrality of women victims of sexual violence in this research, I intentionally chose not to interview them due to ethical considerations. I have spoken to victims of conflict-related sexual violence during the execution of my research, but I deliberately avoided interviewing them to prevent the risks of revictimization, research fatigue and the emotional burden of repeatedly sharing their stories. This decision aligns with the principle of avoiding placing the burden of narrative solely on those who have suffered harm (Krystalli, 2021). Instead, this research is based on interviews with activists and civil servants working with victims of conflict-related sexual violence, the analysis of documents that include victim testimonies, reports on the harm caused by sexual violence and policies aimed at restoring the dignity of victims of sexual violence. Rather than focusing on personal experiences of violence and resilience, this study examines how the dignity of victims of conflict-related sexual violence, its loss and its restoration are socially represented, imagined, desired and articulated in law. This article uses a sociological perspective so the analysis of dignity and dignification of victims is in the context of its sociological implications, including its legal framework at international and domestic levels.

## Socio-legal Approaches to Human Dignity

Dignity is a broad concept that has significantly influenced human rights legislation and constitutions worldwide. Its roots are both secular and religious, with the Kantian principle of “treating others as ends rather than means” being particularly influential (Rosen, 2012, p. 10). Another important interpretation of dignity stems from the historical concept of a dignitarian subject, associated initially with nobility, or with an office and to those who hold or are worthy of such an office. In modern societies, this idea of dignity has been democratized and universalized to apply to all citizens (Waldron et al., 2012).

Dignity plays a crucial role in constitutional law, particularly in cases involving human rights violations where judges must navigate competing rights and personal autonomy. Judges often face challenging questions that reflect their own interpretation of dignity, such as whether a person can renounce their dignity by engaging in degrading behaviour, or whether autonomy, as the foundation of dignity, allows for such choices. Dignity helps to define “where ... the laws of the state end and the laws of the individual begin” (Daly, 2021, p. 130). However, determining what constitutes dignity and how it should be recognized and protected is not straightforward, leading some scholars to question its utility as a concept (Macklin, 2003). These complexities, along with the application of dignity in areas such as constitutional jurisprudence and environmental law, form the core of the socio-legal study of dignity.

Human dignity is also deeply connected to social movements. Francis Fukuyama (2012) emphasizes how the lack of recognition of the inner self’s worth and dignity is at the core of protests and politics of resentment. This has been evident in movements such as *La marcha de los indignados* (The Indignant Movement) following the 2008 financial crisis in Spain, Black Lives Matter, LGBTQI+ rights movements, the Tunisian Revolution of Dignity and the 2019 protests in Colombia. For example, in Chile protesters symbolically renamed a central location in Santiago as “Plaza Dignidad” (Dignity Square). The flexibility of the concept of human dignity allows it to be mobilized across diverse political agendas. Michael Goodhart (2014) suggests that dignity can serve as a bridge between normative and empirical work on human rights. He argues that the construction of a dignified human self-arises from our political engagement, describing dignity as “the ongoing effort to build and rebuild defenses against the inhumanity in our world” (p. 855).

Despite the prominence of the concept of dignity in human rights and social movements, the “dignity framing” of wartime rape has faced criticism from feminist scholars (High, 2021, p. 10). In conflict situations, sexual violence was historically overlooked in the language of international criminal law, and its recognition in courts such as the International Court of Justice (ICJ) has often stemmed from the broader social impacts of rape, such as its role in genocide and ethnic cleansing. A narrow interpretation of dignity, focused on how men perceive women in terms of their sexual honour, fails to adequately address the experiences of sexual violence victims. However, Anna High (2021) argues that a non-patriarchal understanding of dignity can better emphasize the impact of sexual violence by acknowledging the denial of a woman’s subjectivity, her autonomy and the objectification she endures. Before delving into the uses of dignity in working with victims of conflict-related sexual violence, the following section expands on the uses of human dignity in transitional justice in a more general perspective.

## Human Dignity in Transitional Justice

Transitional justice refers to the judicial and non-judicial mechanisms used to promote accountability and justice in the aftermath of conflicts, authoritarian regimes, wars and massive human rights violations, situations in which achieving justice is most challenging. These mechanisms have been applied in post-conflict societies such as those emerging from the Southern Cone dictatorships, South African apartheid, Eastern European post-communist transitions and European authoritarian regimes. More recently, transitional justice has also been explored in less-traditional contexts, such as the United States, Canada and Australia, due to its potential for pushing forward transformative justice initiatives (McGonigle Leyh, 2023). Colombia stands out as a significant case because it implemented transitional justice mechanisms even before a formal political transition began, and today is seen as a “laboratory of contemporary transitional justice” (Jespersgaard Jakobsen, 2024, p. 438), where a balancing act between local demands and standards in international law takes place.

Schneider and Esparza (2015) describe transitional justice as “both a discursive pattern and a set of socially embodied practices”, which include truth commissions, reparations, amnesties, lustration, memory initiatives and prosecutions (p. 15). Transitional justice poses distinct challenges for the socio-legal study of human dignity. Scholars of reparations and truth commissions often assert that one of the main aims of transitional justice is to restore the dignity of victims. Patricia Lundy (2011) argues that acknowledging suffering and wrongdoing and providing victims with the opportunity to share their stories contributes to restoring dignity and aids in the healing process. Commonly accepted beliefs, such as those of South Africa’s Truth and Reconciliation Commission, maintain that public testimonies “helped people to restore their human dignity”

(anonymous public testimony in Castillejo-Cuéllar, 2007, p. 34). Malamud-Goti and Grossman (2006) further argue that in a transitional democracy, the specific goal of compensating victims of human rights abuses is to restore their dignity and reintegrate them into civil society as equal citizens.

When addressing the impact of conflict-related sexual violence on victims, transitional justice must grapple with the challenge of recognizing the violation of a person's dignity and implementing measures to restore that dignity. Before discussing the specific elements that contribute to the dignity restoration of victims of conflict-related sexual violence, I will provide a brief overview of the general concept of dignity restoration within transitional justice. A more detailed explanation is available elsewhere (Rios Oyola, 2022).

The concept of dignity restoration encompasses more than just reparations for victims. In the case of South Africa, Bernadette Atuahene's (2014) work on dignity takings describes how losing access to rights, particularly property rights, can dehumanize or infantilize victims. Dignity takings occur when the state destroys or confiscates property rights, stripping individuals of their agency and autonomy. This concept extends beyond human rights abuses, framing the harm regarding lost dignity, agency, equal access and treatment. Atuahene's idea of dignity restoration involves property restitution or alternative compensation, reinstating victims as respected community members with voice, agency and the right to participate in the restoration process. In Colombia, dignity deprivation arises from widespread violence and deep-seated structural inequalities (Guzmán-Rodríguez, 2018).<sup>6</sup> Restoring victims' dignity in this context involves recognizing them as free and equal, restoring their agency and rebuilding the social fabric of their communities. The key challenge for TJ is not determining whether a person who has endured degrading treatment and human rights violations has lost their dignity but whether the social structure exists to recognize and uphold that dignity. If such a structure is lacking, TJ mechanisms aim to transform these conditions by addressing the social dimensions of dignification. As I have discussed elsewhere (Rios Oyola, 2022; Rios Oyola & Hormaza, 2023), dignification, or the restoration of dignity, encompasses several key elements:

1. *Psychosocial factors*. These are deeply connected to a person's identity and sense of self – something that can be nurtured through psychosocial support.
2. *Social factors*. These are deeply connected to the social bonds that allow individuals to live in a community. Restoring a victim's dignity requires rebuilding trust and the social fabric. This interrelational component also extends to a connection with nature and the environment, particularly among Indigenous groups (Townsend, 2015).
3. *Material factors*. These allow individuals and communities to live in dignified conditions, and beyond the stigma of poverty and marginalization (Grossman & Trubina, 2021).
4. *Political factors*. These recognize people's ownership of decisions that affect their life, including refusal to participate (acts of individual or collective resistance) (Holloway, 2010). In TJ, they can be perceived in how the victim-led social movements that demand the recognition of their dignity also influence transitional justice processes (Evrard et al., 2021).
5. *Cultural and spiritual factors*. These allow individuals to feel (re-)connected to their ancestors, the feeling of being loved by God again or being part of something larger than themselves. In transitional justice, the relevance of these factors can be observed in the role of funerary and healing rituals in overcoming the effects of human rights violations, such as forced disappearance or sexual violence (Igreja et al., 2008; Rios-Oyola, 2015).

## Sexual Dignity and Transitional Justice

I argue that there is a distinct aspect of dignification related to sexuality in transitional justice, a perspective influenced by Anna High's (2021) concept of sexual dignity. When conflict-related sexual violence occurs, it violates this sexual dignity, making its restoration essential for victims. This restoration requires meeting specific criteria. For clarity, this article presents these criteria as binaries, following Atuahene's (2016) concepts of "dignity takings" and "dignity restoration"; these models seek to represent on one hand the instance of dignity violation or dignity taking, and on the other hand the practice or process of dignity restoration. This conceptual choice does not mean, however, that the process of dignification is black and white, or that there is no spectrum in the experiences of victims. It also acknowledges the criticisms of the teleology of transitional justice, which is not a linear process that guarantees that no form of re-victimization or violation of dignity can happen after or during the implementation of transitional justice policies (Mueller-Hirth & Rios Oyola, 2018).

The concept of sexual dignity can shed light on some of the inherent challenges in working with victims of conflict-related sexual violence. As previously mentioned, "dignity has evolved from a narrow, patriarchal focus on individual honor to

something more broadly related to our humanity, encompassing both individual and communal dimensions” (High, 2021, pp. 9–10). This shift means that while sexual violence in the context of conflict was once seen as an affront to a woman’s honour, in terms of her respectability, it is now understood as the dehumanization that results from treating a woman as an object. Rather than focusing on how men perceive a woman’s sexual honour, the notion of sexual dignity centres on the woman’s personhood, both as an individual and as a social subject.

This perspective challenges patriarchal approaches to dignity-as-honour, such as those found in Article 27 of the Geneva Convention IV. High (2021), quoting Patricia Viseur Sellers and Indira Rosenthal, points out that the second paragraph of Article 27 states that women “shall be especially protected against any attack on their honour, in particular against rape” (p. 11). However, when we talk about sexual dignity and consider rape – especially in the context of conflict – as a violation of sexual dignity, we are not only referring to damage to honour or the indignity of the act: it is an attack on a woman’s personhood.

The concept of sexual dignity emphasizes “dignity as personhood”, offering a potentially more humanizing way to frame sexual violence, including wartime rape (High, 2021, p. 11). Drawing from the Colombian context, I have identified five binaries that help explain different dimensions of the recognition of personhood – in other words, steps towards the dignification for victims of conflict-related sexual violence. These binaries complement those observed in the factors mentioned above regarding a “general” abstract victim, which does not specifically address victims of sexual violence.

In Colombia, dignity has a strong influence in the constitutional law and in TJ (Cepeda Espinosa & Landau, 2017). The Colombian Constitution holds human dignity to be both a value and a right: Article 1 stipulates that the foundation of Colombia is based on respecting human dignity. Furthermore, Article 21 states that “the right to dignity is guaranteed. The law will provide the manner in which it will be upheld.” Additionally, the Colombian Constitutional Court has identified three clear lines for interpreting human dignity, stating:

Human dignity is understood as autonomy or as the possibility of designing a life plan (living as one wishes to live); human dignity is understood as certain material conditions (living well); human dignity is understood as intangible goods, i.e. physical and moral integrity (living without humiliation). (Sentence T-088/08, at 3.5.5)

The *Ley de Víctimas y de Restitución de Tierras 1448* (2011, The Victims’ Law) uses the terms “dignity” and “dignification” to define its goals, to describe how certain measures of satisfaction are implemented and to highlight the resilience of victims. For instance, Article 141 refers to measures related to symbolic reparation as “the public acceptance of the facts, the request for public forgiveness and the restoration of victims’ dignity” (2011). Additionally, *Decree 1480* of 2014 establishes a “National Day for the Dignity of Women Victims of Sexual Violence within the Framework of the Armed Conflict”, related to guarantees of non-repetition and the prevention of violations. This day intends to “honour the courage, work, and resilience of thousands of women who have suffered sexual violence, and to reaffirm their dignity while condemning this crime” (Decree 1480, 2014). Dignification is related to the notion of reparation, which in turn is connected to the transformative reparations goal. This means that instead of bringing victims to the situation in which they were before the crime took place, they seek to transform the sociocultural injustice and political and structural inequalities that affect women and girls. The United Nations (2014) has exposed this, maintaining that “reintegration and restitution are not enough in themselves as objectives of reparations, since the origins of the violations against women and girls precede the conflict situations” (p. 12).

However, dignification goes beyond reparation or transformative reparation. In Colombia, reparations for victims of sexual violence focus on “administrative reparation and direct reparation action when the perpetrator is a state agent” (Silva Fonseca, 2021, p. 42). Women’s organizations have criticized how “in the case of sexual violence, there is a systematic denial by the perpetrators to acknowledge its occurrence, a denial that is also accompanied by a lack of actions from the justice system to achieve recognition of the facts” (Silva Fonseca, 2021, p. 42). Furthermore, in terms of collective reparation, effective implementation is still pending and the meaningful participation of victimized women across different processes is lacking. Not all cases have seen intentional efforts by the Unit for Comprehensive Attention and Reparation for Victims to strengthen women’s effective participation in these spaces (GPAZ, 2021).

In this regard, the JEP, the domestic transitional justice tribunal, created Macro-Case 11 in September 2023 (JEP 2024a).<sup>7</sup> This case addresses non-amnestiable crimes committed during the armed conflict, particularly those motivated by prejudice, hate and gender or sexual discrimination, including crimes based on diverse sexual orientation, expression or identity. It would complement the missing recognition processes that have been identified in the *Sistema Integral de la Verdad, Justicia, Reparación y No Repetición* (Comprehensive System of Truth, Justice, Reparation and Non-Repetition). It is important to note that the JEP follows a constitutional and legal mandate of dignification, which means it consistently and continuously seeks to

establish actions of mutual and permanent recognition and the realization of the dignity of all participants in this Jurisdiction, as rights-holders, namely victims, communities and those appearing before it (JEP, 2024b).

The following binaries present the dimensions of dignification for victims of sexual violence. They follow the uses of human dignity present in Colombian and international legislation.

It is important to note that any process of dignification requires warranting the material conditions for living well and that sexual violence in wartime (and outside wartime) cannot be isolated from its socioeconomic and political context. It is no coincidence that the victims who have suffered the most instances of sexual violence in Colombia belong to sectors of the population that have historically been marginalized, such as Afro-Colombian women. Consequently, the following binaries take for granted the necessity of transforming the social conditions of victims and focus on other cultural and social elements that are necessary for their dignification.

### ***Body Violation/Body Autonomy***

One dimension of human dignity refers to intangible goods, such as physical and moral integrity, or what is commonly referred to as “living without humiliation” (Colombian Constitutional Court, Sentence T-088/08, at 3.5.5). Physical harm is experienced by victims of various human rights violations and atrocities, but the effects of sexual violence on victims are not solely experienced as pain and suffering. The extent of the harm produced by sexual violence on victims’ dignity was described by the International Criminal Tribunal for the former Yugoslavia’s (ICTY) judgment over the crimes committed from 1992 to about mid-1993, during the campaign that was part of an armed conflict between the Serb and Muslim forces in the wider region of Foca. The Tribunal found “Muslim women and girls, mothers and daughters together, robbed of the last vestiges of human dignity, women and girls treated like chattels, pieces of property at the arbitrary disposal of the Serb occupation forces”; the Tribunal explained how, beyond the pain inscribed in the body, this harm violates a woman’s dignity and their “fundamental human right to sexual self-determination” (ICTY, 2001). Furthermore, the victim might not experience physical pain, such as in the case of forced nudity, but the integrity of her body might still be compromised. The ICTY court established that rape could be considered a crime against humanity by linking “a woman’s humanity and her sexual integrity” (Bergoffen, 2003, p. 119). This affirmation not only addresses the harms that occur to the female body but highlights the unique vulnerability of the human body in general.

Dignity violation occurs not only through the degrading treatment and suffering that happens to and within the body, but in terms of the reduction of “individuals to a state where they are unable to make decisions and have autonomy over their own bodies, as well as their sexual and reproductive rights” (CNMH, 2018, p. 10). In Colombia, the CEV has provided a strong emphasis on the effects of the war on women’s bodies, with the title of the report on experiences of women and LGBTQI+ people in the armed conflict entitled *Mi Cuerpo es la Verdad* (My Body is the Truth) (CEV, 2022b). The CEV defines the effects on armed actors’ control over women’s bodies:

Control was exercised in many ways, for example, by using women’s bodies as a battleground, war spoils, sources of pleasure, entertainment, or compensation; as labour forces; or as spaces for sending messages. This forced women to dissociate from their bodies. Armed actors inscribed themselves on women’s bodies, marking them, violating them, tearing them apart, and stripping them of their humanity. Sexual violence was a form of control, punishment, and slavery, serving as both an incentive and a reward for men who risked their lives in battle. (CEV, 2022b, p. 41)

For victims of conflict-related sexual violence, the body has particular significance. This focus does not seek to separate the body from the soul or mind, but to underscore the need for dignification efforts that make visible how the body has been subjected to degrading treatment. Restoring dignity in this context involves both psychological and physical healing, including addressing the trauma that is held within the body. For example, a civil servant working at the Victims’ Unit posited in an interview:

This issue is about justice, and it involves the body – the dignification of bodies. For instance, on the last May 25th, during the commemoration [of victims of sexual violence], some women requested that the scars on their bodies from sexual violence be addressed by the EPS (Health Promotion Entities) as part of reparations and dignification.

For example, if I have a scar from where a part of my buttocks was cut, I don’t want to keep that scar. But when I go to the EPS and request this, they say, ‘No, this is not covered by the health insurance; it’s considered cosmetic surgery’. Yes, it is cosmetic surgery that needs to be done, but it’s not purely aesthetic – although it may be, because it’s not the same to look at a normal buttock versus one that has been stabbed. It is connected to the psyche, to dignification, and to the trauma experienced. These are the marks of sexual violence on the body. (Anonymous Civil Servant at Victims Unit, personal communication, June 2024)

The process of dignification in terms of corporeality implies recognition that the damages that occur in the body are a form of violation of a person's dignity. Consequently, one of the goals of dignification is restoring bodily autonomy. Measures of dignification should facilitate the rehabilitation and the reconnection of a woman with their body in a way that is conducive to strengthening their autonomy. Rehabilitation contributes to regaining bodily autonomy, but also other expressive and symbolic actions. For example, in Colombia, murals and body map workshops have been developed together with victims of the conflict as part of memorializing initiatives – such as *El Muro de la Memoria* [Wall of Memory] in Tunja, Boyacá region. They help to create memories of “the places and memories that coexist with the physical scars that remained on their skins; they were drawn together with other symbols, colours and fabrics, which represent more hopeful moments in each story” (Centro Nacional de Memoria Histórica, 2019, p. 45).

### ***Lack of Control Over the Future/Control of Sense of Future***

Victims of sexual violence can see their life projects severely affected because of the harm they have suffered. These effects refer to not having control over one's life project, a loss of autonomy over the present and the future. They are connected to the sequels of sexual and reproductive violence. For example, women are affected in their reproductive autonomy when they suffer forced pregnancy, forced motherhood, forced sterilization or abortion. During the conflict, transgender men were raped by left-wing guerrillas and right-wing paramilitaries as part of their punishment policies targeting non-heteronormative sexual orientations and gender identities, resulting in forced parenthood (CEV, 2022b).

Victims of sexual slavery lose their autonomy in the present, but there were also consequences for their future. For instance, Eugenia was a victim of sexual slavery, kidnapping, threats and torture in Samaniego (Nariño region) by the Ejército de Liberación Nacional (National Liberation Army, ELN), a leftist guerrilla army. She was accused of collaborating with the enemy and was subjected to a “trial.” While awaiting the verdict, she was forced to live with a militia member for two years and act as his wife, suffering different forms of aggression. She was also forcefully prevented from using contraception, which impacted her reproductive autonomy and dignity. She had obtained a contraceptive implant without the militiaman knowing, and when he realized it, Eugenia explains that “he broke my arm. I had to have it taken out, because he broke it from the blow” (CEV, 2022b, p. 130).

Giraldo Serna was a Colombian paramilitary leader and drug trafficker who commanded the Tayrona Resistance Bloc of the Autodefensas Unidas de Colombia (United Self-Defence Forces). He was responsible for human rights abuses, including massacres, forced disappearances and the sexual exploitation of minors. The CEV (2022b) reports that paramilitary leaders such as Giraldo Serna forced women's pregnancies in order to perpetuate criminal actions in the territory. As a result, Serna's group:

ensured the symbolic and material presence of his authority, in addition to the indelible mark that each raped woman bore, as she was unable to resume her sexual and emotional life with any other man, as she immediately became ‘the boss’ woman’, even if Giraldo never had contact with her again. If any of them dared to do so, as recorded in the testimonies collected by the Commission, they ran the risk of being murdered. (CEV, 2022b, p. 123)

Sexual violence in the context of conflict thus intersects with different harms, such as homicide, torture or forced displacement. Sexual violence against women has been used as a tool for forcing the displacement of communities, as reported in a testimony of a peasant woman who suffered sexual violence and displacement:

Our land is the place to dream of our future with dignity. We fled in haste and in secret, without owing anyone for denouncing the abuses that we, the Black, Indigenous, and peasant communities in northern Cauca, endure daily due to economic interests in our territories. (CEV, 2022b, p. 74)

The recognition of the harm to dignity caused by this type of violence should address their sequels, such as those concerning the ownership of the future or the capacity to build one's own life project. Dignification in this context means the recovery of the sense of the future. Examples of processes of dignification that are oriented toward the recovery of a sense of future include the support of grassroots women's organizations, which empower and strengthen their skills:

Mothers are no longer just those who give birth; they also want the lives they have brought into the world to have their own future. They are spokeswomen, leaders, human rights defenders, and seekers of their children, truth, and justice. (CEV, 2022b, p. 247)

In the case of the LGBTQI+ population, processes of dignification oriented towards the recovery of a sense of future include those activities that strengthen their capabilities to decide over their own bodies and to live freely, which ultimately allows them to hope for different futures:

Makeup, hair dye, paint, wigs, and other such items contributed to an aesthetic and an ethic of re-creation, allowing them to express an identity they had been deprived of manifesting. Through the trans body, its exhibition, and its enjoyment, they challenged the moral orders of armed actors and their techniques of terror, normalization, and extermination. Without a doubt, the body is the primary site of memory for resistance and the first territory from which they dream of other futures of freedom. (CEV, 2022b, p. 527)

The process of dignification in terms of regaining control over the future requires the recognition of the consequences of the damages of sexual violence. Consequently, one of the goals of dignification is facilitating victims to make decisions and re-establish agency over their own lives. This means the creation of capacities and the strengthening of their moral self.

### ***Denial of the Past/Authorship of Narrative About the Past***

One of the most pervasive characteristics of the crime of sexual violence, particularly in the context of conflict, is its invisibilization. It is a type of violence that is not openly discussed due to fear, discrimination, stigmatization, shame and a lack of access to the appropriate mechanisms to achieve justice. Although this article focuses on sexual violence against women, it is essential to note the gender implications of the invisibility and forced silence surrounding sexual violence in the context of the Colombian conflict. Sexual violence has been used as a mechanism of social cleansing against LGBTQI+ people; it “is the continuation of a totalitarian social order, lack of acceptance, and homophobia in communities” (Flisi, 2019, p. 256). Similarly, male chauvinism and patriarchal norms prevent men from denouncing these crimes.

Following the efforts of grassroots and feminist organizations that have made the structural components of sexual violence visible, the CEV identified patriarchy as the key to understanding the reasons behind sexual violence. Patriarchy is defined as a structure of power and domination over social relations that produces discrimination against women (CEV, 2022b). Patriarchy is at the core of the continuum of violence experienced by women, which occurs in their private lives and is exacerbated in the context of the armed conflict.

In the context of TJ, perpetrators rarely admit to these crimes, finding it easier to confess to other acts, such as murder or displacement (CEV, 2022b). The significance of these narratives is profound, as they shift the stigma and shame away from the victims and place it on the perpetrators, making them “the ones who are perceived, judged, and shamed” (Bergoffen, 2019, p. 32). The impact of truth commissions and historical memory commissions (CEV, 2022a; CNMH, 2019), and the public acknowledgement of responsibility by perpetrators (JEP), contribute to changing the narratives about conflict-related sexual violence.

The CNMH and the CEV have highlighted the importance of listening to and amplifying the stories of sexual violence victims to counter their invisibility and the denial of their suffering. For example, expressions such as “a victim writes her story to confront her fear and pain, but most importantly, she writes so it is not forgotten and never happens again” (CNMH, 2024) are common. However, critics have raised concerns about the alleged cathartic effects of truth-telling, particularly regarding the potential for re-victimization, noting that not all forms of narration have a dignifying effect on victims (Brouneus, 2008). Furthermore, according to Johanna Mannergren Selimovic (2020), silence holds a transformative potential for victims: “such silences enable and protect close relationships and can offer dignity and spaces for respect and love to grow” (p. 13).

Despite the good intentions behind the implementation of transitional justice mechanisms, victims can be re-victimized by the bureaucracy of transitional justice. This happened to a woman from the Romani community,<sup>8</sup> a victim of displacement and sexual violence by the ELN in San Blas, southern Bolívar:

I arrived there, and Bonilla attended to me. I said, ‘I’m here to give my statement.’ He said, ‘And what are you going to declare?’ I replied, ‘Well ... what happened to me.’ Then, the old man sat with me and started taking my statement, asking question after question. Then he said, ‘And what else did they do to you?’ ... Then he asked, ‘Were you mistreated, were there beatings, was there rape?’ I didn’t speak, just nodded ‘yes’ ... ‘And what did you feel when they were raping you?’ I remember that word from that wretched old man so clearly. That disgusting old man asked me that, in front of another person. Oh, I didn’t even know where I was ... I felt so ashamed ... What did I feel when I was being raped? I just looked at him and asked, ‘Do I have to answer that?’ I felt such anger, sadness, and shame ... I felt everything. (CEV, 2022b, p. 560)



When including stories of sexual violence, the process of active and dignified listening, as well as control over how these narratives are told, greatly influences their impact on victims. The act of listening must be conducted with respect and dignity. Similarly, the way the results are written and the methods used to document testimonies, whether through reports, literature or artistic forms, should ensure that participants feel satisfied and respected. For example, the book *Expropiar el Cuerpo* (Repossessing the Body (CNMH, 2018), published by the CNMH, covers stories of sexual violence in the context of conflict, with the aim of promoting the social appropriation of historical memory through literary expression rather than traditional research reports. This approach not only serves artistic purposes but also seeks to dignify the victims.

Part of holding ownership over the narratives of the past is the choice of being silent. There are different reasons why victims decide not to speak about the past. For instance, a victim leader in Buenaventura explains how, “for many women, it has been difficult to denounce [what happened to them]. To tell what happened means to be labelled. Some of my friends believe that if they say that they were raped they will lose their dignity” (CNMH, 2019, p. 87).

Some silences can be used to reinforce forgetting, denial or shame; however, silence can also have an important effect on the process of dignification of victims. According to Mannergren Selimovic (2020, p. 13):

Silence as an act of making claims upholds dignity and can be used in situations when speech may be too divisive (and threaten fragile systems of co-existence). When the social fabric has been ripped apart, relationships fragmented by violence, and insecurity enfolded into the everyday, the work of constructing a lifeworld cannot always be done through words.

In the absence of words, other forms of communication can contribute to strengthening victims’ authorship of their stories. For example, an excellent initiative led by the anthropologist Tatiana Sánchez Parra involved participatory work with people who became pregnant as the result of sexual violence committed by armed groups; in the exhibition *Tejer justicia reproductiva: conflicto y paz en Colombia* (Weaving Reproductive Justice: Conflict and Peace in Colombia, 2024), the pieces were displayed at the Museo Nacional de Colombia (National Museum of Colombia). They used different techniques and mainly embroidery. In each piece, “we see their pain, joys and ambiguities, as well as the solidarity that has allowed them to dream of futures free of reproductive violence” (Sánchez Parra, 2024a). The different forms of communication highlight the important role of cultural and artistic representations in the transmission of victims’ narratives and silences. In an informative note accompanying one of the pieces, curator Sánchez Parra (2024b) explains how:

In the workshops she has attended she has been told to talk and tell her story that ‘that way she will free herself, she will be another person’, but that is not Alegría’s experience, for her the words are loaded with pain, scratching her soul because it invites the past to continue to settle in her life instead of forgetting, she remembers more. But her hands have found ways to express the weight of the past that has been pressing on her chest giving her one of the headaches that have become part of her life ever since. In the embroidery, Alegría is also creating hugs, she is telling whoever needs to hear her that the encounter does not have to go through forced words, we find each other in the care, in hearing each other in tears but also in laughter, in the solidarity of believing each other even if our paths have not been the same: ‘I am with you, I support you, let’s move forward.’

### **Shame/Honour**

Experiences of humiliation associated with sexual violence contribute to victims’ guilt and shame. The harm against a person’s dignity is emphasized through the humiliation that is carried in the traumatic memory of the event, the shame that is continuously experienced. For instance, Alma, a victim of sexual violence and forced displacement in Carmen de Bolívar in 1989, confirms:

And from then on, I have suffered a lot in silence; from that time until now, I am only telling you this because it’s something that brings so much shame to talk about. After the pain comes the shame. If I had known back then that justice could be done, things would be different today. (CEV, 2022b, p. 222)

Shame is associated with the stigma that is experienced by victims of sexual violence, which reinforces a feeling of guilt. Victims have manifested that one of their concerns is that once their communities or families knew what they went through, they would not be seen in the same way as before, that they would not be treated with the respect that they deserved (CEV, 2022b).

The process of dignification contributes to overcoming feelings of guilt/shame. One of the dimensions of dignity refers to the feeling of “inherent value and worth” experienced by people (Hicks, 2011, p. 6). Dignity as a feeling can be understood in opposition to humiliation. According to Avishai Margalit (1996), “if there is no concept of human dignity, then there is no

concept of humiliation either” (p. 149). Humiliation is the denial of a mutual sense of worth. Humiliation can occur beyond the legal definitions of undignified or inhumane treatment, and it is culturally sensitive. In the case of sexual violence, cultural frameworks imposed by the patriarchy create this extra layer of humiliation and shame.

One way in which transitional mechanisms can contribute to transforming the feeling of humiliation into an experience of honour or feeling of “inherent worth” is through a change in the cultural discourses that frame the experience of sexual violence. In the workshops with women in preparation for the JEP’s Macro-case 11, the women discussed the patriarchal structure that allowed the sexual violence in and out of conflict to happen. This reframing and the promise of justice contribute to a transformation of the feelings of shame, guilt and humiliation into recognition, honour and dignity. The risk was that the JEP would not meet the expectations of the victims, who felt dissatisfied with the way sexual violence was dealt with in the previous transitional justice mechanism implemented in the reintegration of the paramilitary. Some of the victims felt that in the context of the Justice and Peace Law (2005), ex-paramilitary actors accepted their responsibility but without any real contrition, only “accepting for accepting without real recognition” (Women’s organization representative, personal communication, June 2024).

### ***Additional Components of Dignification***

Other elements serve a critical function in the process of dignification of victims of sexual violence; however, there is insufficient space here to discuss them, so I will only mention them briefly. Sexual violence has detrimental consequences for the spiritual dimension of victims – for instance, they can feel they doubt God, their ancestors or what they deem sacred. At the same time, spirituality can offer resources for victims to work towards their dignification, the reconnection with their ancestors, the feeling of being loved by God again or being part of something larger than themselves (Afro-Colombian women’s organization leader, personal communication, June 2024).

Sexual violence also has detrimental consequences for the social fabric of communities; victims feel disconnected from their communities, often due to feelings of shame or because of stigmatization. Dignity is individual but also interrelational; the mutual recognition of dignity is a condition for feeling worthy of dignity. The creation of communitarian relationships contributes to processes of dignification. A civil servant working with the JEP explained:

There is something like [a desire], it was pushing, you can see across all regions, they [the women victims of sexual violence] request meetings in groups. There is a feeling that the group heals. Those are groups in which women embroider, cry, hug each other, tell their stories, and they realize they are not alone, we are sisters. (JEP civil servant, personal communication, July 2024)

### **Conclusion**

The socio-legal study of dignity can contribute to understanding the implementation of transitional justice policies and goals. Drawing from the Colombian case, we encounter that its legal framework holds “dignity” as an essential category that is widely used in transitional justice, particularly concerning victims of sexual violence. The article has demonstrated that the notions of dignity and dignification go beyond reparations, restitution, victim participation or justice. Dignity and dignification are connected to intangible goods and practices; they involve individual and personal issues as well as interrelational and communitarian ones.

Using the concept of sexual dignity can help us to clarify the goals and implementation of transitional justice mechanisms in Colombia in relation to women victims of sexual violence in the context of conflict. In exploring this question, the article demonstrates that women’s personhood was affected, but not other patriarchal conceptions of dignity, such as those related to honour. The notion of sexual dignity allows us to observe what is at stake in post-peace agreement social transformation and peacebuilding. The binaries were presented as analytical tools to understand the dignity takings and dignity restoration processes. The article discussed different dimensions of the harms and the response and paid attention to the body, emotions, narratives and notions of justice. Furthermore, it has paid attention to *how* these narratives are constructed, demonstrating that victim participation and how it occurs are as important as the outcome of those policies.

Finally, this article does not intend to argue that dignification is a final step: dignity is not necessarily lost after sexual violence, so dignity is not regained after transitional justice; however, the strengthening of the social structures, processes and relations that are necessary for the recognition of victims’ dignity can be expected. This process of dignification requires work from different sectors of society, including victims, perpetrators, institutions and civil society.

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<sup>1</sup> All translations are my own.

<sup>2</sup> These reports include: *Expropiar el Cuerpo: Seis historias sobre violencia sexual en el conflicto armado* (Repossessing the Body: Six Stories of Sexual Violence in the Armed Conflict, CNMH, 2018); *Cuerpos que Persisten. Huellas y testimonios de las mujeres víctimas de violencia sexual en la guerra* (Bodies that Persist. Fingerprints and Testimonies of Women Victims of Sexual Violence in the War, CNMH, 2019); *Informe Final: Hay Futuro Si Hay Verdad: Hallazgos y Recomendaciones* (Final Report: There is a Future if There is Truth: Findings and Recommendations, CEV, 2022a); *Informe Final: Mi Cuerpo es la Verdad* (Final Report: My Body is the Truth, CEV, 2022b).

<sup>3</sup> This article is part of a broader research project, The Concept of Human Dignity in Transitional Justice in Colombia, which conducted 55 interviews with stakeholders, including victim leaders, civil servants and experts, funded by the FNRS (National Fund for Scientific Research, 2018-2022), University of Louvain, Belgium.

<sup>4</sup> We surveyed 215 participants, aged from 18 to 77 years, who completed our online questionnaire, providing demographic details and their views on the Colombian conflict. We assessed their comprehension of the word “dignity” and its restoration, as well as their emotions regarding the peace agreement between the FARC and the Colombian Government. The survey was developed by Pierre Bouchat, Aliene Condorier, Valerie Rosoux and Sandra Rios Oyola at the University of Louvain in 2020.

<sup>5</sup> This study focuses on civilian victims of conflict-related sexual violence, excluding former members of guerrilla or paramilitary groups due to insufficient data.

<sup>6</sup> The conflict in Colombia has lasted for over 50 years, with multiple armed actors, including the right-wing paramilitary, several leftist guerrillas, drug-traffic cartels, and official armed forces. There were more than nine million victims between 1985 and 2005, including at least 500,000 victims who were murdered and 8.5 million victims of forced displacement, among other human rights violations (CEV, 2022). In 2016, a peace agreement between the FARC and the Colombian Government was signed. As a result, a complex system of transitional justice was implemented, including a truth commission (the Truth, Coexistence and Non-Repetition Commission), the Special Jurisdiction for Peace and the Unit for People Deemed Missing. In 2025, there has been an acute reactivation of the conflict between organized armed groups, particularly in the most remote regions of the country.

<sup>7</sup> The Macro-Case 11 examines: (i) the sub-case of gender-based violence by FARC-EP members against civilians; (ii) the sub-case of gender-based violence by members of the Public Force against civilians; and (iii) the sub-case of gender-based violence within the ranks (JEP, 2024).

<sup>8</sup> According to the DANE census, in Colombia, 2649 people belong to the Romani or Gypsy community (MinSalud, 2022).

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