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Screams in Silence

A Framework for the Colombian Truth Commission's Investigation into Gender-Based Violence during the Internal Armed Conflict

Gritos en Silencio

Un marco teórico para la Comisión de la Verdad Colombiana en la investigación de violencia de género en el conflicto armado interno

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Table of Contents

1	Introduction	2
2	State of the Art and Precedents of the Research	4
2.1	Latin America’s Truth Commissions in Academic Literature and Their Work on Gender-Based Violence in Armed Conflict	5
2.2	Feminist and Queer Critique on Transitional Justice and Truth Commissions’ Investigative Work on Sexual Violence in Armed Conflict.....	7
2.3	Sexual Violence Against LGBTI People as a Topic of Academic and Non-Academic Literature in Colombia	11
2.3.1	Government Institutions that Investigated Sexual Violence Against LGBTI People in Colombia’s Armed Conflict	13
2.3.2	Non-Government Institutions that Investigated Sexual Violence against LGBTI People in Colombia’s Armed Conflict	14
2.3.3	Local Academic Research on Sexual Violence Against LGBTI People in Colombia’s Armed Conflict	16
2.4	Premises for the Investigation of Gender-Based Violence Against LGBTI People in Colombia’s Armed Conflict	17
3	Theoretical Framework	19
3.1	Some Definitions in the field of Queer and Feminist Legal Studies.....	19
3.2	An Introduction to Feminist and Queer Legal Theory of Transitional Justice	23
3.3	Legal Feminist Views on Intersectionality.....	26
4	Methodological Framework	33
5	Gender and the Commissioning of <i>Truth</i> in Latin America.....	36
5.1	Theoretical Approaches on Truth Commissions and Transitional Justice	38
5.1.1	Reflections on <i>Truth</i> and <i>Memory</i> within the Framework of Truth Commissions ..	42
5.1.2	<i>Truth</i> from a Gender Perspective in Colombia	46
5.2	Colombia’s Truth Commission as Part of a Transitional Justice System	48
5.2.1	Precedents of Transitional Justice in Colombia and First Steps Towards the Inclusion of LGBTI People	49
5.2.2	The Gender Approach in the Aftermath of the Peace Negotiations.....	52
5.3	Truth Commissions that Investigated Gender-Based Violence	56
5.3.1	First Steps: The South African and Peruvian Truth Commissions	56
5.3.2	Other Examples: Truth Commissions in Paraguay, Ecuador and Brazil	58
6	The Case Study: An Approach Towards Working with Gender.....	61
6.1	Equality in Differences – Wishful Thinking?	62
6.2	Andrea la Bella.....	63
6.3	Lessons Learned from Gender-Based Violence Investigations	68

7	Conclusion.....	69
8	Bibliography.....	71
9	Appendices	78

1 Introduction

Over the past couple of decades, transitional justice processes have been initiated around the world to deal with a wide range of human rights violations after internal armed conflicts or an authoritarian regime. The aims of transitioning from conflict to peace or from an authoritarian rule towards democracy are to address past crimes and human rights violations, dispense justice, commence truth-seeking and reconciling initiatives, and restore the rule of law and democratic order in a post-conflict setting (Boer Cueva, 2015). In more recent years, the attention of transitional justice mechanisms, particularly Truth Commissions, have increasingly focussed on gender difference, which concerns the diverging experiences of distinct sexes and genders during times of conflict or an authoritarian regime (Bakiner, 2016). However, most of the former Latin-American Truth Commissions have not investigated violence against sexual and gender minorities or applied a gender-approach to their work. Gender-based violence was addressed by a couple of Truth Commissions in Latin-America but the intensity and complexity of their analyses remained limited or focussed exclusively on sexual violence against women. In Colombia, the recently established Truth Commission called *Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición* (Commission for the Clarification, the Cohabitation and Non-Repetition)¹ is confronted with the emerging visibility of LGBTI rights and activism that demand justice, clarification and recognition of their experiences during the prolonged internal armed conflict.

Over the past six decades, the internal conflict in Colombia produced almost nine million victims nation-wide. Colombia's Victims Unit (Registro Único de Víctimas) was the first global example to include an LGBTI category in addition to the traditional male/female binary in the registry (Bueno-Hansen, 2018). According to these statistics that categorise the many forms of victimisations² during the conflict, people who identify themselves as LGBTI were exposed to threats in every fourth reported incident, persons identifying as male or female only experienced threats in every twentieth registered case.

¹ The Commission for the Clarification, the Cohabitation and Non-Repetition will be referred to as CEV or the Colombian Truth Commission in the following thesis.

² The available statistics provided by Colombia's Victims Unit are from 07/10/2017. They include a quantitative data base about the victims of the internal armed conflict separated into 15 different categories of victimizations and a category called "without information" (Red Nacional de Información, 2017).

Another quantitative category records the “crimes against sexual freedom and integrity” that affected LGBTI persons in 10% of the registered incidents, women only in 1% and men in 0,1% of the catalogued incidents. Forced displacement affected the broadest number of total victims, yet the LGBTI community registered a slightly higher rate of this type of human right violation (Red Nacional de Información, 2017).

Thus, lesbian, gay, bisexual, transsexual and intersexual (LGBTI) people in Colombia have suffered many forms of human rights violations in the internal armed conflict as a form of disciplinary force, social oppression, exclusion or rejection of their non-normative gender and sexual identities (Dubán Rincón, 2017). The LGBTI community has been classified as a vulnerable group in Colombia’s Peace Agreement that officially terminated the internal conflict between the national government and the FARC-EP in 2016. Besides, this document formalised the establishment of a gender working group concerned with the implication of a gender-approach to the work of the different transitional justice mechanisms, particularly the Truth Commission. Colombia’s Truth Commission is therefore mandated to operate on a gender-approach and investigate human rights violations against LGBTI people, along with the many other violations that their mandate sets out to examine. In previous decades, the experiences of victims belonging to the LGBTI community have not been given broad public or academic attention and the facts of their suffering were silenced throughout the armed conflict (Vargas Parra & Díaz Pérez, 2018).

This thesis aims to examine in which way the Colombian Truth Commission should apply a gender-approach to the investigation of *violences* against the LGBTI community during the internal armed conflict. In order to contextualise this research question, the thesis provides a broad overview of academic and non-academic literature on the field of gender-based violence against LGBTI people in armed conflict and connects this topic to queer and feminist legal theory that made considerable contributions in this field. A thorough analysis of the state of the art is therefore executed in the following chapter which concludes with initial premises for the work of the CEV. The third and fourth chapters explore the theory of intersectionality as a fundamental requisite for the investigative work of the CEV which constitutes a theoretical basis for the analysis of key concepts like heteronormativity, homo- and transphobia, as well as the persistent discriminatory and oppressive structures against sexual and gender minorities during the

conflict. The fifth chapter provides theoretical background on Truth Commissions and the topic of gender, with a specific focus on the Colombian context which includes a contextualisation of their transitional justice process. Furthermore, a detailed overview of the investigative efforts of former Latin American (and the South African) Truth Commissions creates a comparative basis for the reflection of previous examples to the Colombian truth-seeking initiative. The last chapter applies the methodological and theoretical framework to an individual case study which is based on semi-structured interviews with a trans woman who suffered various human rights violations during Colombia's internal armed conflict. The work finishes with conclusions for the investigation of gender-based violence against the LGBTI community conducted by the CEV and outlines further research possibilities.

2 State of the Art and Precedents of the Research

Truth Commissions are a relatively new historical-political instrument which serve as a fundamental initiative in investigating and dealing with murder, torture, kidnapping, sexual violence and other severe human rights crimes (Scheuzger, 2009). States often imply one or various mechanisms of *transitional justice* when transitioning from a violent, repressive past towards democracy or from an internal conflict towards peace. A Truth Commission can function as a key element within this transitional process as a hybrid form of a political institution (Olsen et al., 2010). Some of the more than 40 Truth Commissions or Commissions of Inquiry – a detailed distinction with possible definitions will be provided in chapter 3 – received vast academic and public attention. Prominent examples with a national, as well as international resonance can be found in Argentina, Chile, El Salvador, South Africa and Guatemala (Hayner, 2011). Due to their size, financial budget and impact on a national political transition, they are often found in comparative academic analyses or serving as a models of reference for the formation of other Truth Commissions (Bakiner, 2016). However, very few Truth Commissions in Latin America included an extensive study on forms of sexual violence within the armed conflict in their mandate, even less so with regards to the LGBTI community (Verhelst López, 2018). This chapter (2) provides a general outline of academic work on Latin American Truth Commissions, focussing on their investigations into gender-based violence. Additionally, Section 2.2 summarizes the queer and feminist approaches to

transitional justice and offers a detailed description of the academic and non-academic literature on gender-based violence against the LGBTI community in Colombia. The last section (2.4) formulates premises for the research of this thesis based on the academic precedents and theoretical approaches summarised formerly.

2.1 Latin America's Truth Commissions in Academic Literature and Their Work on Gender-Based Violence in Armed Conflict

Researchers such as Priscilla Hayner (1994, 2002), Mark Freeman (2006) and Onur Bakiner (2016), amongst others, have provided comprehensive studies on truth commissions worldwide. As stated earlier, some Truth Commissions have received broader academic reflection than others, due to a combination of factors regarding their impact, analytical scope, political implications, etc. The earlier works of (Hayner, 1994) and (Freeman, 2006) establish a theoretical and comparative basis for the reflection on Truth Commissions. Hayner's definition of a Truth Commission which will be discussed further in chapter 3 served as a basis for many qualitative studies, Latin American examples and comparative analyses (Bakiner, 2016). On one hand, more theory-based approaches such as the works of (Gibson, 2004) or (Quinn & Freeman, 2003) establish a fundamental basis for the reflection on the concepts of truth, reconciliation, and national narratives. These concepts are often further interwoven with philosophical or sociological theories such as Maurice Halbwachs' or Michel Foucault's work. A comprehensive work on these theories of "collective memory" (Halbwachs & Coser, 1992) and a "truth regime" (Foucault, 1977) in relation to the work of Truth Commissions was written by (Ruiz Romero & Hristova, 2019). These theory-based studies and fundamental works do not profoundly engage with the topic of gender-based violence against the LGBTI community.

Another field in the academic literature on Truth Commissions discusses its context within and interrelatedness with national transitional justice systems. (Olsen et al., 2010). According to the non-profit organisation International Center for Transitional Justice (ICTJ, 2020), Truth Commissions are part of a manifold approach to the transitioning process from a violent past towards democracy. This "holistic approach" pleads for a dynamic constellation of transitional justice mechanisms according to national contexts. The complexity of each national case requires a more dynamic approach that includes a

combination of elements of truth-seeking, reparation of victims, persecution of perpetrators and reformation of institutions. Advocates of this holistic approach to transitional justice plead for the inclusion of Truth Commissions in order to establish a sustainable peace, respect for human rights, democratic institutions and remembrance work (Krüger, 2014). The scope of this work does not include an abundant discussion on transitional justice schools of thought because its theoretical basis is connected to the feminist and queer approach of transitional justice. However, an overall tendency towards the recognition of queer studies within the field of transitional justice can be observed in recent years (Schulz, 2019).

In the Colombian case, many scholars in the national and international realm, as well as voices from the civil society demanded the creation of a Truth Commission before the establishment of the CEV in 2017 (Gutiérrez Ramírez & Rodríguez Rodríguez, 2013). Over the past couple of decades, Colombia has had a myriad of truth-seeking initiatives focussed on specific cases such as the Colombian Justice Palace siege or the investigation of certain regions like Trujillo or Barrancabermeja. An extensive study on the different governmental truth-seeking initiatives was conducted by Jaramillo Marín (2014). His work discusses the different truth-seeking initiatives in Colombia which he categorises into different groups such as extra-judicial commissions and investigative commissions. Jaramillo underlines that the internal armed conflict in Colombia was not yet investigated by a Truth Commission, comparable to other Latin-American examples like Brazil or Peru. His work provides a theoretical basis for the discussion of the antecedents of the CEV and the different truth-seeking initiatives that do not qualify as a Truth Commission (Jaramillo Marín, 2014).

The overall tendency of academic literature on the work, impact, implication and contexts of Truth Commissions mainly focusses on the most prominent examples and places transitional justice in the centre of its analytical focus. There are very few studies that include other factors like specific local contexts in their comparative analyses (Nichols, A. D., 2019). Additionally, with regards to the main emphasis of this work, the academic reflection on the analysis of gender-based violence within the work of Latin American Truth Commissions has been scarce. Currently, the scope of scholarly articles on sexual violence as a focal point of Truth Commissions' is very limited (DeLaet & Mills, 2018). Most of the publications focus on the final report of the *Comisión de la*

Verdad y Reconciliación in Peru. This commission dedicated an entire chapter to sexual violence against women and collected many witness statements which were published in the final report (Arvesú Juárez, 2016; Theidon, 2015). This topic is reflected in academic research, yet there is little emphasis on other Truth Commissions' work on this topic or the absence of it.

2.2 Feminist and Queer Critique on Transitional Justice and Truth Commissions' Investigative Work on Sexual Violence in Armed Conflict

Since the field of feminist and queer studies on international law and transitional justice is relatively broad and multi-layered at the same time, this thesis focusses on theories that explicitly deal with Truth Commissions as a transitional justice mechanism and discusses the overall tendency of feminist academia in this field. This section will be divided into the feminist discussions on one hand and related elements of queer theory on the other hand.

While there is vast academic literature on transitional justice and Truth Commissions in general, the field of feminist and queer studies on this topic remains relatively small. In a ground-breaking essay from (2007), Christine Bell and Katherine O'Rourke ask the question: "Does Feminism Need a Theory of Transitional Justice?". According to the authors, women have been absent both in the processes of constructing and implementing transitional justice mechanisms, and in the resulting projects that are designed to address the victims' demands for justice and reparation. Additionally, they provide a normative feminist critique of transitional justice that leads them to conclude that feminist theory in this field serves as a discursive mean to demand substantial material gain for women in transitional phases. In conclusion, the authors plead for an inclusion of women in the formation and implementation of transitional justice in mechanisms such as Truth Commissions to secure the reconstruction of women's economic foundation in post conflict contexts. In their words, "adding women" and "adding gender" serves the purpose of assuring structural reforms. (Bell & O'Rourke, 2007).

In general terms, feminist criticism of transitional justice processes from the 1990s onwards has been mainly concerned with ending impunity in cases of sexual violence against women in armed conflict (Harris Rimmer, 2010). Major progress was made in

three areas concerning the transitional justice mechanisms and international law: In the first place, advocates of feminist theory demanded the recognition of gender-based violence in armed conflict as part of the most severe crimes of war. Secondly, feminists fought to overcome the discrepancy between legal standards and their enforcement by securing prosecutions for these war crimes. Thirdly, they plead for reformations of courtroom procedures to prevent victims of sexual violence from being re-victimized during the legal process (Bell & O'Rourke, 2007).

The focal point of feminist critique of transitional justice in the late 20th century was therefore the visualization of women's experiences of sexual violence in armed conflicts and its legal recognition. The Rome Statute which entered into force in 2002 codifies these feminist criticisms with regards to sexual violence against women in terms of international law. It specifies sexual violence against women as including rape, sexual slavery, enforced prostitution, pregnancy and sterilization and other forms of sexual violence as crimes against humanity and as war crimes (Theidon, 2015). The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) have made large-scale contributions to the paradigm-shift of criminal indictments and convictions on the grounds of sexual violence (Franke, 2006). Hence, feminist academia and activism has impacted greatly on the prosecution of sexual violence against women in armed conflict during the past decades. Moreover, this positive trend resulted in a relatively extensive investigation into sexual violence against women in armed conflict conducted by the Peruvian and Guatemalan Truth Commission (Bell & O'Rourke, 2007).

However, critical voices from feminist academia identified some peculiarities with regards to the inclusion of women in transitional justice mechanisms. Firstly, scholars like Shana Tabak (2011) point out a false dichotomy produced by the concentration on women's experiences of suffering in armed conflict. The achievement of recognition of women's rights, especially in the field of sexual violence in armed conflict lead to the treatment and perception of women as "the victims" in conflicts. This unidimensional image of women being "the victims" overly simplifies their complex realities and moreover, neglects the multiple gender roles played by both women and men in armed conflicts. Secondly, women are recognised by transitional justice mechanisms as resources for expert witness statements on human rights violations that occurred to men

whom they are close to. In an analysis of the South African Truth and Reconciliation Commission, Fiona Ross (2003) notes that this status of women as expert witnesses obligates them to perform an assigned and narrow role within transitional justice. Finally, Franke (2006) criticises the treatment of gender-based violence within transitional justice systems as being often reduced to sexual violence. Sexual violence includes a broader understanding than cases of sexual violations, but in the analysis of former transitional justice mechanisms these three terms have often been treated as equivalent.

The feminist anthropologist Kimberly Theidon (2009, 2011) additionally remarks on the exclusion of male victims of sexual violence within armed conflict based on her investigation of the Peruvian Truth Commission. In this case, the focus has mainly been on women and their stories of sexual violence in armed conflict; yet, in many of the testimonies, women did not talk about their “own” experiences. They preferred to refer to others in third person or distanced themselves by telling stories about what happened to “the girls” or “the women” as a whole (Theidon, 2011). The absence of the male voice on gender-based violence, especially sexual violence between men in armed conflicts has received growing academic attention recently; however, quantitative data remains scarce (Lewis, 2009; Sivakumaran, 2005; Solangon & Patel, 2012).

In conclusion, transitional justice processes and post-conflict scenarios have in many Latin American cases reproduced traditional gender roles, defining men as “Saviours of the Patria”³ (Molinares Hassan, 2019, p. 15) and women as the “mothers of the new generation”⁴ (Molinares Hassan, 2019, p. 15). Molinares Hassan (2019) points out that, even though many studies on the role of gender in transitional justice have been conducted, there has not been a real political and social change implicated through it. The previously outlined feminist critique shows that the scope of a gender approach in systems of transitional justice remains severely limited and reproduces binary understandings of the roles of women and men in armed conflict (Molinares Hassan, 2019).

As stated above, feminist academia has played a central role to the construction and application of the “gender-approach” in various mechanisms of transitional justice. In order to contextualise the scope of this work, feminist critique and contribution to Truth

³ Own translation.

⁴ Own translation.

Commissions as part of a transitional justice system will be outlined in the following paragraphs. The aim of this section is not to present a comprehensive summary of all feminist academic literature on the topic, but to give a general overview of feminist tendencies on the gender-approach applied by Truth Commissions and connect this topic to literature from the field of queer studies. Even though various Truth Commissions in Latin America chose to a smaller or greater extent to apply a gender approach in their work, academia has mostly focussed on the Peruvian and Guatemalan examples. The working definitions of a gender approach vary from one Truth Commission to the other and tend to adapt to national political, social and cultural contexts (Bakiner, 2016). A more detailed analysis of national implications will follow in chapter five.

Feminist scholars have articulated concerns regarding the gender approach in the Peruvian and the Guatemalan Truth Commissions. Kimberly Theidon (2009) states about policy-making in transitional justice processes “[f]rom gender hearings to gender units and gender-sensitive truth commissions, ‘adding gender’ is policy-speak for ‘adding women’ [...] theoretical and practical understanding of war, peace and post-conflict reconstruction are limited by reducing ‘gender’ to a synonym for women” (Theidon, 2009, p. 4). She furthermore explains that organisations working within a transitional justice process ought not simply include women in their own rows to comply with a gender-sensitive approach. A gender-approach, in her understanding, is complex, manifold and does include the physical inclusion of women as well as men in its practical work and vertically influences all elements of the theoretical work as well (Theidon, 2011).

Theidon, in accordance with other feminist and queer academics (Bueno-Hansen, 2018; Schulz, 2019), critically reflects the gender-approach within national transitional justice processes. Similar to other feminist and queer scholars, such as Fineman (2009), Valdes (2009) and Verhelst López (2018), Theidon concludes that gender approaches in transitional justice do not recognise diverse sexual and gender orientations and feed into a binary understanding of the gender roles of women and men and the relation between them (Bueno-Hansen, 2018). In recent years, scholars from the field of queer studies on transitional justice have built their reflections on women’s rights and feminist movements in the area of international law and transitional justice, criticising the gender approach for being heteronormative and narrowly constructed (Fobear, 2014).

Queer studies academics have contributed in recent years to the discussion on transitional justice, by proposing an intersectional, decolonial and queer approach to the theoretical and practical implications of this topic. Bueno-Hansen (2018) and Schulz (2019) have elaborated on this analytical lens and examined the deeply rooted impunity connected to gender-based violence against the LGBTI community. Their articles furthermore highlight the emerging LGBTI rights challenge in legal, social and political national spheres which impact the work of Truth Commissions around the globe. Bueno-Hansen argues that “[w]estern notions of sexuality and gender have become the default metric of modernity” (Bueno-Hansen, 2018, p. 128). This leads to dominant analytical lenses used to investigate gender-based violence which exclude local specifications regarding sex and gender. She identifies various false dichotomies regarding gender-approaches in transitional justice mechanisms and the limited perception of temporality which is inherent in their short-term mandates. The author concludes in her article that an intersectional, queer and decolonial lens can confront these false dichotomies in the work of transitional justice mechanisms in order to include sexual and gender minorities’ voices, eradicate impunity and bring LGBTI rights to the forefront.

Queer academic Katherine Fobear stresses in her article “Queering Truth Commissions” (2014) how queer legal theory can challenge heteronormativity and normative assumptions in legal structures and makes concrete suggestions for the design and practical work of Truth Commissions. She concludes that transitional justice, queer theory and the integration of sexual and gender minorities contribute to the revelation of patterns of structural violence and gender-based violence in armed conflict. Especially Truth Commissions can be a feasible platform to visualise and bring to the forefront the voices of sexual and gender minorities that have been silenced and oppressed during armed conflicts. Fobear elaborates on the topic of intersectionality from a queer perspective which will be discussed further in the theoretical framework of this thesis.

2.3 Sexual Violence Against LGBTI People as a Topic of Academic and Non-Academic Literature in Colombia

Sexual violence within armed conflicts is a topic that has received increasing academic attention in the last three decades. As pointed out in the previous section, there have been great advances on broaching the issue of sexual violence against women in armed

conflicts, which ultimately impacted international law. Due to the changes in international humanitarian law initiated by the ad hoc International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) in the beginning of the 1990s, sexual violence was defined as a human rights violation, war crime and means of genocide (United Nations, 2020a).

Furthermore, the Rome Statute of the International Criminal Court, established in 1998, consolidated the advances made by the ICTR and ICTY on sexual violence, amongst other topics. This resulted in a legal foundation for the persecution of sexual crimes such as sexual violations and aggressions, human trafficking, forced sterilisation and pregnancy, along with other comparable sexual offenses (Theidon, 2015). The United Nations Security Council adopted an agenda called Women, Security and Peace in 2000. This policy was designed to include women in the processes of peace-making and conflict prevention, which increased the focus on women's role in armed conflicts. However, according to the United Nations Department of Political and Peacebuilding Affairs, the number of women actively participating in this field remains small (United Nations, 2020b).

While the international community, academic research and national initiatives have multiplied in the past 30 years, however the investigations and prosecutions of sexual violence has almost exclusively focussed on women and girls as victims of these crimes. That leaves men, boys and parts of the LGBTI collective out of the investigative scope, which is reflected in the scarce representation of cases in academic literature (Theidon, 2015).

An important consideration regarding any source of information on sexual violence against LGBTI people is the sensitivity and sometimes uncertainty of the data. The individual and collective sources available to NGOs, academics or other investigators working on the topic of violence against LGBTI people in Colombia, are to be treated with empathy and delicacy because the “sexual orientations” and “gender identities” do not form rigid definitions, nor do they define the entirety of a person. On the contrary, in most cases sexual orientations are discovered over time and it depends on each person, whether he or she wishes to publicly express them or not. Even close family and friends are in some cases not informed or neglect the sexual orientation of an individual, and

could therefore make no statement whether this information might have played a role in the victimization of a person. On the other hand, gender identity also forms a fluid space that cannot be defined in inflexible categories and depends on an individual's personal reflection. In addition to this, the available information often depends on sociocultural contexts that perpetrates higher or lower levels of homo- and transphobia (Albarracín Caballero & Rincón, 2013).

No general statement can be made for the entirety of Colombia, but the tendency towards exclusion, persecution and hatred against LGBTI persons is greater in rural areas than in urban spheres (Molinares Hassan, V., Bernal Crespo, J. S., Orozco Arcieri, C. A., 2014). Ultimately, the character of information and documented cases of violence against the LGBTI community has in the first decade of its emergence been relatively informal. Depending on the source – whether it is academic or grey literature – it can be based on informal communication media or even rumours. Although the informality of these sources of information constitutes an obstacle to the analysis of these cases, it can however still serve as a starting point for further investigation (Albarracín Caballero & Rincón, 2013). The following section elaborates on the academic and other publications on sexual violence against the LGBTI collective in the Colombian case, which can be divided into state-sponsored institutions, non-governmental organisations and academic research.

2.3.1 Government Institutions that Investigated Sexual Violence Against LGBTI People in Colombia's Armed Conflict

State-sponsored institutions started investigating sexual violence against the LGBTI community in 2005 as a result of Article 50, Law 975 which established a Comisión Nacional de Reparación y Reconciliación (CNRR). The Law 975, commonly known as the Law of Justice and Peace, was adopted by the government of Alvaro Uribe, with the primary goal to demobilise paramilitary organisations in Colombia. However, Article 52.2 of this Law empowered the CNRR to publish a “public report on the reasons for the emergence and evolution of illegal armed groups”⁵ (Ley 975 de 2005, 2005) in Colombia.

⁵ Own translation.

To comply with the obligation to investigate the causes of organised armed groups, the CNRR created the Centro Nacional de Memoria Histórica (CNMH) in 2006. The CNMH concluded its work with the final report “¡Basta Ya! Colombia: memorias de guerra y dignidad (Stop it! Colombia: Memories of War and Dignity)”, released in 2013 (Gutiérrez Ramírez & Rodríguez Rodríguez, 2013). This report presents an extensive analysis of the complexity of the internal armed conflict and more importantly, represents the voices of those who were most affected by it. Many testimonies illuminate the victims’ perspectives which had been absent in former state-sponsored investigations of the Colombian conflict. However, it is central to state that the final report, which includes over 400 pages, dedicates only one page to the victims from sexual violence of the LGBTI community (Centro Nacional de Memoria Histórica, 2013). Henceforth, the report does not offer an analysis of the reasons, implications and causes of the violence suffered by LGBTI people during the internal armed conflict in Colombia. In recent years the CNMH wrote over 25 reports on specific regions, occurrences, groups etc., which included three documents investigating the impact of the internal armed conflict on the LGBTI collective.

2.3.2 Non-Government Institutions that Investigated Sexual Violence against LGBTI People in Colombia’s Armed Conflict

Non-Governmental Institutions (NGOs) have played a major role in initiating the discourse on violence against LGBTI people in Colombia’s armed conflict. The main contribution of these NGOs over the past two decades was to document and report cases of violence and abuse, a practice which is comparable to the tasks of other human rights organisations. The scope of work of Colombian NGOs, related to the LGBTI community, is not limited to producing reports on cases of violence against LGBTI people but aims at dignifying the victims and ultimately intends to cause institutional change in favour of the prevention, investigation and sanction of these crimes (Albarracín Caballero & Rincón, 2013). Moreover, they actively intertwine with the civil society and in some cases with government organisations, as is the case with the Colombian Truth Commission.

Colombian NGOs that have published comprehensive reports on the impacts of the internal armed conflict on the LGBTI community are Colombia Diversa, Caribe Afirmativo and Santamaría Fundación. These NGOs focussed their work on the

victimization of LGBTI people, the personal and collective impacts of the conflicts, the social, political and economic causes for the violence and many other aspects regarding the experiences of the LGBTI community in Colombia's armed conflict. Furthermore, they established profound analyses of some regions that have been impacted greatly by armed actors during the conflict and that additionally have shown profound structures of homo- and transphobia (Caribe Afirmativo, 2019).

Colombia Diversa has worked alongside other local NGOs on visualizing violence against the LGBTI community by publishing data and statistics on homicides and other forms of violence based on gender, but the reports do not offer a profound analysis of the causes and implications of these crimes. The NGO's annual reports are a combination of recent collected data on violence against LGBTI individuals and analytical approaches to structural causes for this continued violence over the past years (Colombia Diversa et al., 2016; Colombia Diversa, 2019; Colombia Diversa & Caribe Afirmativo, 2017).

Colombia Diversa (2017) has published a case study that is directly connected to the armed conflict but focusses on the region San Onorfe and the department Meta, specifically Vistahermosa. This report analyses violence based on prejudice in these areas and includes a study of the stigmatization, social exclusion and violence against persons who are HIV positive (Colombia Diversa, 2017). The document offers a broad understanding of forms of violence during the internal armed conflict. Colombia Diversa therefore sets an important starting point for the integration of these topics in the analysis of gender-based violence against the LGBTI community in Colombia.

Caribe Afirmativo, in collaboration with the Santamaría Fundación and in some projects also with Colombia Diversa worked extensively on the analysis of the Caribbean LGBTI community. Their last report, published in 2019 includes an examination of three different armed actors that carried out violence against the LGBTI community: The FARC-EP, the paramilitary and Colombia's Armed Forces. The title of the report "Nosotras Resistimos" (We Resisted) underlines the aspect of pacific resistance and resilience of the LGBTI civil society during the internal armed conflict. The chapter on non-violent forms of resistance is connected to the efforts of reconciliation in the region. Besides many other reports that focus on documenting victimisations and the impacts of

violence, this approach adds a perspective on active peaceful participation and reconciling initiatives (Caribe Afirmativo, 2019).

The scope of “Nosotras Resistimos” is broader than former documents from Colombia Diversa, since it focusses on three different perpetrators of violence against LGBTI people (FARC-EP, the paramilitary and Colombia’s Armed Forces), and includes forms of resistance in individual and collective ways. However, the analysis exclusively examines the Caribbean departments of Colombia, other armed actors such as EPL (Ejército Popular de Liberación)⁶ or ELN (Ejército de Liberación Nacional)⁷ are not mentioned. Furthermore the chapter on resistance remains limited to certain experiences. The report offers important insights on the causes and structures of the violence in the region, yet further research is needed to comprehend the complexity of these forms of violence and resistances and expand the focus to other Colombian regions.

2.3.3 Local Academic Research on Sexual Violence Against LGBTI People in Colombia’s Armed Conflict

The field of academic research on the LGBTI community in Colombia remains relatively small, especially regarding the literature analysing sexual and gender-based violence in the internal armed conflict. The Colombian academic José Fernando Serrano dedicated his doctoral thesis to the investigation of homophobic violence in armed conflicts and political transitions in Colombia and South Africa (Serrano-Amaya, 2018). He previously published scholarly articles discussing topics of gender and homosexuality in connection to the internal armed conflict. His work contributes to the discussion on homophobia and how gender-based violence is instrumentalised in armed conflicts to constitute hegemonic orders. It offers a detailed analysis of the concept “homophobia” and contrasts different feminist theories on the notions of heteronormativity, patriarchy and gender-based violence in armed conflict. Serrano-Amaya argues that important aspects such as marginalisation, poverty and precarity are not considered and demands a broader theoretical approach which, “rethinks the role of violence in sexual and gender orders” (Serrano-Amaya, 2018, p. 22).

⁶ People’s Liberation Army (Own Translation).

⁷ National Liberation Army (Own Translation).

Furthermore, academic articles published on the topic of LGBTI people in Colombia's internal armed conflict tend to focus on the Caribbean regions and conduct qualitative analysis based on victims' testimonies (Molinares Hassan, V., Bernal Crespo, J. S., Orozco Arcieri, C. A., 2014; Serrano-Amaya, 2015). These investigations expand the field of queer studies on the Colombian conflict; however, their scope remains limited to a specific geographic area and comparative or comprehensive analyses have not yet been conducted in local academia. There are on the other hand some publications that discuss the legal protection and inequalities of LGBTI persons in Colombia, which are relevant to the analysis of the internal armed conflict and the transitional justice mechanisms operating since 2017. Nevertheless, these articles do not elaborate an understanding of the causes and structures of gender-based violence (Dubán Rincón, 2017).

2.4 Premises for the Investigation of Gender-Based Violence Against LGBTI People in Colombia's Armed Conflict

The previous examination of the feminist and queer approaches to transitional justice on one hand, and scholarly investigations of LGBTI people in Colombia's armed conflict on the other hand sets key premises for this work. These premises will be shortly reflected upon in the following section to outline specific considerations for the theoretical and practical framework of this thesis. This subchapter serves as a starting point based on the precedents of the research to orientate the purpose of this work within the field of queer and feminist academia.

Firstly, the examination of academic publications on Latin American Truth Commissions and their work on sexual violence in armed conflict has shown that the scope of previous commissions is relatively limited, and so is the academic reflection on the topic. The focus of both the commissions themselves and academia has been mainly on sexual violence against women, mostly excluding men and boys from their investigation and not considering gender identity or sexual orientation as categories of analysis. Rare examples can be found as shown by Kimberly Theidon (2015), but the overall trend depicts women as the victims of armed conflicts and the subjects of the analysis into sexual violence in the investigation conducted by different Latin American Truth Commissions. The investigation into gender-based and sexual violence – in a

broader understanding of these two terms which include a variety of *violences* – against the LGBTI community, has been scarcely analysed by former Truth Commissions, thereby limiting their “gender-approach” to a binary understanding of gender roles in armed conflict. In conclusion, this thesis is based on a more integral approach to gender, which considers sexual orientation and gender identities and expressions, as central analytical categories. Additionally, the investigation of gender-based violence should include a broader spectrum of sexual violence and other forms of violence based on gender.

Secondly, the feminist and queer theories on transitional justice have contributed greatly to the investigation and condemnation of sexual violence in armed conflict, which is a basis for the analysis of this work. The theoretical framework in the forthcoming chapter is based on these advances and elaborates the specific case of Colombia’s transitional justice mechanisms and its precedents in more detail. The main argument from feminist and queer studies explained earlier, is the demand for a queer and intersectional approach to transitional justice, which will be included throughout the entirety of this work.

Thirdly, the academic and non-academic sources on gender-based violence in Colombia’s internal armed conflict have shown a trend towards the inclusion of the LGBTI community within the scope of their work. Whereas the first government investigative institution published its final report in 2013 with only one page dedicated to the LGBTI people in Colombia’s armed conflict, several reports followed in subsequent years. Non-government organisations have played an important role in the visualisation, documentation and denunciation of crimes against LGBTI people in Colombia, during and after the signing of the Peace Agreement in 2016. Local academia additionally contributed to the emerging discussion on violence against LGBTI persons in the armed conflict, however the investigative range remains limited. These works considered, the range of sources offers a fragmented analysis regarding geographical and other factors of the conflict. This work attempts to contribute to the scarce academic collection of queer studies on transitional justice and the Colombian armed conflict, while bridging these two topics by a field study. Nevertheless, further research and comparative analysis are needed to investigate the plural and complex forms of violence against the LGBTI

community in Colombia's armed conflict, as well as the inclusion of a queer and feminist approach to transitional justice.

3 Theoretical Framework

The previous chapter has situated this work within feminist and queer academia on transitional justice, particularly the work of Truth Commissions. In order to thoroughly examine the gender-approach applied by certain Latin American (and the South African Truth Commission), this chapter presents a theoretical approach to gender related terms and concepts. Moreover, the broad field of feminist and queer legal studies will be reviewed, with a special focus to their contribution to transitional justice. These theories contextualise the contributions that a gender sensitive methodology and ultimately the inclusion of a transversal gender approach can have to the mechanisms of transitional justice. Finally, a concept rooted within feminist academia – intersectionality – will be discussed in further detail, likewise focussing on transitional justice contexts. The concept of intersectionality has been explored by a myriad of academic disciplines and theorists. According to Davis (2008), this interdisciplinarity and broadness of the concept constitutes its strongest point as an umbrella notion for feminist and queer analysis. The possibilities to examine intersectionality in relation to the work of Truth Commissions within a transitional justice system are immense. Nevertheless, this theoretical framework connects the feminist and queer legal theory approach with the concept of intersectionality, in order to establish a theoretical basis for the further reflection of the Truth Commission's investigative work on gender-based violence.

3.1 Some Definitions in the field of Queer and Feminist Legal Studies

To approach feminist or queer theory, or in this case as a fundament for the reflection of transitional justice, the understanding of sex and gender as a cultural construct is essential. This thesis bases the notion of sex, gender and sexuality on Judith Butler's feminist and queer theories, which deconstruct the notions of sex and gender as cultural and social products (Butler, 1980, 2004). Butler coined the term gender performativity, which she connects to the premise that the social discourse produces categories, in which binary (male or female) genders, are performed in. She elaborates in her works on the fluidity of gender performance and the different cultural discourses that set limits to the extents of

“naturalness” for such performances of gender (Butler, 2004). The scope of this thesis will not include a detailed analysis of Butler’s work in connection to transitional justice, which might be fruitful in further research. This rough introduction to her theories serves as a starting point for the theoretical framework, that will elaborate in detail on queer and feminist legal theory. In order to connect these works to legal theory, it is important to note – in accordance with Judith Butler – that sex as well as gender are socially and culturally constructed and may be performed differently depending on the context that they are established in.

Another central consideration regarding queer analysis and some feminist theories is the use of the acronym LGBTI, (or LGBTIQ+, meaning lesbian, gay, bisexual, transsexual, intersexual, queer and asexual. The + indicates related communities). In many feminist and queer literature, as well as the realm of public policies and speeches, this acronym is predominantly used. However, as Hagen (2016) and Schulz (2019) point out in their respective studies, the inclusion of the Q is used in some contexts to emphasize queer gender identities that do not fit or auto-identify with one of the five “labels”: lesbian, gay, bisexual, transsexual, intersexual. Recent queer academics emphasize the diversity, fluidness and dynamics of gender and sexual identities, sexual orientations, gender performances and biological sexes (Galupo et al., 2017). These academics plead for the inclusion of the Q within the LGBTI acronym to refer to the broadness and complexity of the community it refers to and people that support or feel identified with it. This thesis cannot provide an in-depth analysis of the spectrum of all gender identities which are non-conforming of binary and traditional gender identities (male/female) or sexual orientations (heterosexual/homosexual) (Wheeler, 2017).

Most academic scholarship in this field derives from the discipline of psychology and cannot be extensively discussed in the scope of this thesis. An important consideration of the terminology LGBTI is that it is dominantly used in western contexts, as well as in academia and in NGO’s publications and social movements. The term however, remains limited because it fails to engulf the cultural and social dimensions interplaying with the individual and group concepts of gender (Galupo et al., 2017). It may be debated whether there can exist a satisfactory acronym or term to refer to the entire spectrum of gender identities and varieties of sexual orientations on a global level. Fineman (2009), and likewise Schulz (2019) suggest “sexual orientation, gender identity

and gender expression, and sex characteristics” (SOGIESC), as a form of addressing different shades among these concepts, breaking up the rigid “labels” provoked under the acronym LGBTI or similar label variations. This paper makes use of the LGBTI acronym because there has not yet been a transitional justice mechanism or study relating the experiences of SOGIESC individuals to armed conflicts. This thesis’ investigation is based on the work of former Truth Commissions and the foregoing efforts of the Colombian CEV, which have not explicitly referred to the term SOGIESC, nor has this connection yet much been made in academical research.

This thesis bases its theoretical and practical investigation on the examination of gender-based violence against LGBTI people. The theoretical part will approach the question - why is it important to consider gender-based violence and what implications does that have for sexual violence? The English language falls short in talking about forms of violence in plural, since there is no *violences*. In Spanish, *violencias* refers to more than one form of violent acts. For the purpose of underlining the plurality of violent forms that are connected to gender-based violence, this section uses the deviated form (neologism) *violences*. When it comes to gender-based violence, most academic and non-academic publications associate this form of violence as unilaterally directed against women and female children (Haynes & DeShong, 2017). Few cases within this literature consider men as victims of gender-based violence and factors such as sexual orientation or diverse gender identities are hardly ever reviewed. Many examples can be found in the field of psychology and in the investigation of inter-family or interrelationship violence (Simister, 2012; Wies & Haldane, 2015).

This thesis is based on a deconstruction of sex and gender – as explained in the previous section – and therefore considers gender-based violence as violent acts of a sexual character or otherwise violent nature conducted against people whose sexual orientation, gender identity and/or expression and gender performance deviates for the male/female gender binary or heterosexuality. This approach can be found in some academic reflections, mostly within feminist and queer scholarship (Fineman, 2009). Haynes and DeShong (2017) criticise the heteronormative structures established by these gender-based violence frameworks and suggest a queer approach towards them. They define gender-based violence in accordance with Robinson (2004), as “forms of violence, in which gender significantly explains the use or performance of violence and the

experience of violence. In other words, gender tells us something about who does it and why, and who experiences and why” (Haynes & DeShong, 2017, p. 111). This definition reflects the topic of gender in an ample way and approaches the *why* gender plays a central role in (sexual) violence contexts. Hence, this approach can contribute to the analysis of gender-based violence, the structures in which these are produced and the reflection upon ways in which to prevent this violence in the future. Including LGBTI people within the scope of gender-based violence enhances the analytical outcome and prevents duplication of heteronormative structures.

Furthermore, gender-based violence is often associated with sexual violence. Sexual violence is a form of gender-based violence and needs to be concisely defined to avoid the common equating of sexual violence and violations. Sexual violence can be defined in different dimensions, for example on a political, sexual and social level. Since this thesis’ analysis is based on transitional justice, more specifically Truth Commissions and their gender-based analysis of human rights violations in internal armed conflicts or authoritarian regimes, the following definition is based on sexual violence in armed conflict. Hence, the term “sexual violence” refers to violent acts that harm the sexual reproductivity, force a person into sexual acts without their consent, forced prostitution or sexual slavery, forced abortion, pregnancy or motherhood and the manipulation or violent acts regarding the gender expression or sexual orientation of an individual (Dubán Rincón, 2017).

Ultimately, this thesis examines the gender-approach realised by different mechanisms of transitional justice. Hence, the gender-approach refers to diverse gender identities and sexual orientations, not exclusively to the female gender or biological sex. Many public policies or mechanisms of transitional justice have reproduced heteronormative discourses by only considering women as the victims of sexual violence, interpreting sexual violence as a violation between a male and a female (Theidon, 2011). There have been examples of Truth Commissions within transitional justice operations that applied a more ample gender-approach to their investigative work but these works remain scarce. The respective Truth Commissions and their understanding of gender, as well as their investigations into violence against LGBTI people, will be analysed in detail in chapter five.

3.2 An Introduction to Feminist and Queer Legal Theory of Transitional Justice

Many authors debate the gaps between feminist and queer legal theory or else claim that queer legal theory owes its genealogy to certain feminists (Fineman, 2009). This chapter argues that there exists a false dichotomy between the two theories and that in transitional justice contexts both branches offer productive insights for the analysis of gender-based violence. The roots of queer legal theory can be dated back to Teresa de Lauretis, who coined the term in 1991 thereby giving it a positive connotation in legal scholarship. She transformed the formerly derisive character of the word “queer” into a collective term for the LGBTI community within legal contexts (Kepros, 1999). These first queer legal theories were often focussed on queer citizenship and legal matters regarding the equality of sexual minorities in national contexts. Queer legal theory, as well as feminist legal theory escapes a rigorous definition. It is built on the premise of analysing sexuality within its social sphere connected to intersecting cultural and historical dimensions. This means, that queer legal theory engulfs all individuals of a society and does not exclusively focus on sexual or gender minorities. It can be considered a postmodern theory that breaks with what is considered “natural” or “unnatural” regarding sexuality, and includes notions of fluidity, volatility or precariousness in connection to gender identities (Romero, 2009). To put it in Kepros’ words “[C]ategories [such as] ‘gays’ and ‘women’ are artificial, as is the fixedness of the identities they presuppose. Queer theory embraces indeterminacy, making it broadly inclusive across the lines that have traditionally defined gender and sexuality” (Kepros, 1999, p. 283). Furthermore, a central aspect of queer legal theory is the critique of heteronormativity, heteropatriarchy and the oppression of queer identities, which means diverse gender and sexual identities. The invisible privileged position of heterosexuality is questioned concerning the supposed social equality, both of which implicitly reproduce hierarchical structures between sexual orientations (Valdes, 2009).

Queer legal theorists such as Carl F. Stychin, Janet E. Halley and Francisco Valdes take up distinct positions in the debate between queer and feminist legal theory. As already stated, this chapter does not argue for the superiority of one theory over the other but concentrates on the similarities and joint contributions to the field of transitional justice. According to Fineman (2009), both theories are interdisciplinary and show subversive traits, opposing traditional, hegemonical notions of gender and sex. These interconnected disciplines discuss different angles of sex, gender and sexual orientation

in order to deconstruct social norms and establish equality for sexual minorities. However, a major difference between the two theories lies in the relationship with national governments, producing tensions since the 1980s until most recently. This means that in the previous couple of decades feminists tended to turn towards the state to claim protection and recognition of their rights, whereas LGBTI individuals tended to interpret the state as a source of discrimination and oppression. Examples in the legal field can be found in the United States, criminalizing same-sex sodomy in 1986 (*Bowers vs Hardwick*) (Romero, 2009). Hence, queer legal theory drifted towards the creation of safe spaces outside the reach of government enforcement.

The possibilities for dialogue and exchange between feminist and queer legal theory are ample and should join in the deconstruction of social norms regarding sex and gender. Feminist legal theory can be enriched by the perspectives on sexual orientation and the criticism of heteronormativity. In order to not reproduce rigid and pre-existing categories of “male” and “female”, the two theories have the potential to form a basis for an ample and inclusive approach to legal theory (Valdes, 2009). Hitherto, not many queer legal theorists have dedicated their works to the analysis of transitional justice mechanisms, nor to the work of Truth Commissions. The intellectual framework set by feminist legal theory and feminist academia, from other disciplines on the subject, sets a fundamental basis for queer analysis of the subject. As stated in the previous chapter, feminist critique of transitional justice mechanisms and general feminist voices in legal theory have contributed greatly to the inclusion of women and a shift in the analytical focus of internal armed conflicts (Bueno-Hansen, 2018).

Nevertheless, the topic of gender-based violence with regards to diverse gender identities and sexual orientation remains a marginalised topic, especially in the work of Truth Commissions. Queer legal theory has the potential to contribute from an academic viewpoint to the inclusion of LGBTI individuals in the application of an analytical lens, that emphasizes the ramifications of gender and sex in armed conflict and does not uniquely consider women in that aspect. Queer legal theory focusses on gender identities which implicates a fluid understanding of the term on one hand and the variedness of these identities on the other hand. The consideration of identities regarding sex and gender is a secluded element of transitional justice which could be theorised adequately from a queer legal theory perspective (Schulz, 2019).

Moreover, queer legal theory reflects key concepts related to gender-based violence in armed conflicts or authoritarian regimes. As Buss (2007) points out

It is a way of analysing how gender, sexuality, and heterosexuality as organizing principles construct hierarchies of normal sexuality and intimacy. Setting itself a rather vague and ambitious task, queer theory aims to queer the normal – indeed, to challenge the very idea of normal (Buss, 2007, p. 123)

Queer theory challenges social and political realities regarding the strict division of gender and sex, solidified in heteronormative structures. These structures conform to a rigid hierarchy, based on a gender binary with distinct national constructions of “male” and “female” gender roles and heterosexuality as the normative sexual orientation (Fobear, 2014). The divergent positions between social and political realities and queer theory construct opposing views. On one side is the heteronormative structure with opposing views on the other. These opposing positions are amplified in armed conflict connected to the motive of social control and the consolidation or quest of power by illegally armed actors (Dubán Rincón, 2017).

Furthermore, queer theory contributes to the deconstruction of homophobia and transphobia by analysing its strategical and political interconnections. Political homophobia and transphobia in armed conflict is based on prejudice and fear against LGBTI individuals, with the intention of constructing abstract normative orders (Serrano-Amaya, 2018). Special implications of these abstract norms vary between national and local contexts. A more detailed consideration of the Colombian case will follow in chapter five.

Another central concept pointed out by queer and feminist academia regarding the work of transitional justice is intersectionality. This concept has been examined from a myriad of scholarly disciplines, which characterise its polyvalent and multifaceted traits (Davis, 2008). According to McCall (2005) it constitutes the “most important theoretical contribution that women’s studies, in conjunction with related fields, has made so far” (p.1771). One example of an affiliated academic field is queer (legal) academia, which regularly mentions the concept of intersectionality or applies it to their investigations as a methodological approach. The following chapter will point out the interconnected

theories of intersectionality and queer studies, referring to the origins of intersectional analysis in black feminist thought. However, unlike other intellectual fields or schools of thought, such as feminist studies, social theory, positivism or post-modernism, queer (legal) theory did not develop a monolithic theoretical approach to intersectionality. This might be due to the very nature of queer (legal) theory that is very flexible, diverse and cannot be formed into rigid categories. Additionally, a subsequent subchapter will provide theoretical approaches to intersectionality from feminist academia, especially from its black feminist origins and reflects upon some voices from queer legal theory. Moreover, the section will discuss the centrality of an intersectional approach to transitional justice contexts and argue for the transversal application of a gender-approach in its different mechanisms.

3.3 Legal Feminist Views on Intersectionality

This chapter will introduce the notion of intersectionality by exploring its roots in black feminist thought, particularly the works of feminist legal scholars Kimberlé Crenshaw and Patricia Hill Collins. The lawyer and black feminist Kimberlé Crenshaw coined the term intersectionality in 1989 and further elaborated on it in her ensuing works. Her publications are frequently cited in academic literature and referred to as the “origin” of intersectionality, although her concept is built upon black feminist thought from the earlier 19th century (Carastathis, 2016; Viveros Vigoya, 2016). Since her article in the University of Chicago Legal Forum “Demarginalizing the Intersection of Race and Sex” (Crenshaw, 1989), the theory has flourished across various intellectual disciplines and the term has been adopted by numerous schools of thought. Depending on national contexts, there are differing currents of academia on intersectionality theory: In the United States, many theories are strongly influenced by black feminist thought, whereas in northern Europe, postmodernism and poststructuralism lead the academic trends on intersectionality (Bilge, 2010).⁸ Crenshaw (1991) and Hill Collins (2009a) take divergent positions to this dichotomy in Western epistemology: Crenshaw connects intersectionality with postmodernist theory in order for it to serve as a functional concept

⁸ The scope of this work will not analyse the academic development of the intersectionality concept in full detail, for an extensive analysis on the history and theoretical approaches to intersectionality, see for example sociologist and feminist Kathy Davis (2008), as well as Chan and Howard (2020).

in contemporary politics, whereas Hill Collins proposes an alternative paradigm to the antagonism between positivism and post-modernism (Bilge, 2010).

The theoretical framework of this thesis is based on the works originating from black feminist academia (Hill Collins, 2000, 2009a, 2009b) and complexity theory that approaches a framework emphasizing social identities and inequalities (Bilge, 2010; Walby, 2007; Walby et al., 2012), who contributed to the field of gender studies on transitional justice. There is no extensive study so far that combines queer (legal) theory on intersectionality as a theoretical basis for the analysis of transitional justice, so this thesis explains how the theories of Hill Collins and Bilge et al. serve as a starting point in this area. The core aspects of these theories contain political and social ramifications of complex gender and sexual identities, as well as an inclusion of macro and micro levels of political power in relation to these identities.

To start with, the working definition for this analysis of intersectionality is based on Sirma Bilge's article (2010) on recent feminist outlooks on intersectionality where she states:

Intersectionality reflects a transdisciplinary theory aimed at apprehending the complexity of social identities and inequalities through an integrated approach. It refutes the compartmentalization and hierarchization of the great axes of social differentiation through categories of gender/sex, class, race, ethnicity, disability and sexual orientation.

To contextualise Bilge's definition and the fundamental works of Hill Collins, this section provides a small introduction to black feminist thought, in which theoretical approaches to intersectionality were developed. Already in the late 19th and early 20th century, the social-movement discourse opposed the multiform discriminations, oppressions and violent treatments against black women in the United States, Britain and other colonial or imperial states. Women of colour subversively organised to confront the intersecting oppressions of their gender, race and class (Carastathis, 2016). A prominent example can be found in the United States in 1851, where the formerly enslaved Sojourner Truth gave a speech titled "Ain't I a Woman?" Truth critically proclaimed that only bourgeois white women were considered females from her perspective, as a formerly enslaved,

hardworking black woman and mother of many children, that were forcefully enslaved (Viveros Vigoya, 2016).

Especially in postcolonial territories and areas with former enslavement, examples can be found from black women fighting against the converging forms of discrimination or oppressive treatment that they faced in more recent decades. The Peruvian writer Clorinda Matto de Turner emphasized in her pioneering book “Aves sin nido” (Birds without Nest) of 1899, the vulnerability of indigenous women that were sexually abused by governors and local priests in the early years after the independence from Spanish rule. Her text highlights the peculiarity of ethno-racial and gender relations, that played a central role in their victimization (Viveros Vigoya, 2016).

The topic of these intersecting categories – race, class and gender – was elaborated extensively in early black feminist thought in the United States. The theorists did not denominate their ideas under the umbrella term intersectionality but rather referred to it as double or triple jeopardy, or interlocking oppressions. Women of colour among the early black feminist collective, theorized about multi-axial oppressions in the early 20th century, yet their works remain marginalised, almost erased because of cold war political oppression (Carastathis, 2016).

After Crenshaw coined the umbrella term intersectionality in 1989, many feminist scholars were concerned about the concept becoming a black box for any form of political or social oppression (Davis, 2008). The theoretical basis of this thesis critically reflects upon the term intersectionality and discusses the works of Hill Collins and Bilge (2016) and Hill Collins (2009a, 2009b), in order to connect the concept to the intertwined oppressions and discriminations experienced by LGBTI people, focussing especially on gender-based violence in armed conflicts. Central aspects to approach the topic of gender-based violence from an intersectional viewpoint are the deconstruction of binary oppositions with regards to sex and gender and the dismantlement of static conceptualisations of identity (Dubán Rincón, 2017). The model elaborated by Bilge and Hill Collins explains the ramifications of complex identities in relation to intersecting despotism as well as considering the implications of interpersonal, structural, organisational and institutional elements.

Hill Collins identifies a duality of oppression between the micro sociological and macro sociological levels of oppressional structures; Related to the macro sociological level, she uses the term matrix of domination to explain “how these intersecting oppressions are actually organized. Regardless of the particular intersections involved, structural, disciplinary, hegemonic and interpersonal domains of power reappear across quite different forms of oppression” (Hill Collins, 2009a, p. 18). The matrix of domination designates the societal organisation of different power domains that are in themselves diverse but exist across all forms of oppression. They compose distinct sites on which oppressive structures against ethnicity, gender, class, sexuality and nationality mutually construct each other. In particular, the four domains describe the following systems: Firstly, the structural domain of power (laws and institutions), encompasses the internal organisation of interdependent and large-scale institutions that mutually influence each other, such as the legal system, the labour market, the media and the educational system. Secondly, the disciplinary domain (administrative and bureaucratic management), is an important element of control in modern states and especially affects populations with divergent gender identities or a different ethnicity. Thirdly, the hegemonic domain (culture, ideology and consciousness), intertwines the former two domains and the inter-personal one by creating a naturalisation of domination relationships and a societal hierarchy. Lastly, the inter-personal domain (every-day interactions), is influenced by various hierarchies but constitute routinised, systematic and recurrent actions that are often invisible due to their profanity. On this domain, micro-sociological oppressions are performed.

Consequently, the power domains form a dynamic, incoherent set of discriminatory and oppressive systems, structures and experiences – the power matrix. Hill Collins emphasizes, that even though the structural and disciplinary domains of power might be comparable between certain situations, the multiplicity of interrelations, dependencies and intersections of individuals, cause a complexity in each individual case. It is therefore crucial to understand and address the complexity of intersecting power domains that form distinct forms of oppression, discrimination and ultimately impact gender-based violence and other forms of violence (Hill Collins, 2009a).

Besides this theory of intersecting categories conforming oppressive structures, Hill Collins further states that these categories are socially constructed and are not

fundamental or biological characteristics. Gender, class, race or sexuality are not monolithic social entities but vary according to their context and are constructed within social interaction. Hence, a category like gender does not exist equally throughout other socially constructed categories like class, race or sexuality. Hierarchical structures of power and domination, as explained in the previous section, value some categories more than others which underlines the social constructionism of this concept (Hill Collins, 2000).

Another key aspect of intersectionality scholarship, that Hill Collins and Bilge do not address in their works, is the relationality of constructed, intersecting categories like gender, race and class. Baca Zinn et al (2020) have examined the relationality from an intersectional viewpoint, concluding that categories such as homosexuality or masculinity are constructed interdependently with other seemingly antagonistic categories (heterosexuality and femininity). This theoretical approach to intersectionality underlines the relation between intersecting categories and includes the investigation of oppression, as well as privilege in its analysis. With regards to the LGBTI community, the investigation of gender-based violence also needs to consider homo- and transsexuality in relation to heterosexuality in order to gain an understanding of the socially constructed hegemonic structures that compose oppression, privilege and ultimately produce multiple forms of violence.

The previous section theoretically approaches intersectionality and explains the complexity of intersecting despotisms. The following section will examine central aspects of gender-based violence against LGBTI persons in situations of armed confrontations, in order to connect these aspects with the concept of intersectionality. How can intersectionality serve as an analytical lens for the examination of these forms of violence and the complex contexts in which they are produced? More detail regarding the analytical work of former Latin-American Truth Commissions on gender-based violence, particularly against LGBTI individuals, will be provided in the fifth chapter, as well as details on the Colombian case. This current section 3.3 argues how intersectionality can engulf the complexities of gender-based violence as an analytical lens for its investigation.

The CEV faces the difficult task to comprehensively investigate the topic of gender-based violence during the Colombian internal conflict and formulate

recommendations for various national reforms. The concept of intersectionality, elaborated by Hill Collins and Bilge (2016) can be a particularly valid tool in this investigation because it considers the complexity of experiences lived by marginalised groups such as the LGBTI community, related to the different power domains explained previously. Individuals and groups with gender/sexual identities, expressions and sexual orientations, that do not conform with the male/female gender binary or heterosexuality, are exposed to a myriad of oppressive structures, discriminatory acts and violent treatments (Verhelst López, 2018). Intersectionality is a theoretical basis for the investigation of the dynamics that amplify these despotisms and *violences* in armed conflict and reproduce them across all domains of power.

The Inter-American Commission on Human Rights concluded in (2015) that LGBTI individuals are extensively exposed to violent treatments in armed conflict because their “identities, expressions, behaviours or bodies transgress traditional gender norms and roles, or run contrary to the binary system of male/female” (Inter-American Commission on Human Rights, 2015, p. 33). Hence, the rejection of diverse gender identities and non-normative sexual orientations are essentially based on the dominant heteronomous and patriarchal structures, supported by moral, religious and social orders that condemn any contradiction to the biological binomial dimensions of man/woman. Duban-Rincón (2017) strengthens this argument by stating that situations of armed conflict exacerbate the imposition and diametrical confrontation of canons of conduct, such as the desire on sides of armed actors to eradicate gender identities that do not fit into the traditional paradigm. The author underlines that these oppositions in armed conflict cause severe human rights violations and cannot be considered singular events. On the contrary, Duban Rincón classifies these human rights crimes as a strategy of war, that calls for a systematic analysis and legal procedure focussed on gender-based violence.

Particularly in the context of the Colombian internal conflict, LGBTI individuals and groups have been the target of specific forms of violence and exclusion. The CEV’s investigative work should especially consider the following violent oppositions against LGBTI people in armed conflict: Diverse sexual and gender identities, as well as non-hegemonic sexual orientations, are confronted with constant suspicion of compliance with a political opponent. Homo- and transphobic tendencies can be considered an

attempt to control the civil population during an armed conflict (Verhelst López, 2018). Moreover, LGBTI persons are an especially vulnerable group, affected by internal displacement because they are threatened by armed actors and the pressure of their community to either conform to heteronormative sexuality or leave their homes. Human rights violations like killings, torture and sexual violence have been reported to be motivated – from the sides of national security forces, the military, illegally armed groups and the paramilitary – to weaken and dishonour the enemy, on grounds of their suspected sexual orientation or gender identity. The feminine identity or stereotypical “homosexual behaviour” are hereby considered inadequate traits, that deserve punishment or even correction (Margalit, 2018). Sexual violence against LGBTI people includes forced heterosexuality, forced compliance to the biologically assigned sex, sexual violations as a corrective measure, (forcing an individual to have sexual relations with the opposite sex without their consent), amongst others. Humiliation plays an important role in connection to sexual violence. The former report of the CNMH (2013) identified a case in Sucre, where members of the paramilitary organised a public boxing event between homosexuals, in order to openly dishonour and degrade them. The publicity of the event was intended to demoralise its civil participants and cause shame and scorn amongst them.⁹

The expression of non-normative sexualities and identities or the challenging of predominant gender roles, is often considered suspicious, a cause for social anxiety, or interpreted as a threat to social order and public morals. The perceived deviation from heteronormative sexual and gender norms can lead to organised crime, characterised as “social cleansing” (*limpieza social*), which means the social extermination of individuals or groups that are classified undesirable. Cases of social extermination against LGBTI individuals in Colombia, particularly sex workers, have been reported to the Inter-American Commission on Human Rights since 1993 (Margalit, 2018). The CEV is mandated to investigate the causes and roots of the internal armed conflict, which requires a profound analysis of the dynamics and structures leading to organised, frequent and systematic human rights violations against LGBTI individuals and groups. The

⁹ A more detailed analysis of violence against the LGBTI community in Sucre can be found in Colombia Diversa (2017) *Vivir bajo sospecha. Estudios de caso: personas LGBT víctimas del conflicto armado en Vistahermosa y San Onofre*.

aforementioned characteristics of violence against the LGBTI community during the internal armed conflict need a further and profound analysis, that can be conducted from an intersectional viewpoint. Intersectionality offers a theoretical and methodological framework to gain an understanding of the micro and macro dimensions and power relations that supported, occulted or allowed for these *violences* to happen during the entirety of the internal armed conflict. The CEV's investigative work needs to provide answers to the question *why* and not only *how* these forms of violence occurred. This thesis suggests an intersectional lens for a profound and interconnected analysis of these violent structures, that considers institutional, legal, social, political and inter-personal dimensions of the topic, in order to disrupt this violence continuum against LGBTI people in Colombia.

4 Methodological Framework

This thesis combines two methodological approaches in order to connect the research question and the theory of intersectionality to the transitional justice context on one hand, and the experiences of gender-based violence, during the Colombian armed conflict on the other. Thus, chapters two and five are based on an extensive and systematic literature review (Gough et al., 2017) to reveal the state of the art on gender-based violence against LGBTI people, during the internal armed conflict in Colombia, and to analyse how this topic has been incorporated by different Latin-American Truth Commissions.¹⁰ Chapter two furthermore links this overview to theoretical approaches from feminist and queer legal theory to question why this topic has been marginalised in Truth Commissions' work. The literature review, as a method, is applied to establish a theoretical base for the premises to the investigative work on gender-based violence. The status quo on this topic is therefore approached rather extensively in this thesis to embed and discuss the theory of intersectionality throughout its work. Chapter five is also based on a systematic literature review of the available primary sources: In this case the final reports of Latin

¹⁰ Chapter five explores South Africa as the first Truth Commission to deal with cases of violence against the LGBTI community within public hearings; however, the final report of the Truth and Reconciliation Commission (TRC) does not include this topic in its analysis. The example is mentioned in the scope of this thesis because the later Truth Commissions, especially the Peruvian Truth and Reconciliation Commission (CVR) is structured after and inspired by the South African model. The rest of the six discussed examples of Truth Commissions are from Latin American countries, so the focus remains on this area.

American truth commissions that investigated gender-based violence. Additionally, secondary literature from various social sciences fields was reviewed to contextualise and further discuss these findings.

The second methodological approach is tightly connected to the theoretical framework of this thesis. Based on the works of sociologist and political scientist Leslie McCall (2005), Cho et al (2013) and the sociologists Choo & Ferree (2010), intersectionality is discussed as a methodological resource. Following, this method is discussed further as a guideline for the qualitative interviews conducted for this thesis and their interpretation which constitute chapter six.

Intersectionality as a theoretical concept, as well as a methodological approach to academic research, has been covered from a myriad of different disciplines. Outside scholarly production, intersectionality is used in social movements and public policies, amongst others, which constitutes the normative and political dimensions of intersectionality (Cho et al., 2013). Academics from distinct fields integrated intersectionality into their research projects, operating on the margins of their specific disciplines and drawing on innovative approaches to combine standard methods of research with intersectionality. Cho, Crenshaw and McCall (2013) reflected upon academic production that synthesised intersectionality across disciplines and contexts and stated as follows:

Rather, what makes an analysis intersectional — whatever terms it deploys, whatever its iteration, whatever its field or discipline — is its adoption of an intersectional way of thinking about the problem of sameness and difference and its relation to power. This framing — conceiving of categories not as distinct but as always permeated by other categories, fluid and changing, always in the process of creating and being created by dynamics of power — emphasizes what intersectionality does rather than what intersectionality is (Cho et al., 2013, p. 795)

Hence, intersectionality as a method can become generative across different disciplines, requiring a creative and innovative reflection of methodological use, classically referred to in the respective fields. Intersectional research is a tool to point out interlocked axes of power and oppression, that cause collective or individual disadvantage and possibly also affect knowledge production. The latter could be another viewpoint of an intersectional

analysis. The complexity of intersectionality and the width of academic fields constitute the dynamics and growth of this field. The sociologist and political scientist Leslie McCall reflects the complexity of intersectionality and its methodological demands as a mirror of social life in her article “The Complexity of Intersectionality” (2005).

McCall (2005) identifies several difficulties in applying intersectionality to a single methodological framework, which she ties to the complexity in investigating multiple social identities and structures. She further divides this complexity into three categories to frame their methodological approaches: firstly, the anticategorical complexity, intracategorical complexity and intercategorical complexity. The first one is concerned with the deconstruction of categories in academic research, the second and third approaches highlight specific intersections, by focussing on a certain social group or the relations between groups, respectively. These approaches are derived from late 20th century feminist critique of modern analytical categories, including black feminist thought and feminist poststructuralists. McCall specifies the intracategorical complexity as an approach that acknowledges the heterogeneity within categories – such as homosexual or bisexual gender identities – but maintains a critical perspective of these. Scholars applying this method highlight specific social groups at marginalised intersecting levels. In other words, their studies focus on people whose identities challenge the perimeters of traditionally constructed categories, in order to illuminate the complexity of their experiences (McCall, 2005). Similar to this study, Choo and Ferree (2010) identified a group-centred method for intersectional research, which focusses on the experiences of marginalised groups, who are typically lesser represented in academic studies. Another central point of their methodological approach is the reflection of research strategies that denaturalises hegemonic structures, “particularly by drawing attention to the unmarked categories where power and privilege cluster” (Choo & Ferree, 2010, p. 147). McCall on the other hand does not mention privilege as an analytical category within her intracategorical approach of intersectionality (McCall, 2005). This thesis will analyse the intracategorical complexity of the LGBTI community, in the context of the internal armed conflict in Colombia, particularly with regards to suffering gender-based violence. This methodology is applied in order to dismantle single-axis approaches to the diversity of the LGBTI community and the relations of power and oppression, that interplay with gender-based violence during the armed conflict.

McCall suggests the intense study of groups, or the in-depth study of cases of a group, culture or site, as a viable strategy to approach intracategorical complexity within intersectionality. Its goal is to reveal the diversity, multitude and heterogenous nature of a certain group, particularly in cases of socially marginalised or “invisible” groups (McCall, 2005, p. 1782). Traditional categories are utilised initially to situate the group within the socially constructed system of intersecting, manifold categories. Research should be designed to demonstrate the spectre of diversity within socially constructed groups. Hence, this approach makes an ambivalent use of categories, which on one hand are used to identified marginalised groups but on the other hand are crossed and dismantled, by lived experience of individuals, that show the heterogeneity within such categories and the complexity of lived experiences (McCall, 2005).

This thesis uses the intracategorical complexity, as a basis for the design of semi-structured interviews, in order to reveal the heterogeneity among categories like queer or LGBTI, in relation to other intersecting factors, that influenced lived experiences of gender-based violence during Colombia’s internal conflict. Thus, a semi-structured interview was conducted with a transsexual woman, Andrea la Bella, who was victimised several times during the armed conflict and has taken the role as a social leader of the transwomen community in the department of Cundinamarca. The interview with her aims to reveal intersecting oppressions throughout her life and show the relation she had with the Colombian authorities. In addition to her case, two smaller semi-structured interviews with acquaintances of hers, from the local LGBTI community, were conducted in order to further contextualise her experience. The transcript of these interviews can be found in the appendices A to C of this thesis. Chapter five provides an analysis of the collected data, using the intracategorical approach to an intersectional research design by McCall and the theoretical foundation elaborated in the previous chapter.

5 Gender and the Commissioning of *Truth* in Latin America

In the transitional process from an authoritarian regime towards democracy or from an internal armed conflict towards peace – in some cases such as in Peru these factors overlapped – states decide on implementing one or several transitional justice mechanisms. According to the United Nations (UN), transitional justice attempts to “come to terms with a legacy of large-scale past abuses in order to ensure accountability,

serve justice and achieve reconciliation (United Nations, 2010). Generally, four components of transitional justice can be identified which make up a comprehensive system: criminal prosecution, reparations, institutional reforms and truth commissions (ICTJ, 2020). In any case, international law standards demand that the victims and society as a whole know about the structural causes, consequences and specific circumstances, in which crimes of the past took place. This obligation confronts discourses of denial and attempts of trivialization or obscurity of the human rights violations. The truth-seeking element, which is often formalised by a truth commission, is a non-judicial element of transitional justice and played a considerable role in Latin American processes. Truth Commissions can be seen as a fundamental initiative towards the recognition and documentation of severe human rights violations in armed conflict or under an authoritarian regime (Maier, 2019).

Over the past four decades Truth Commissions have developed into a global phenomenon, which can be found in a variety of socio-political contexts (Scheuzger, 2009). However, the term Truth Commission cannot be clearly defined and is often named in different ways, including Commissions of Inquiry, Extrajudicial Commissions or commissions with a limited local mandate or specific focus on one historical event. It refers to a wide range of organisations with different work instructions, methodological approaches, as well as socio-cultural implications and political influences (Bakiner, 2016). There are more than 40 Truth Commissions on four continents globally, this number depends though, on the definition used for the quantitative study. Some sources count 25, whereas others state there are over 40 Truth Commissions globally (Freeman, 2006; Nauenberg, 2015).

The beginning of these institutions for dealing with the past, is in many publications assigned to the South American commissions, which worked on the processing of military dictatorships in the early 1980s (Scheuzger, 2009). Examples can be found in Bolivia from 1982 to 1984, Argentina from 1983 to 1984, and Uruguay in 1985 (Hayner, 2006). However, the first truth commission that investigated human rights violations can be found in Uganda from 1962 to 1986, which received less scholarly response, as it was not a product of political transition but a resource to avert international pressure on then dictator Idi Amin (Scheuzger, 2009).

Latin American states set up a variety of Truth Commissions, that were mostly implemented to investigate human rights violations, during authoritarian regimes and the structural causes for the emergence of internal armed conflicts. Some investigative mandates were relatively limited, as is the case for the Chilean and Argentinean Truth Commissions, that were mainly focussed on forced disappearances and murders, excluding sexual violence, torture and other severe human rights violations from their inquiries (Hayner, 1994). Few examples can be found in Latin America, that included a thorough analysis of sexual violence in internal armed conflicts or during the rule of an authoritarian regime. The current chapter starts by approaching definitions on Truth Commissions and goes on to contextualising these in transitional justice systems, therein focusing mainly on Colombia. In order to discuss the former work of Latin American Truth Commissions on gender-based violence, the subsequent section gives an overview of Commissions, which included this form of violence in their mandate. Ultimately, the Colombian example is examined in further detail and linked with reflections on the investigation into gender-based violence. Intersectional, feminist and queer theories, as explained previously, will especially be taken into consideration, when examining the topic of gender-based violence, as investigated by the Truth Commission.

5.1 Theoretical Approaches on Truth Commissions and Transitional Justice

The field of transitional justice and Truth Commissions has broadly been studied in a variety of academic disciplines, as shown in chapter two. The chapter consequently states that there is no generally applicable definition for the organisation of a Truth Commission and that defining terms ultimately depends on the intention of each scholarly investigation. Similarly, there is a multitude of definitions and interpretations of transitional justice, depending on the discipline and intention of the investigator(s). This thesis focusses on a qualitative analysis of gender-based violence within armed conflict and the ramifications for its investigation from a Truth Commission's perspective. Therefore, a brief reflection on transitional justice and Truth Commissions will be provided in this chapter, in order to establish a theoretical fundament for the discussion of the investigative work on gender-based violence.

Firstly, transitional justice is a topic which has rapidly emerged in academic discourse over the past couple of decades. It can be defined as a process or set of

mechanisms, of short-term and frequently temporary character, judicial or extra-judicial, which confront a recent past of human rights violations, in a society emerging from a conflict (Boer Cueva, 2015). It searches to clarify the identity and whereabouts of the victims and perpetrators, investigates human rights violations connected to the conflict and deals with reparations in a national context (Najar Moreno, 2009). The first phase of transitional justice started in 1945 with the Nuremberg Trials, that aimed at the state level and institutional reform of Germany after the second world war. This transition mainly intended to persecute and convict war leaders and ex-combatants, focussing on individual responsibility for the many severe human rights violations during the NS regime. This phase marked the internationalisation of judicial proceedings overpowering the national jurisdiction. The demand for justice was hitherto given a purely retributive merit (Teitel, 2002).

The “birth hour” of international criminal justice, initiated by the Nuremberg Trials, profoundly impacted the discourse on International Human Rights Law. A pivotal moment for international law was created between 1945 and 1946, that did not only intend to persecute criminals, but also sought to generate a narrative about the second world war for the following generations. However, therein the victims of the Holocaust were only marginally included in the construction of this war narrative. Their role was to give accounts as witnesses during their trials, but they were not referred to directly in the Charters of Nuremberg, nor of Tokyo (Zappalà, 2003). The voices of individual victims, or victim groups did not penetrate this narrative, but rather were influenced by a victim collective, composed of the nations attacked by Germany. Hence, LGBTI victims did not have a platform to voice their experiences of terror, exclusion and persecution during the NS regime, which declared its desire to eliminate homosexuality during its rule (Brants & Klep, 2013). In short, the Third Reich campaigned against homosexuality, suppressed the decriminalisation of homosexuality and invaded their common places. Furthermore, during the war, they penalised homosexuality and sent suspected homosexuals to concentration camps where, in some cases, they had to face castration or were made the objects for typhus testing. Within the extreme cruelty imposed on prisoners in the German concentration camps, homosexuals were placed at the bottom of the created hierarchy. Identified by a pink triangle on their clothing, they experienced exclusion and brutal treatment from the guards and prisoners of the camps (Grau, 2013).

Nonetheless, the transitional justice process, starting with the Nuremberg trials, did not ensure accountability for these crimes, nor reparation for its victims. None of the testimonies given in Nuremberg account for the persecution of LGBTI people during the Third Reich era. The above illustrates the oblivion of this population in the Nuremberg Trials and therefore the silence of LGBTI voices in the first phase of transitional justice. The trial led to the re-victimisation of LGBTI individuals, which were marginalised in times of war as well as in times of post-conflict, which leads to a continuum of violence unaddressed by the transitional justice at that time (Verhelst López, 2018).

In the late 1970s and 1980s the emphasis graduated away from jurisprudence towards the re-democratization of states and the reformation of civil society, which marked the second phase of transitional justice (Fobear, 2014). There have been numerous transitional justice systems in Latin America, most of which included Truth Commissions as part of their transition towards democracy or peace (Boer Cueva, 2015). In contrast to the first phase, many systems were handled within national limits, differing from the former international influence on transitional justice. Another distinction to previous transitional justice processes is the shift away from individual responsibilities and sanctions towards the reinstallation of democracy and reparation of past atrocities. In the late 20th century retributive justice was therefore progressively replaced by the new paradigm of restorative justice, which sought out to construct an alternate history of past abuses. This initiative initially looked for the separation of justice and truth, consequently implementing extra-judicial truth-seeking mechanisms like Truth Commissions. It is in this, the discourse on truth within transitional justice mechanisms, that was used in order to preserve peace and (re)establish democracy and not to persecute perpetrators (Uprimny & Saffon, 2006). In many examples from the Southern Cone however, that these transitional justice mechanisms granted amnesties for perpetrators, in an attempt to strengthen democratic ties and rapidly reconstruct and reconcile the nation (Najar Moreno, 2009). With regards to the clarification and investigation of human rights violations against LGBTI people, Truth Commissions have kept silent in most of the cases. Of the over 40 global Truth Commissions, only six have included violence against gender and sexual minorities in their mandate. The respective commissions will be examined in detail in the following sections of this chapter.

The third or contemporary phase of transitional justice was defined by Teitel (2002) as a form of internationalisation of transitional justice, naming the ad hoc tribunals of Rwanda and the former Yugoslavia as examples. For the purpose of this thesis, the contradiction to Teitel's work formulated by Uprimny and Saffon (2006, 2008) will be taken into consideration. These authors state that the internationalisation of transitional justice systems of the 1990s identified by Teitel, show characteristics of retributive justice and would therefore better fit into the first phase. In accordance with Uprimny and Saffon, this thesis analyses the Colombian case within a transitional justice paradigm, that functions within national limits and focusses on restorative justice. Whereas the academic focus on the analysis of these transitional processes, is in many cases an evaluation of their success or the examination of political specification of the national contexts, this chapter intertwines a queer and feminist perspective on transitional justice with the investigation of the contributions from transitional justice – especially Truth Commissions – to the topic of gender-based violence in armed conflict.

For the investigation of this thesis, a relatively broad and often recited definition from Priscilla Hayner (2011) is applied as a basis of theoretical reflection on the topic of Truth Commissions. Hayner explains that a Truth Commission is firstly, “focused on the past, rather than ongoing events; [secondly] investigates a pattern of events that took place over a period of time; [thirdly], engages directly and broadly with the affected population, gathering information on their experiences; [fourthly], is a temporary body, with the aim of concluding with a final report; and [fifthly], is officially authorized or empowered by the state under review” (Hayner, 2011, p. 11). In accordance with Freeman's discussion on this definition, the aspect of a victim-based approach needs to be further highlighted in this definition to underline the active inclusion of this population (Freeman, 2006).

This thesis reflects the “gender focus” in Latin American Truth Commissions, which has not yet been included as a key element in scholarly definitions of these organisations. The absence of gender as a remarkable aspect of a Truth Commission might be due to the lack of “gender-sensitive” commissions so far, or simply because comparative analysis has not determined this to be a central factor until now. The scope of this thesis is not adequate for a comprehensive comparison of all Latin-American Truth Commissions on terms of their application of a gender-approach; however, the Truth Commissions that included gender-based violence in their investigative mandate will be

discussed herein. This shall not imply the conclusion that the examination of gender-based violence equals a gender-approach in their work, which was discussed previously. This chapter provides an overview of Truth Commissions that included a relatively amplified perspective on gender-based violence, which possibly constitutes one element of a gender-approach. As stated earlier, the gender-approach in Truth Commissions, as criticised by legal feminist academic and queer legal studies, does restrict this field to the investigation of sexual violence – in many cases reduced to the act of sexual violation – against women. This rather narrow approach excludes other forms of sexual violence, like forced pregnancies or forms of gendered violence, like the obligation of a specific gender performance. The subsequent analysis considers this feminist and queer critique on one hand and on the other, provides an overview on the development of Truth Commissions, regarding their work on gender-based violence.

5.1.1 Reflections on *Truth* and *Memory* within the Framework of Truth Commissions

The construction of a Truth Commissions usually happens in a peculiar political and social context, that implicates a transitional process. The aftermath of an internal armed conflict or an authoritarian regime, leaves deep marks on the national *collective memory*, a term coined by the French sociologist and philosopher Maurice Halbwachs. In short, *collective memory* is the concept of a group memory, which goes beyond the individual forms of remembrance and is furthermore connected to a framework that situates the group within a society (Halbwachs & Coser, 1992). The thesis will not elaborate an analysis of Colombia's *collective memory* dimensions, but it is important to underline the political sphere that it is connected to. The influence and impact of an enduring and highly complex armed conflict, that perpetrated social, political, economic and individual developments, profoundly shaped the discussion on *collective memory* in Colombia. One of the most complex tasks within the work of a Truth Commission is the dismantlement of a formerly constructed *truth*, which in the Colombian case engulfs state actors as well as illegally armed groups. (Ruiz Romero & Hristova, 2019). The act of challenging a complex and interwoven *truth* emphasizes the political element of the Truth Commission's work, so the notions of *truth* will be reflected upon in this subchapter.

To elaborate on this institutional approach to *truth* in a national context, Truth Commissions engage with, what Halbwachs called, *collective memory*, or more generally speaking *memory*. *Memory* is a selective, fluid and dynamic concept, which produces silences, invisibilities and offers a range of shades to it. Truth Commissions interfere with *memory* on a variety of levels, including individual, group and institutionalised *memories*. A fundamental aspect of a Truth Commission should be the visualisation of silenced and suppressed memories, constructing a *truth* about the violent past, that they are investigating. Central to their work is a plurality of voices, that are not broadly represented in the public discourse, offering them a platform to present their accounts (Jelin, 2002). Additionally, *memory* is a process and not a singular entity, it is something actively created, rather than something static. Conforming a multiple process, memory should more adequately be referred to in the plural, (*memories*) or in connection to the term remembrance, to underline the disputes about memories in societies, as well as the debate about their claims of truth (Jelin, 2002). It is amid this friction and interplay between memories and truth, that Truth Commissions must position and legitimise their work, dealing with conflicting, sometimes diarchal accounts of the violent past.

In the Colombian case, the armed violence during more than 50 years and the changing governments, that formally ruled democratically from 1974 onwards, constitute a special case in Latin America. Colombia did not have an authoritarian regime in power after the military dictatorship came to an end in 1958, which differentiates the country from many others in the Southern Cone and Central America. Additionally, the Colombian government from 2002 to 2010 plainly disputed the existence of an internal armed conflict connected to political and socioeconomic causes, and even publicly denied it as such, framing it instead as a “war on terrorism”. (Gutiérrez Ramírez & Rodríguez Rodríguez, 2013). The political dimension of *truth* about the causes, impacts and ramifications of the internal armed conflict has therefore a very manifold and complicated past in Colombia. A very complex task, of the currently installed Truth Commission, will be to challenge the versions of *truth* derived from the Colombian governments over an extended period of time, as well as the unidirectional *truth*, channelled through illegally armed actors (Ruiz Romero & Hristova, 2019). How can Truth Commissions challenge these political *truths* without reproducing monolithic versions of them? What concept of *truth* legitimizes the organisation of a Truth Commission?

Paul Ricoeur (2003) separates two uses of the *truth*, depending on their methodological and theoretical application in historical work or judicial trials. He detects the source of *truth* in both cases as being narrated memory, derived from testimonies on past events. This situates the source of *truth* – whether it is interpreted by a judge or a historian – in the imprecise area of subjective, incomplete *memory*, influenced by the social and cultural framework in which they are produced. Ricoeur reflects in a second step on the claim of impartiality, which is made by a third institution, such as the state or a state legitimised organization like a Truth Commission. This meditative position is conflicted by the necessity of absolutism. The third party cannot be challenged by others in its quest for the *truth*, which calls for the legitimisation of its impartiality. To come to terms with this extreme position, Ricoeur suggests a moral and intellectual approach towards impartiality, disconnecting it from its claim of absolutism. A moral and intellectual approach involves concepts of plurality and distance from subjectivity (Ricoeur & Neira, 2003). Truth Commissions' authority and mandate are of a polyvalent nature, being legitimised by the state's authority, engaging however directly with civil society's accounts of past atrocities, in some cases challenging the former governments' positions.

The political scientist Onur Bakiner (2016) positioned the work of Truth Commissions as a constant negotiation between, what he called, the “legal-forensic truth” and “historical-narrative truth” to validate their notion of *truth*. In his terms, *truth* constitutes an authoritative narration of the past, whereas *memory* is a narrative, shared on past events. This confronts the Commission with yet another dispute between positivist history and subjective memory. Historical positivism challenges the relationship between *memory* and *truth*, asserting that it is rather weak. *Memory* accordingly belongs to the field of fiction and myth, contradicting a *truthful* account of the past through social, ideological and aesthetic concerns. The hard data, versus oral or anecdotal reference, is interpreted by other historians as an interdependent source, of which interpretation is not exclusive or contradictory (Bakiner, 2016). Oral history, as well as hard data in archives, constitutes the sources of history, in Bakiner's words, the “raw material of history”, (Bakiner, 2016, p. 65). Truth Commissions are mandated to challenge this ambivalent relationship between history as fact and memory as myth, or between, what Bakiner calls, “legal-forensic” and historical-narrative” forms of truth. According to the political

scientist, the “legal-forensic” data, even though hard to obtain in many cases, is derived from hard facts on human rights violations and contributes to the indignation of civil society, which ultimately helps the political and moral legitimatisation of the Truth Commissions` work. This kind of data is more difficult to deny for the perpetrators and forms a solid basis for the conclusions of the Commissions, which consequently will be more difficult to challenge.

The “historical-narrative” truth, on the other hand, is more exposed to critical voices, opposing this “version” of the truth and claiming that it is one of many. This form of truth-telling is however very important to the work of a Truth Commission because it gives the victims of the conflict an explanation of the events that victimized them, acknowledging these reasons publicly. If a Commission were to leave out this part of the *truth*, the past events would be stated without any context or explanation, reducing and isolating the forensic data as disconnected from logical meaning. This incomplete truth should, as Bakiner concludes, be avoided by Truth Commissions, which should in contrast consider the incorporation of both the “legal-forensic truth” and the “historical-narrative truth” in their work (Bakiner, 2016).

Truth Commissions therefore constitute political and moral institutions, that intertwine the concepts of memory and history in their work, challenging the denial or trivialisation of the past events which they are investigating. Although the tensions between different approaches to *truth*, defined by Onur Bakiner, exist in all Truth Commissions, there is no approach universally applicable to every national context in which they might operate. In the Colombian case, the Commission faces various difficulties regarding the political climate, which imposes different levels of denial of the past, political and social exclusion of specific groups and victims of the conflict, amongst other factors. Therefore, a central aspect of the work of Colombia’s current Truth Commission is to establish a national narrative (Theidon, 2011) that is more inclusive of marginalised groups, like the LGBTI community and people in general, that suffered gender-based violence during the internal armed conflict. Making their voices heard and contextualising the violence that was suffered by them, can make an important contribution to the eradication of these structures in the future.

5.1.2 *Truth from a Gender Perspective in Colombia*

As already highlighted in the previous chapter, the memory and participation of marginalised groups should be a central aspect of the work of Truth Commissions. The revelation of a multifocal and complex *truth*, regarding the forms of violence suffered by the LGBTI community – homicides, sexual violence, displacement and threatening pamphlets to name just a few – depends on the broadness and depth it can be approached with. Institutionalising *truth* about the experiences lived by LGBTI people during the armed conflict, implies specific considerations regarding the societal and institutional structures, as well as the difference between rural and urban areas. Some of these considerations are pointed out in the following, constituting a theoretical approach to the gender aspects, relevant to the investigative work of the Colombian Truth Commission.

First of all, the LGBTI community has historically been a marginalised group in Colombia, living in conflict with the law before the decriminalisation of homosexual carnal access, (sexual relations), in 1980. The Colombian Criminal Code of 1936, equal to its counterpart from 1890, formerly condemned this type of sexual relationship (Dubán Rincón, 2017). Therefore, Colombian legal instruments have gradually and progressively evolved towards the recognition of sexual orientations and gender identities that deviate from the traditionally constructed gender binary or heterosexual sexual orientation. Dubán Rincón (2017), moreover, suggests that Colombia's legal order still needs revision regarding the notions of sexual orientations, gender and gender identity. He additionally denotes the limited categories existing for the penalization of gender-based violence cases. This thesis will not discuss Colombia's legal framework in further detail, yet some comments on its institutional structures will be stated below.

When it comes to the documentation and persecution of cases of gender-based violence against LGBTI people, as well as anybody else suffering this type of violence, high rates of impunity can be observed in all organs of Colombia's governmental body. As Colombia Diversa and Caribe Afirmativo emphasize, this matter is highly under documented in Colombia and only a fraction of the crimes committed are brought to justice (Colombia Diversa, 2019; Colombia Diversa & Caribe Afirmativo, 2017). This has several reasons, one being the low levels of confidence of most LGBTI persons in government officials and the judicial system that failed to protect them in many occasions.

Colombia Diversa regularly published reports that include data on police violence against the LGBTI community, including 66 cases in 2017 of transwomen being the main targets (Colombia Diversa & Caribe Afirmativo, 2017, p. 43). The report also goes into detail on the high rates of impunity, contrasting the number of indictments of police violence from 2016 with the cases that ultimately were investigated: Of 77 cases of police violence against LGBTI people, over half were not investigated or officially proceeded with (Colombia Diversa et al., 2016). These recent numbers show the ongoing instability of the judicial access for LGBTI people, that in many cases paradoxically suffer from violence from police entities instead of being granted their rights by them.

Societal structures in contemporary Colombia show tendencies towards the degradation, exclusion and discrimination of and against LGBTI people, a trend that is amplified in contexts of armed violence. The beliefs and practices of patriarchy and heteronormativity are aggravated through armed actors – illegal or legitimised by the Colombian state – operating in the internal conflict (Dubán Rincón, 2017). The persistence of “traditional values”, especially in rural areas, in many cases impeded the acceptance of the LGBTI community within their midst and imposed norms of heterosexuality and binary gender performances, (Maier, 2019). In cases of the active social control of an armed actor, regardless of the actor being illegal or from the Colombian military, the rejection and fear of deviating gender identities and sexual orientations, tended to augment. People were forced into upholding “traditional values” that are unaccepting of gender diversity and diverse sexual orientations, as a form of survival response. These hostile climates perpetrated by armed actors within the internal armed conflict, are essential to the understanding of the LGBTI community’s everyday experiences and constitute a particular element of the societal structures they forcibly lived in (Maier, 2019). These structures are fundamentally patriarchal and form a rigid hierarchy, positioning the heterosexual, male armed force at the peak of the social control, aiming at the eradication of deviating gender identities, performances and sexual orientations. The patriarchal control over societal structures was executed from a dominant position over women and alienated all persons into a strictly binary male/female logic, implying gender roles that conform with the “traditional values” of men and women (Fobear, 2014).

Ultimately, the rural and urban difference points to the higher levels of violence in Colombia's periphery due to a weaker governmental representation. This vision of the rural/urban dichotomy risks being oversimplified, yet in general terms, rural areas tend to have greater occurrences of social and territorial control outside legal guidelines. In many cases, illegal armed actors took control over rural territories, imposing their social code and rules. In contrast to bigger cities, rural places do not dispose of a great variety of worldviews and a broad public exchange of diversified opinions, which results in a closer and more intimate societal structure. The use of violence in these areas greatly augmented the pressure to conform with the imposed social role and the upholding of prejudicial views on deviating gender identities and sexual orientations. The exposure of people, opposing these sets of rules, is more visible in a close social space than in a more anonymous and wider urban setting. For this reason, gender-based violence shows differing implications and is produced in particular ways depending on the geographical context (Dubán Rincón, 2017).

5.2 Colombia's Truth Commission as Part of a Transitional Justice System

The previous subchapter provided a theoretical framework for the topics of *truth* and *memory*, which are central to investigative work on gender topics. This section will continue to reflect these themes with a focus on the Colombian Truth Commission and its transitional justice concept. As a result of the peace negotiations, ending with the signing of a Peace Agreement in 2016, between the government of Manuel Santos and the FARC-EP (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo¹¹). After about four years of negotiations, the peace agreement set the legal basis for many structural reforms in Colombia and the disarmament of the FARC-EP. The transitional justice system, initiating from this process, is called Sistema Integral de Verdad, Justicia, Reparación y No Repetición¹² (SIVJRNR) and encloses several transitional justice mechanisms, such as the Colombian Truth Commission, the Jurisdicción Especial para la Paz¹³ (JEP), the Unidad para la Búsqueda de Personas Desaparecidas¹⁴ and the measures for the integral reparations, construction of peace and non-repetition. These joint

¹¹ Revolutionary Armed Forces of Colombia – People's Army (Own translation).

¹² Integral System of Truth, Justice, Reparation and No-Repetition (Own translation).

¹³ Special Jurisdiction for Peace (Own translation).

¹⁴ Search Unit for Disappeared People (Own Translation).

mechanisms are either juridical in nature, like the JEP, or temporary and extra-judicial bodies, like the Truth Commission.

The gender approach was a pivotal concept of the peace negotiations and caused broad resonance in Colombia's public and political spheres. A more detailed discussion of this debate will follow in the next section. The Colombian Truth Commission will be the first one to specifically include a working group concerned with the extensive analysis of gender related topics regarding the internal armed conflict (Maier, 2019) which can be considered progress in the field of queer and feminist legal studies. Colombia, unlike other Latin American examples has had a variety of truth-seeking initiatives, focussing mostly on specific historical events or certain periods of the internal armed conflict (Jaramillo Marín, 2014). Although somewhat comparable to other commissions in the Southern Cone and Central America, the Columbia Truth Commission (CEV), initiated in 2017, is the first actual truth commission, due to its mandate, investigative scope and interconnectedness within a transitional justice system. The following chapter will introduce the precedents of the current Colombian transitional justice system, focussing on truth-seeking initiatives that forewent the CEV.

5.2.1 Precedents of Transitional Justice in Colombia and First Steps Towards the Inclusion of LGBTI People

In Colombia, transitional justice appeared on the national political agenda in the late 1990s with the attempts to reconcile the paramilitary movements, which peaked in rural areas in the second half of the 20th century. Their demobilisation, under the lead of former president Álvaro Uribe, officially ended their activities between 2003 and 2006, marking the first extensive transitional justice process in Colombia. It is important to point out that in this case – unlike other transitional justice processes in Latin America – the internal armed conflict was still ongoing and there was no change in the political regime (Gutiérrez Ramírez & Rodríguez Rodríguez, 2013). Before the demobilisation of the paramilitary organisations, several governments had negotiated a special judicial framework for the demobilisation of armed groups in Colombia's armed conflict, for example with the Movimiento 19 de Abril (M-19)¹⁵, Ejército Popular de Liberación

¹⁵ Movement 19th of April (Own Translation).

(EPL)¹⁶, Partido Revolucionario de los Trabajadores (PRT)¹⁷ and the Movimiento Armado Quintín Lame (MAQL)¹⁸. Whereas these specific peace negotiations with armed guerrilla groups granted amnesties for political offenses, they did not elaborate on a system of transitional justice, like the one signed between the FARC-EP and the Colombian government in 2016 (Forer, 2012).

The negotiations with the paramilitary and the judicial framework, that were implemented for their demobilisation included, for the first time in Colombia's peace negotiations, the right for the victims to know the truth and to obtain justice and reparation from the state. The law 975 from 2005, more commonly known as the Ley de Justicia y Paz (Law for Justice and Peace), established the legal framework for the investigation of past human rights violations on the one hand and on the other, the juridical procedure, which included an "alternative punishment" of five to eight years imprisonment (Forer, 2012). The victims were invited to participate in the procedural scheme, specifically in the audiences of the paramilitary members facing their charges (Forer, 2012). As stated in the second chapter of this thesis, a Commission (the CNRR) was initiated for the granitization of the victim's right to know the truth of the past human rights violations and their participation in the procedural scheme. Besides this, the statutory bill passed in 2003, which granted "alternative punishments", did not install retributive punishments but granted benefits such as inhibitory resolutions, probation and a conditional suspension of sentence, without adequately guaranteeing the rights of the victims, leading to broad levels of impunity (Uprimny & Saffon, 2006).

These processes were focussed uniquely on the perpetrators who tried to negotiate small prison sentences in exchange for information on past crimes committed by their organisations. Generally, the judicial branch of transitional justice is focussed on the perpetrators but the Law for Justice and Peace can be interpreted as an attempt to tell the "truth" from the unilateral perspective of the ones responsible for severe human rights violations (Gutiérrez Ramírez & Rodríguez Rodríguez, 2013). Obviously these proceedings did not tackle gender topics and the inclusion of the victims did not focus on specific groups among them.

¹⁶ People's Liberation Army (Own Translation).

¹⁷ Revolutionary Workers' Party (Own Translation).

¹⁸ Armed Movement Quintín Lame (Own Translation).

When it comes to non-judicial measures in the analysis of Colombia's armed conflict, there is a myriad of initiatives put forth by former governments, which sought out to investigate the internal armed conflict. As already explained in the second chapter of this thesis, the Law for Justice and Peace initiated a truth-seeking institution called the CNRR, which eventually led to the creation of the Centro Nacional de Memoria Histórica. This entity engaged in various investigations concerning the impact of the internal armed conflict on the LGBTI community. This section moreover gives a brief overview of other truth-seeking initiatives; however, none have examined gender related topics, such as gender-based violence in the armed conflict.

The first truth-seeking initiative was established by General Gustavo Rojas Pinilla in reaction to the armed confrontation between the liberal and conservative parties, during the years 1948 through 1958 in Colombia, known as the period of *la violencia* (the violence). This commission of investigation – due to its limited scope and non-victim-based methodology cannot be classified as a Truth Commission¹⁹ – investigated the causes for the violent uprising. The final report was issued in two volumes of a rather academic nature in 1962 and 1964, respectively (Jaramillo Marín, 2012). Subsequently, a series of other truth-seeking initiatives were established by the Colombian government to analyse the internal armed conflict: The Commission called “La Comisión de estudio de la violencia”²⁰ of 1987, the Commission “Comisión para la superación de la violencia”²¹ of 1991, which resulted from the peace negotiations between the government, the EPL and the MAQL and the “Comisión para el establecimiento, reparación y sanción de graves violaciones a los derechos humanos”²² from 1994 (Jaramillo Marín, 2014). In addition to these, there were numerous governmental commissions that investigated particular cases like the Commission on human rights violations in Trujillo, in accordance with the Interamerican Commission for Human Rights (CIDH), or the Commission that investigated the armed takeover of the Justice Palace in Bogotá (Jaramillo Marín, 2014). None of these 12 truth-seeking initiatives between 1958 and 2012 included a gender-approach in their work and Springer (2002)

¹⁹ See Priscilla Hayner's definition for the characteristics of a Truth Commission, *Unspeakable Truth*, (2011), p. 11.

²⁰ Commission for the Study of the Violence (Own Translation).

²¹ Commission to Overcome the Violence

²² Commission for the Establishment, Reparation and Sanction of Severe Human Rights Violations

concludes that, due to their limited and partial scope and the focus on state agents, lacked the necessary political support of the respective governments and did not cause a national impact comparable to other Latin American Truth Commissions (Jaramillo Marín, 2014).

5.2.2 The Gender Approach in the Aftermath of the Peace Negotiations

The political status quo is of great importance to the impact and methodological possibilities of the CEV. Colombia underwent a peace process dominated by the peace negotiations between the government of Juan Manuel Santos and the FARC-EP, that ended in 2016. As stated previously, part of the agreement was the establishment of a national Truth Commission and the basic guidelines for its work (Muelle, 2017). For the first time in history, this Commission was set out to include a working group concerned with the monitoring and implementation of a gender approach (Cardona Zuleta, 2018). The extensive discussion in Colombia's public and political sphere about the inclusion of gender as a category in the Peace Agreement and its implications for the investigation of gender related topics, like gender-based violence against LGBTI people, will be discussed in the following. Notions of gender and their political and social implications vary greatly among national and regional contexts; nevertheless, the last decade marked a rising tension in Latin American countries of far-right political parties, their advocates, the Catholic and Evangelical Churches, all opposing the so-called "gender ideology" (Butler, 2020).

First of all, months before the Colombian civil society was requested to vote on the Peace Agreement between the state and the FARC-EP, a national debate took place provoked by the alleged publication of booklets by the Ministry of National Education, which was accused of encouraging girls, boys and adolescents toward homosexuality. Through social media networks, the images of a comic by the Belgian artist Tom Bouden, spread rapidly among Colombian society, as did the claim that the comic was to be part of the booklets by the Ministry of National Education. With regards to the comic, it needs to be clarified that it was a draft document called "School Environments free from Discrimination: Non-Hegemonical Sexual Orientations and Gender Identities in school", edited at the time by the Ministry of Education, the United Nations Population Fund (UNFPA), UNICEF and the Program of the United Nations Development (UNDP), in response to the order of judgement T-478 of the Constitutional Court in 2015 (Muelle,

2017). The Constitutional Court had received an indictment on behalf of a 16-year old student from Bogotá, who committed suicide as a reaction to his homophobic and discriminatory environment in school (Colombia Diversa, 2019). The Court ruled among other things, the definite creation of the National School Coexistence System and the comprehensive and integral review of all of the country's coexistence manuals, to "guarantee they be respectful of sexual orientation and gender identities of students " (Sentencia T 478 de 2015, 2015), in order to prevent further filing of cases of bullying for reasons of transphobia, lesbophobia or homophobia.

After the avalanche of misinformation around the booklets, the Catholic Church and other Christian churches convened marches in several cities of the country against the so-called "gender ideology" (ideología de género) on August 10, 2016. What both the Catholic Church alongside certain Christian sectors and their followers call "gender ideology" —the epistemological corpus of feminist, queer and gender studies, as well as social movements in and around gender and sexuality— is, in accordance with Butler (2019), not an ideology. In this context, gender is understood as a unilateral ideology that seeks to deplete sexual difference between the divinely given order of men and women. Butler (2019, 2020) explains that the emergence of the term gender ideology occurred when former Pope Ratzinger classified *gender* as a potential threat to feminine values and the natural distinction between the sexes, first in the Beijing Conference on the Status of Women in 1995, and in a letter to Bishops in 2004. The following Popes continued this argumentative line, stating that *gender ideology* is an attempt to undermine the creative power of God. Hence, instead of being an instrument of political, legal or social change from the field of gender studies, the term gender ideology is rooted in the anti-gender movement of the Catholic Church (Butler, 2020).

In the aftermath of the emergence of a "gender ideology" discourse in Colombia, parts of the Peace Agreement by the Santos administration and the FARC-EP were harshly criticised by some sectors of Colombia society. Specifically, protesters opposed parts of the agreement which referred to the gender approach in relation to sexual and gender minorities, particularly naming the LGBTI community. The discussions focused on pointing out the existence of a "gender ideology" in the Peace Agreement, which, according to the opponents, affected conception and traditional family values. On October 2, 2016, the Colombian public was asked to vote in favour of or against the Peace

Agreement and by a small margin the protesters won the vote. The agreement was consequently modified, considering critiques regarding the gender approach, and finally signed on November 12, 2016 (Vargas Parra & Díaz Pérez, 2018).

In fact, none of the versions of the Peace Agreement included the term “gender ideology”. The first version explicitly required support for the political inclusion and participation of LGBTI people and protection for sexual and gender diversity in all parts of society. These parts of the agreement were modified to instead exclusively focus on women's rights and affirmative measures of their inclusion in the peace process (Muelle, 2017). Consequently, the mentions of ‘sexual diversity’, ‘sexual orientation’ and ‘gender identity’ were eliminated and replaced by vocabulary associated with the “family approach”, which implies a binary understanding of men and women and their separate needs (Cardona Zuleta, 2018).

Finally, the LGBTI community was included in the Peace Agreement of 2016 as a vulnerable group, whose political activities and participation deserve special protection. The document contains a gender and differential approach which are fundamental concepts for the implementation of the transitional justice mechanisms, such as the CEV. The differential approach is based on the premise of restoring rights to the victims of the conflict according to their particularities: the heterogeneity among the affected population is approached by the principles of diversity and vulnerability. The needs of the diverse social groups are to be considered according to ethnic and cultural diversity, their age, gender, physical and psychological condition. The gender approach is defined in the Peace Agreement as:

[E]l reconocimiento de la igualdad de derechos entre hombres y mujeres y de las circunstancias especiales de cada uno, especialmente de las mujeres independientemente de su estado civil, ciclo vital y relación familiar y comunitaria, como sujeto de derechos y de especial protección constitucional. Implica en particular la necesidad de garantizar medidas afirmativas para promover esa igualdad, la participación activa de las mujeres y sus organizaciones en la construcción de la paz y el reconocimiento de la victimización de la mujer por causa del conflicto (Gobierno Nacional de Colombia & Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, 2016, p. 192).

This definition of a gender approach is of a binary character, separating the necessities of two genders clearly from one another without mentioning diverse gender identities or

sexual orientations. Nonetheless, the Peace Agreement mentions the abbreviation LGBTI numerous times throughout the document, acknowledging their status as victims and affiliation to a vulnerable social group, even though there is no direct mention of them in the gender approach definition. The LGBTI community is included within the various accounts of vulnerable social groups, among many others, such as women, children, adolescents, elderly people, disabled persons, indigenous peoples, Afro-Colombians, religious groups, peasant communities, etc. The protection of the political participation of these groups, who have severely suffered the impacts of the internal armed conflict, are emphasised throughout the entire document (Gobierno Nacional de Colombia & Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, 2016). The LGBTI community is particularly named with regards to the insurance of their equalitarian access to the legal system, along with means of non-discrimination in the judicial system. With regards to the CEV, the Peace Agreement establishes a “gender working group” (grupo de trabajo de género) (Gobierno Nacional de Colombia & Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, 2016, pp. 136–137) which is mandated to ensure the transversal application of the gender approach on all levels within the CEV.

Accordingly, the transversal incorporation of the gender approach is an important measurement in the dismantlement of the feminine/masculine binary, which implicates rigid gender roles tied to war dynamics. Even though the definition provided in the Peace Agreement contributes to a gapped and binary gender understanding, transitional justice processes have the capacity to confront these gender stereotypes and construct new notions of masculinity, femininity, diverse gender identities and sexual orientations (Vargas Parra & Díaz Pérez, 2018). Moreover, this approach can emphasise the heteronormative, trans- and homophobic tendencies developed in the context of armed conflict, which are to be addressed in the mechanisms of transitional justice to overcome the exclusion and discrimination of sexual minorities. The transformative processes by themselves do not prevent the reestablishment of oppressive gender relations in the future. It is therefore essential to aim for a dismantlement of oppressive structures, not their mere transformation in a post-conflict setting (Cardona Zuleta, 2018). The institutional reforms serve as a fundamental basis which engulfs the legislations, policies and all programmes designed to transition from the armed conflict towards a democracy-based peace.

5.3 Truth Commissions that Investigated Gender-Based Violence

As this chapter argues, gender-based violence in armed conflicts has incorrectly not been a focal point of transitional justice. As discussed in more detail in chapter two, the gender approach which emerged in the 1990s had a quite limited scope, focusing exclusively on women and was further narrowed by concentrating on sexual violence against women. The chapter elaborates on the transversal gender-based approach, which can be used as a tool to identify oppressive structures against sexual minorities and analyse the ample forms of gender-based violence, through transitional justice mechanisms such as Truth Commissions. Transitional justice has hitherto kept mostly silent on most aspects of gender-based violence in armed conflict, especially regarding human rights violations against LGBTI people. Truth Commissions, as the extra-judicial part of the transitional system, directed their focus on this topic in the context of the end of the South African Apartheid regime. Other Truth Commissions followed this example, especially in the Southern Cone. The scope of the investigations, however; remains quite fragmented and does not apply a transversal gender-based violence investigation, as is to be expected from the Colombian CEV. The following subchapters will give an analysis into former Truth Commissions work on gender-based violence and concludes with some “lessons learned” based on their work.

5.3.1 First Steps: The South African and Peruvian Truth Commissions

The South African Truth and Reconciliation Commission (TRC) worked over an extended period of seven years from 1995 to 2002 under the recently elected government of Nelson Mandela. It was institutionalised by the National Unity and Reconciliation Act of 1995, to provide an in-depth analysis of the human rights violations committed during the apartheid regime. The TRC had been hitherto unprecedented in the broadness and complexity of its mandate and the legal authority given to its operations. The commission executed special hearings on crucial civil society sections or institutions regarding their involvement, or responsibility in the violation of human rights (Hayner, 2011). During those hearings, certain statements and testimonies were given on violence against sexual minorities. Especially, throughout the institutional hearings in the health sector, submissions were made, detailing practices of aversion therapies, whose purpose was to ‘change’ the treated person’s sexual orientation forcefully (Verhelst López, 2018). One

particular case of homophobic violence, perpetrated by state agents, was presented during the Winnie Madikizela-Mandela Hearing, providing details on the abduction of four gay men who were harassed and tortured in captivity.

Nonetheless, the TRC's final report did not seize the opportunity to provide a comprehensive analysis of these forms of gender-based violence and only perfunctorily mentioned the related testimonies, without further explanations (Serrano-Amaya, 2018). The philosopher and anthropologist Serrano-Amaya (2018) concludes in his extensive comparative research between the Colombian and the South African cases of homophobic violence, that the TRC failed to visualise gender-based violence in their final report, due to a lack of political commitment and the reluctance of LGBTI activists to cooperate with state affiliated institutions. Furthermore, Katherine Fobear (2014) concludes, that this silence mirrors the continuum of homophobia and the exclusion of the LGBTI community in the post-apartheid South Africa.

Before the TRC had concluded with their final report, the Peruvian Truth and Reconciliation Commission (CVR) became the first Latin American truth-seeking organisation to include cases of gender-based violence. Its operative structure was partially modelled on the South African TRC. The CVR was the first of its kind to dedicate an entire chapter to the topic of sexual violence, thereby including a gender approach in their investigation. As referenced in the previous chapter, feminist criticism has pointed out the very limited understanding of sexual violence in this investigation, as well as the reduction of women to its victims, thus excluding men and boys (Theidon, 2011). This gap is recognisable in the CVR's final report which, scarcely and without further explanations of circumstances or contexts, mentions the execution of gay men by the illegal armed group Movimiento Revolucionario Túpac Amaru (MRTA)²³ in the city Tarapoto. The subsection of the report states that these crimes were motivated by homophobic beliefs in an attempt to promote the social exclusion of LGBTI people (Verhelst López, 2018).

²³ Revolutionary Movement Túpac Amaru (Own Translation).

5.3.2 Other Examples: Truth Commissions in Paraguay, Ecuador and Brazil

The Paraguayan Comisión de la Verdad y Justicia (Truth and Justice Commission) was mandated to examine human rights violations during the military dictatorship of Alfredo Stroessner, which lasted from 1954 to 1989. It gained broader public and political support after public hearings were held, leading to the persecution of individuals responsible for severe human rights crimes (Hayner, 2011). During this authoritarian regime, homosexuality was neither criminalised, nor mentioned in Paraguay's criminal code; however, homosexual and transsexual people were treated as outcasts by state agents and parts of civil society. Police violence and the criminal persecution of LGBTI individuals and groups was framed as an act in defence of the "social morality" (Verhelst López, 2018). The commission's final report elaborates on paradigmatic cases of human rights violations and approaches this categorization from a gender perspective in one of the subchapters. Regarding this gender approach, it could be stated that it is of a binary and biological character. One section specifically points out the different experiences of women and men, which are connected to the authoritarian regime under Stroessner. It is mentioned that no statistics or any other form of quantitative analysis was conducted into human rights violations against LGBTI people, except for two emblematic cases of violations against gay men. The report does not provide an explanation for the occurrence of these cases nor does it formulate recommendations for the eradication of violence against LGBTI people in the future (Comisión de Verdad y Justicia de Paraguay, 2008).

Ecuador has had two Truth Commissions, yet the first one did not finalize its work with the publication of a report, due to a lack of financial resources and political support (Bakiner, 2016). Hayner (2011) concludes that the failure to terminate the commission's mandate enhanced levels of impunity regarding human rights violations like killings, forced disappearances and torture. A decade after this unfinalized work, a new Truth Commission was installed to investigate human rights violations during the period from 1984 until the start of the Commission in 2008. The practical approach of this Truth Commission included the collection of testimonies from LGBTI people and in-depth interviews with activists from that community. In contrast to the Paraguay example, homosexuality was a criminal offence in Ecuador until 1997, where a prison sentence of four to eight years could be imposed on persons found guilty of homosexual relations

(Bueno-Hansen, 2018). Only in 1997, was Ecuador's criminal code changed in order to decriminalize homosexuality (Bueno-Hansen, 2018).

According to Verhelst López (2018) the inequality, social exclusion and discrimination of LGBTI individuals is palpable throughout all political and social spheres in Ecuadorian society, even after the 1998 constitutional recognition of equality for LGBTI citizens. The Commission's final report provides an entire chapter on sexual violence in relation to gender, which profoundly analyses discrimination against LGBTI individuals during the 1990s in Guayaquil. The city of Guayaquil had implemented a 'Más Seguridad' (More Security) public policy, that enabled police forces to arbitrarily search, fine and arrest persons, that they perceived to be endangering public morals and security. This public policy set the legal framework for many cases of arbitrary arrest, torture, sexual abuse and invasions of privacy of LGBTI people. The Ecuadorian Commission, contrasting the Peruvian, Paraguayan and South African Commissions, included recommendations for structural reforms in order to eradicate and dissolve discrimination against the LGBTI community. Furthermore, the recommendations demand special protection for the political participation of LGBTI individuals and organisations, specifically regarding the discussion on gender-based violence (Verhelst López, 2018).

The Brazilian Truth Commission (Comissão Nacional da Verdade) was installed to investigate human rights violations in the period between 1946 and 1988, with a special focus on the military dictatorship (1964 - 1985). Brazil was the first commission to hold public hearings on the topic of gender-based violence during an authoritarian regime. These hearings provided a source for further analysis of structural violence and the causes for the political and social oppression of LGBTI persons during the dictatorship (Bueno-Hansen, 2018). Moreover, the Commission included a set of working groups divided according to different themes, one of them examining the role of gender within the Brazilian dictatorship. Their work resulted in the inclusion of a chapter called "Dictatorship and Homosexuality" (Ditadura e Homossexualidades), which analyses the gender-based violence against the LGBTI community during the military dictatorship (Nelaeva & Sidorova, 2019).

In conclusion, the final report distinguishes four patterns of violence and oppression against sexual and gender minorities: Firstly, a homophobic and discriminatory discourse, that connects diverse gender identities and sexual orientations to an “international communist agenda”. Secondly, discriminatory structures and violations of the right to work on the basis of diverse gender bias. Thirdly, censorship of content related to homosexuality in artworks or newspapers. Finally, the invasion and interference by police officials at public places frequented by LGBTI groups and individuals. This form of violence was mostly reported by transgender women. This Commission, like the Ecuadorian Truth Commission included recommendations for legislative and institutional reforms, protecting the diversity of gender and sexual identities in the public and private spheres. Moreover, LGBTI people were specifically included in the recommendation for the execution of a public pardon from the Brazilian state, reparations for the victims of the conflict and the building of commemorative objects and places (Verhelst López, 2018).

In summary, the five former Truth Commissions, operating on a diverse gender-approach in their investigative work and examining cases of violence against LGBTI people, have contributed to the national and international discourse on gender in transitional justice mechanisms. The feminist academic and political scientist Pascha Bueno-Hansen (2018) concludes that transitional justice in Latin America is confronted with the challenge of expanding their focus to forms of gender-based violence, which affronts the former binary and temporary logics applied by these institutions.

As outlined above, the truth-seeking component of transitional justice has gradually enhanced their view on gender-based violence, however there has not been a Truth Commission yet, which incorporated a transversal gender approach into all branches of their investigative work and the recommendations contained in the final report. The Peruvian, South African, Ecuadorian and Paraguayan Commissions have reduced their gender perspective to a few emblematic cases or violent patterns, without examining the structural causes or implications of these human rights violations. Brazil on the other hand, has made ground-breaking progress on the investigation of gender-based violence; nevertheless, the specific working group operated exclusively and did not affect the outcome of other working groups. This means that the gender working group in the Brazilian Truth Commission was not mandated to imply a transversal gender-approach to

the entirety of the Commission's work but was restricted to their own investigation. In this specific case, it can be furthermore stated that the aftermath of the final report's impact and the implementation of its recommendations is conflicted by recent political developments in Brazil (Nelaeva & Sidorova, 2019).

6 The Case Study: An Approach Towards Working with Gender

The previous chapters gave an overview of Latin-America's Truth Commissions' approach towards gender-based violence and their applications of a gender-approach. "Gender-lenses" have recently become more prominent in the realm of transitional justice, however no Truth Commission has conducted a comprehensive analysis of the LGBTI community during internal armed conflicts or an authoritarian regime. As established previously in this thesis, the "adding women" approach (Theidon, 2009), as well as scarce or even fragmented investigations of gender-based violence against the LGBTI community, have both been common in transitional justice mechanisms. The forthcoming analysis examines the complexity and heterogeneity of the LGBTI community and depicts the multiple victimizations, during decades of internal conflict, suffered by an individual from the trans women community of Girardot. This individual case contains two interviews conducted with members of Girardot's LGBTI community: César, who is a political activist for the LGBTI community in Girardot and Andrés who organizes LGBTI (Drag) events in Cundinamarca.

The intersectional methodological approach discussed in chapter four serves as a basis for this investigation. The central aims of this in-depth analysis are to show the intracategorical complexity within the LGBTI community and to challenge traditionally constructed categories, by reflecting intersecting levels of oppression, discrimination, exclusion and violence during the armed conflict. The intersectional approach can hereby serve as a tool for the reflection of violent structures in armed conflict, that in turn lead to gender-based violence. The scope of this thesis could not include a quantitative investigation of gender-based violence during the internal armed conflict. Further investigation into this topic would add to the scarce data available on violence against the LGBTI community during the conflict and possibly contribute to the dismantlement of violent structures against sexual and gender minorities.

The analysis in this case study is based on an individual case, that can be analysed in more detail and with an intersectional perspective in order to reflect upon the complexity of gender-based violence and the heterogeneity of the LGBTI community. It cannot be considered as representative for the entirety of the LGBTI community. On the contrary, the first section discusses the complexity of such an investigation. The presented case was selected in order to highlight the dynamics and complexity of gender-based violence experienced by an LGBTI individual.

6.1 Equality in Differences – Wishful Thinking?

“En la comunidad hay negros, hay indígenas, hay amarillos, hay verdes, hay grises, hay de todos los colores”²⁴ (César, Appendix A, p.81). César, a gay man who lives in Girardot for 16 years, has expressed the diversity of the LGBTI community in this way. He does not only refer to the colours of the commonly known rainbow symbol, which represent the five groups of the acronym LGBTI, but he includes ethnicity and other characteristics in his metaphor. In his position as a social leader of the LGBTI community in Girardot, he is frequently confronted with disputes among this group, diversities caused by perceived differences within a community, collectively named LGBTI. All the interviewed individuals expressed a complex and sometimes critical relationship between different subgroups and individuals within the community. Especially the trans women, who have formed individual social and political leadership, representing themselves as an autonomous entity that requires separation from the LGBTI conglomerate.

The transgender and transsexual group (simplified by the letter T in LGBTI) deals with specific complexities because gender expression and performance play central roles for this community, which results in a fluid and highly individual process. Furthermore, sexual and gender identities are not linear during the course of an individual’s life, so the generalization of lived experiences, based on these premises cannot be formulated in a monolithic way. Sexual and gender identity minorities require a more complex approach in order to investigate the various forms of gender-based violence directed against this community during the internal armed conflict. In order to approach a gender-based

²⁴ “In the community there are blacks, indigenous people, there are yellows, there are greens, there are greys, there are of all colours” (Own translations; see Appendix A, p.65)

investigation, the heterogeneity of the LGBTI community needs to be acknowledged and the specifics considered in individual cases.

In the case of Andrea la Bella, who is an indigenous trans woman, it needs to be recognized that she does not identify herself as a social leader of the entire LGBTI community, but rather only of the trans women community. Furthermore, she is born a Wayúu, an indigenous community from Colombia's northern coast, illustrating a part of the diversity within LGBTI, that César referred to in his interview. Andrea and her experiences during the armed conflict do not simply show a trans woman, but additionally her unique identity, composed of a variety of elements including her heritage and other aspects. Due to this complexity, an intersectional viewpoint is applied to the many forms of victimizations that she experienced in her life, caused by illegally armed actors of groups or other actors during the armed conflict.

Andrea's case underlines the intracategorical complexity (McCall, 2005) within the LGBTI community. LGBTI oversimplifies five groups or categories: lesbian, gay, bisexual, trans and intersectional. Especially the transsexual and transgender community emphasizes the misrepresentation within this conglomerate term through social and political activism focussed on their specific needs. The analysis in this thesis does therefore utilize these categories but with a critical stance towards them. A gender-based analysis of the internal armed conflict needs to make use of a category that includes gender and sexual identity minorities, in order not to repeat heteronormative structures or continue the male/female approach towards gender. The application of the LGBTI term is possible; however, the intracategorical complexity needs to be acknowledged and reflected for the individual cases.

6.2 Andrea la Bella

Andrea identifies as a human rights activist and social leader of the LGBTI community, especially for trans women in Colombia. She took part in representing the LGBTI community as a chairperson in the department of Cundinamarca and as a representative in national commemorative events for victims of the internal armed conflict. Furthermore, she frequently guides members of the LGBTI community navigate denunciation processes against state officials in matters of discrimination or physical violence. She

stated that her upbringing has taught her to aid the weaker and care for the members of her community.

In the 1970s Andrea decided to leave Colombia's North Coast and move to Barrancabermeja in the department of Santander. There she continued to defend human rights and focus on the protection of sexual workers from the LGBTI community. In the year 1979 paramilitary groups forced her to leave Barrancabermeja, so she moved to Tolima. She spent several years in Tolima and opened a hairdressing salon in Guamo. Andrea engaged with LGBTI people from the bordering municipalities Natagaima, Tolima de Chaparral and Coyaima. At that time, local paramilitary and guerrilla groups issued threats against her and other members of the LGBTI. Andrea received personal threats in the form of pamphlets that demanded her to leave Guamo but she did not comply with this unofficial order. In 1999, four individuals entered her workplace and sexually abused, tortured and physically harmed her. Due to this traumatic experience Andrea was displaced from Tolima and fled to Bogotá. She could not conduct a peaceful life in Colombia's capital either because "they returned"²⁵ (Appendix B, p. 90) and forced her into displacement again. She finally decided to leave Colombia and start over in Europe. After eight years on another continent she returned to her home country, where she desired to return to Tolima. On the day that she searched for a place to live, two subjects on a motorbike threatened her that she must not return because they "do not want to see her"²⁶ (Appendix B, p. 98). The subjects physically attacked her, so she decided to move to Girardot, which she thought was calm and peaceful. In Girardot she carried on in her role as social leader and human rights activist. Lately, she focusses specifically on the representation of trans women and the protection of human rights for the trans community (Appendix B).

In Girardot Andrea was able to resume her work as a hairdresser and opened her own salon. She did not encounter the peaceful and calm life, which she wished for in Girardot but instead experienced many discriminative situations, social exclusion and inequalities (Appendix B). Girardot has initiated the establishment of a public policy for the integration of LGBTI people in the Girardot community and specific vocational training programs. César and Andrea participated in the design of the first public policy

²⁵ Own translation (Appendix B, p.90)

²⁶ Own translation (Appendix B, p.98)

for Girardot's LGBTI community in 2015. The psychological and social work faculties of the two local universities have supported the implementation of the public policy since its passing. Still, Andrea describes discriminatory situations in her daily life and professional work and Andrés, another member of the LGBTI community in Girardot, mentioned that the management of his events was obstructed by exclusion and discrimination as well.

As stated earlier in Section 6.1 Andrea's case further illustrates the intracategorical complexity of LGBTI, as a group, in that, she, as well as the other interviewees, spoke about variety and complexity within different subgroups and between individuals. Using LGBTI as a collective reference, constitutes a uniform and rigid entity, which does not consider the individual and collective dynamics. Furthermore, Andrea's lived experiences of displacement, sexual and physical violence and torture from armed actors, during the internal armed conflict on one hand and the distrust, rejection and discrimination she encountered in contact with Colombian state officials and the police on the other, challenge traditionally constructed categories in the investigation of gender-based violence. Her life shows intersecting levels of marginalization and continuing violence. Her gender performance and expression has been very visible in the communities where has lived, which attracted conflict and violence from the side of illegally armed actors, intending to dislodge her and disrupt her activity as an LGBTI social leader.

As discussed in the previous chapters, heteronormative structures are amplified in armed conflict and clash with the gender and sexual expression and performance that does not conform with the "traditional" male/female binary and gender roles. For this reason, Andrea as a trans woman, running a hairdresser salon and actively engaging in the local LGBTI community, clashed with heteronormative structures. Her gender identity is highly visible as a trans woman, living as she does neither in hiding nor silence. On the contrary, she actively represents the trans woman community and engages openly in fighting for their rights and visibility.

Andrea has experienced a continuum of violence during the internal armed conflict, which interplays in manifold intersecting levels due to her sexual and gender identity, indigenous origin, class and other factors. She encountered discrimination and social

exclusion in areas that were impacted by the territorial and social control of illegally armed actors but also in Girardot, which was not greatly impacted during the internal armed conflict. The continuing experience of gender-based violence throughout the internal armed conflict highlights the precarity and vulnerability of sexual and gender identity minorities in situations of armed conflict. The experiences of the LGBTI community have been scarcely documented and are at high risk of being underreported, which Andrea explains is a result of distrust in the police or state officials to grant her the protection she would need. The repetitiveness, intensity and recurrence of violence in Andrea's life shows the many sides gender-based violence can have and demonstrates the complexity of working with gender identity and LGBTI as categories.

César and Andrés, members of the Girardot LGBTI community, have experienced exclusion and discrimination, related to their sexual and gender identities in Girardot, which was not directly affected by the internal armed conflict. Andrés' motivation for organising LGBTI events in Girardot is to gain

Acceptance, to show people that it is us, who is behind a wig, who is behind that *transformista*, [...] showing people that despite [...] being a vulnerable population, we want to give them an example of visibility, that we are an example and we can also share with them, that we are human beings, we are not robots or aliens, that we also feel, we love, we want, that we also dream" (Appendix C, p. 102).²⁷

Andrés points out the complexity of the community and individuals "behind the wig" that encounter difficult situations of exclusion, discrimination and incomprehension in the private and social sphere, as well as related to their work, as is the case for Andrés. He was hindered in organizing his LGBTI event on a religious holiday and stated that Girardot has strong catholic and evangelical structures, that had planned to interfere with his event. "All the churches have come down on me, nobody has ever told me the things as they are, a pastor has never stopped me, they are such cowards that they order leaflets to be plastered all over Girardot"²⁸ (Appendix C, p. 110).

The experiences depicted by Andrés, Andrea and César show different forms of violence, oppression and discrimination. No clear line can be drawn between instances of

²⁷ Own translation (Appendix C, p.102)

²⁸ Own translation (Appendix C, p.110)

violence against LGBTI people during the armed conflict and structural violence that LGBTI people are confronted with in civil society contexts. The challenges in differentiating these two spheres are multiple, for example on one hand there is the risk that normalization of violence and discrimination is occurring. Andrea talked about exclusion and discrimination “step by step, on a daily basis”, especially in connection with her activity as a social leader (Appendix B, p.83). Gender and sexual identity minorities have been marginalized in Colombia for generations and grew up knowing violence as a reaction to their gender and sexual identities (Maier, 2019). On the other hand, violence against LGBTI individuals during the internal armed conflict, such as the various incidents of displacement that Andrea experienced, risk being categorized as random and outside the scope of the internal armed conflict (Maier, 2019). Andrea did not immediately file charges against the perpetrators of her displacement due to distrust in the Colombian authorities and fear of revictimization. She only recognized herself a victim of the internal armed conflict and started the process of demanding justice for past crimes, after the “Ley de las Víctimas y Restitución de Tierras/ Ley 1448” (Victim’s Law and Restitution of Land Law 1448)²⁹ passed in 2011.

Violence against the LGBTI community in Colombia has deep roots, which are intertwined and interdependent with structural violence (Maier, 2019). A clear separation cannot be made and would not contribute to an understanding of the causes and reasons for it. Another factor that challenges this differentiation is the motive for gender-based violence against the LGBTI community. Serrano-Amaya (2018) explains, in his extensive study about homophobic violence in armed conflict and political transition, that a key element in the execution of gender-based violence is the quest for or consolidation of power and social control. Paramilitary groups, as well as other illegally armed organizations, fully intended to eradicate and control deviant behaviour from traditional gender roles and sexual/gender identities. Accordingly, structural violence can equally be motivated for the purpose of social control over sexual/gender identity minorities, that are non-conformant with the male/female binary identity and clear separate gender roles. Gender-based violence in armed conflict and structural violence are therefore interwoven

²⁹ Own translation

and form an interdependency, which causes multiple forms of oppression, exclusion and discrimination (Maier, 2019).

6.3 Lessons Learned from Gender-Based Violence Investigations

Generally, there have been few independent case studies or investigations into gender-based violence against the LGBTI community in Colombia; therefore, the objective of this section is to consider gender-based violence during the internal armed conflict by reflecting the premises for its investigation and to recognize the complexity of the topic. The conducted interviews highlight some aspects of the intersecting marginalization and *violences* that LGBTI individuals suffered during the internal armed conflict. Further research is necessary in order to analyze in depth gender-based violence during the internal armed conflict in Colombia and examine how oppressive structures intersected and clustered within multiple forms of violence.

Andrea's experiences highlight how gender-based violence can be multi-layered and continuous. She does not feel secure in her role as a social leader for the LGBTI community in Girardot and was formerly displaced from Santander, Tolima, and Bogotá. Her case underlines the complexity of lived experience from the perspective of people who differ from traditional categories of investigation. Hence, the intracategorical complexity of the LGBTI community must be considered on one hand and on the other, the dismantlement of heteronormative structures and the male/female binary of "traditional" gender norms, thereby requiring an intersectional viewpoint. The topic cannot be approached from a unilateral perspective, that focusses exclusively on a specific form of violence or a binary understanding of gender, which has been the case in most of the prior gender-based investigations conducted by Truth Commissions, as discussed in chapter five.

In Girardot, cases of discrimination, social exclusion and threats occurred, even though Andrea described the place as "peaceful and calm" (Appendix B, p. 98). Andrés and César experienced structural violence related to their activities as political activists for the LGBTI community and also in connection with the visibility of the community in LGBTI events (Appendix A; Appendix C). This thesis therefore includes examples of structural violence outside the direct impact of the internal armed conflict to underline the omnipresence of homophobia, heteronormativity and attempts to execute social control over individuals, that "deviate" from a socially constructed standard of sexual and gender identities and their associated roles.

In conclusion, during armed conflicts, gender-based violence, discrimination, exclusion and the persecution of sexual and gender identity minorities are often neglected or considered as isolated incidents, that are unrelated to political violence and violent social control. The LGBTI community is often framed as being sexually deviant, politically subversive and generally harmful for the national security (Fobear, 2014). Analysing lived experience, such as Andrea's account of the various displacements and sexual violence that she suffered during the internal armed conflict, brings voices from marginalized groups to the forefront, which are greatly affected by intersecting oppressive structures, such as heteronormativity and homo/transphobia, both during and after the armed conflict (Fobear, 2014). The accounts of César and Andrés underline the omnipresence of these structures even in areas that have not been directly impacted by the social or territorial control of an illegally armed actor or the Colombian armed forces, during the internal armed conflict.

7 Conclusion

The Colombian transitional justice process has set a historical example in Latin-America by incorporating a gender working group into the different mechanisms, which especially affect the truth-seeking efforts of the CEV. The Colombian Truth Commission therefore faces the challenge to apply a gender-approach to their investigative mandate and to include cases of gender-based violence (Maier, 2019). This thesis has illustrated the limitations to voices from the LGBTI community in Latin-American Truth Commissions because *gender* has been approached and operationalized in narrow, fragmented, and exclusionary terms. Over the past two decades, considering *gender* in transitional justice mechanisms would translate to “adding-women” (Theidon, 2009, p. 4) either within the committees and/or as an exclusive focus of investigation into sexual violence. Thus, Truth Commissions' investigations into gender-based violence have dominantly reproduced a binary understanding of “male” and “female” and the associated gender roles. Consequently, women were depicted as the vulnerable victims of sexual violence or the expert witnesses of the suffering experienced during the internal armed conflict (Schulz, 2019). This concept enhances the false dichotomy between men/women and perpetrators/victims which is circumscribed in a heteronormative logic.

This thesis proposes an intersectional and queer approach to the gender-based analysis of the internal armed conflict in order to dismantle heteronormative structures,

homophobia and transphobia. These concepts are interdependent with gender-based violence structures and amplified during internal armed conflict or an authoritarian regime (Dubán Rincón, 2017). A gender-approach, designed inclusive of sexual and gender identity minorities, as well as men and women detached from the perpetrator/victim dichotomy, contributes to an inclusive and comprehensive investigation into gender-based violence. Intersectionality makes an important theoretical and methodological contribution to the investigation of gender-based violence because it allows for the consideration of interdependencies and reveals the complexity of lived experiences. Victims of gender-based violence from the LGBTI community cannot be approached through narrow, monolithic analytical lenses. Additionally, an intersectional approach is vastly inclusive, which diminishes the risk of constructing a protected elite within the LGBTI community of those who consider themselves part of the concept LGBTI. This thesis brings to the forefront voices of marginalized groups, such as sexual and gender identity minorities, who challenge the perimeters of traditionally constructed categories and enable the consideration of complex lived experiences.

Finally, an inclusive, intersectional gender-approach is a step towards the dismantlement of heteronormative structures, homophobia, transphobia, exclusion and discrimination, which individuals and collectives of the LGBTI community had to suffer extensively during the Colombian internal armed conflict but which also marks their lives outside conflict settings. Tendencies of social exclusion and discriminatory behaviour have been experienced by members of the LGBTI community even after the signing of the Peace Agreement in 2016, which poses the question as to how these structures can be dismantled in Colombia's peace process and truth-seeking efforts. This thesis has focussed on possible contributions from Colombia's Truth Commission but recognizes that other mechanisms of transitional justice could be analysed in further research. Another area from queer and feminist studies on transitional justice approaches the topic of (neo)colonialization of gender and sexual violence, which could be investigated more profoundly after the Colombian Truth Commission has finalized its work and published a report on the internal armed conflict.

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Interviews

- Andrea la Bella (2020), Girardot, Appendix B
- Andrés (2020), Girardot, Appendix C
- César Aguilar Aguirre (2020) Bogotá, Appendix A

9 Appendices

Appendix A

Interview with Cesar, 18.02.2020 in Bogotá

Entonces esa política pública que lanzaste tú, ¿Fuiste entonces en un rol como líder social? Sí. ¿Y cuándo empezaste a ser líder social y qué era tu motivación para hacerlo?

Bueno, pues yo decido ser líder social desde que yo me acuerde toda mi vida, desde el colegio, desde la escuela yo siempre he liderado muchos procesos, pero en mi pueblo mi condición sexual nunca la, nunca la saqué a flote, aunque la gente se daba cuenta y lo sabía pero yo nunca demostré mi condición, porque es un pueblo muy pequeño, muy marcado por la religiosidad de mucha gente, que no le permitía a uno como desarrollarse de manera más abierta y sobre todo por mis padres, pues porque mi papá que era un hombre muy sesgado y muy machista, entonces pues era difícil por esa parte. Pero bueno, ya salí de mi pueblo, de Anolaima, de la Florida Anolaima en Cundinamarca me vine para Bogotá y acá ya empecé pues a hacer como más vida social en el tema LGBT acá tenía una gran amiga, tengo una gran amiga que es artista trans, canta en discotecas, entonces con ella fue que empecé a abrirme más al espacio de ir a las discotecas, de conocer gente de la comunidad LGBT e ir abriendo a otros espacios de participación, ya cuando me fui para Girardot abiertamente.

¿Y por qué? ..no me importó mi condición ni nada. Que además no es ninguna condición ¿no?, eres tú. ¿Y qué te motivó a irte a Girardot?

Me fui a trabajar un mes y me gustó, hice amigos y después con la persona que yo iba a trabajar le dije que no, que yo no quería trabajar en Bogotá, sino que yo me quería ir para Girardot, igual también el tema de la mayor facilidad de desplazamiento, mejor calidad de vida allá, pues la tranquilidad, todo eso, eso me llevó a irme a vivir a Girardot. Allá inicié un proceso con la comunidad LGBT ya más abierto, más de amigos, más de... entonces llegó un momento en que, allá había una asociación, la asociación LGBT, pero la asociación no tenía como, como encaminados unos planes o programas de ayudar a la comunidad sino era más que todo como el tipo de asociación para mirar que se buscaba para la comunidad pero no con esa mentalidad de futuro sino en el momento, o sea conseguir digamos que nos dieran elementos para un restaurante en ese momento por ejemplo y ya no, de ahí no salía, entonces me vi en la necesidad de que era un municipio

donde debía existir una política pública por la cantidad de población LGBT que hay, Girardot es una ciudad que maneja mucha población flotante de otros municipios, de la misma capital por su turismo, que permite que la cantidad de población LGBT sea muy amplia y sobretodo que maneja algo que con pena lo digo que es la prostitución de la comunidad LGBT aparte de la otra prostitución que buscan como turismo sexual, muchas personas, hay turismo sexual también de la comunidad LGBT muy marcado y por mucha población menor de edad, entonces esto me llevó a crear como la política pública, a hacer un análisis de que población había en la ciudad, empezamos a hacer como una caracterización, unas fichas para registrar unas personas y en ese momento arrancamos más o menos con 105 personas. Con esa tabulación se inició el proceso de la primer política pública LGBT que fue aprobada mediante acuerdo municipal el acuerdo número 05 de 2015 y fue sancionada por el alcalde municipal, esa política pública yo tuve que ir a sustentarla en el concejo municipal porque buscaba era pues abrimos espacios de participación a la comunidad LGBT en la ciudad de Girardot, teniendo en cuenta la cantidad de personas que ya veía uno que estaba haciendo parte de ese proceso

¿Y la participación política o la participación en qué?

No, la participación en todos los aspectos, en salud, en educación, en vivienda, en proyectos productivos, porque ya tenemos muchísima población LGBT que hace parte por ejemplo de la rama de la peluquería... entonces lo que queríamos era como incentivar ese apoyo microempresarial a esas personas para que pues tuvieran otras oportunidades ¿no? Y también lo que yo buscaba con la política pública en ese entonces era como abrir espacios de capacitación, de formación porque la mayor parte de la población quedó ya con peluquerías y con este tipo de salones de belleza son empíricos, ellos no tienen profesionalización no tienen un cartón que los respalde entonces lo que queríamos era buscar con entidades del estado, por ejemplo con el SENA, con academias, lo mismo que esas personas recibieran unas capacitaciones y pudieran ser certificadas. Ahí empezó ese proceso, empezamos también un proceso de la pelea para que la administración municipal nos abriera unos espacios para entregar unas ayudas alimentarias o mercados a la población más necesitada, yo siempre he venido peleando y no la he logrado, yo quisiera tener un banco de ayudas técnicas, donde tengamos sillas de ruedas, bastones, muletas, medicamentos, pañales, todo este tipo de cosas para personas de la población LGBT que en algún momento llegan a un hospital y padecen de pronto de una enfermedad que no

les permite a ellos caminar o salir en sus mismas condiciones físicas y que económicamente no pueden acceder a eso, entonces que tuviera uno ese espacio, esas cosas para poderle prestar a ellos y que ellos pudieran tenerlas durante el tiempo que las necesitaran.

¿Hay situaciones en que personas LGBTI con condiciones médicas se quedan sin seguros médicos y no pueden pagar ese tipo de tratamiento?

Sí, pues la ventaja es que ahora los pacientes de alto costo los tratamientos son gratuitos, subsidiado contributivo el estado les brinda medicamentos, pero hay otras cosas que ellos no pueden suplir como por ejemplo sí el estado les da la medicación y eso pero hay pacientes que no están laborando entonces no van a tener como tener una buena alimentación, como tener suplementos alimenticios, cosas así que esa política pública pudiera tener esos espacios de ayuda digamos, pero que el estado aportara también.

Y la red que mencionaste de personas LGBTI, pues mencionaste que son 105 personas que registraron...

Que arrancamos el procesos registramos en ese entonces porque el año se hizo una nueva caracterización, en coordinación con la Universidad de Cundinamarca y ya logramos caracterizar 745 personas, que dieron datos y que hicieron todo el registro porque hubo más, hubo 824 más o menos pero las otras personas no se pudieron tener en cuenta porque eran menores de edad entonces y no tenían el consentimiento de sus padres, porque al terminar la encuesta ellos dijeron que no querían dar datos personales, entonces no se pudieron tener en cuenta.

¿Hay una red de líderes de la comunidad LGBTI en Girardot?

Osea nosotros tenemos actualmente un concejo consultivo, el concejo consultivo se creó basado en la política pública LGBT entonces dentro de ese consejo consultivo quienes eran los integrantes, una persona de las lesbianas, representante de las lesbianas, otra de los gays, otra de los bisexuales, los transgénero de acuerdo a las letras de la sigla LGBT y no se tuvo en cuenta en Girardot porque el acuerdo municipal estaba solo como anteriormente era la población LGBT no se había incluido la i, del consejo hacen parte también una persona que representa el sector educativo, otra que representa el sector salud y otra que representa el sector cultura y también las universidades que manejan programas acordes a la problemática LGBT en Girardot ,programas sociales entonces por eso se

vinculó a la Universidad de Cundinamarca y a la Universidad Uniminuto porque ellos manejan programas de promoción y prevención y manejan también las áreas de psicología, trabajo social que nos permiten cómo tener ese soporte para el proceso que nosotros llevamos y de la parte gubernamental hace parte el señor alcalde, el secretario de educación o su delegado, la oficina de planeación que es la secretaría técnica del consejo consultivo, la Secretaría de salud, la personería y la Policía Nacional.

¿Y todo eso se fundó en el momento de lanzar la política pública 05?

Sí, o sea esa política pública se hizo en el 2015 pero hasta el año antepasado, hasta el año 2018 se conformó el consejo consultivo o sea como que tuvimos el apoyo más de la administración para poder llevar a cabo la elección de ese consejo consultivo y poder conformar ese concejo, entonces se conformó el concejo se citó a una reunión donde participaron más o menos 70 personas de la misma población LGBT y por votación se eligieron los cargos de ese consejo consultivo, se hizo la elección y empezamos a hacer un trabajo ya mancomunado con la Universidad de Cundinamarca que fue la caracterización, el año pasado empezamos ya a hacer el proceso porque como el documento de la primer política pública no se encontró entonces iniciamos la elaboración de la política pública nuevamente, entonces la alcaldía contrató una empresa consultora que se encargaba de hacer el proceso y se arrancó, se arrancó e hicimos muchas mesas de trabajo donde hicimos mesas para socializar muchísimos temas, trabajamos el tema de Salud, Educación, de vivienda, de defensa de derechos, todo ese tema y empezamos a armar un plan de acción que ese plan de acción lo tiene consolidado la jefe Carlota, que fue lo que nosotros plasmamos de todas las mesas de trabajo y es lo que vamos a presentar en este año para que se pueda elaborar la política pública y para que quede inmersa en el plan de desarrollo municipal.

¿Cuántos años llevas viviendo en Girardot, menos este mes que llevas viviendo en Bogotá? Yo ya llevo viviendo en Girardot 16 años ¿Y dentro de esos 16 años qué tan seguro te has sentido en ese municipio?

Pues, sí he tenido algunas cosas de discriminación, llamémoslo de esa manera pero ha sido por parte de la misma comunidad LGBT o sea por los mismos miembros de la comunidad LGBT nosotros muchas veces tendemos a discriminarnos entre nosotros mismos, ¿por qué? por la por la condición o sea porque si no digamos travestis y transgénero o transformistas de pronto mucho no compartimos esa idea, lo vemos cómo

entre comillas como muy bofetoso como que sí, entonces de pronto empezamos a discriminamos entre nosotros mismos y yo he tenido discriminación por la misma comunidad LGBT por algunas personas por el tema del liderazgo o sea nosotros no podemos crear en la comunidad LGBT liderazgos infundados sino debemos trabajar en pro de todos o sea sin importarnos si a mí me va a beneficiar o no, estamos buscando es el beneficio para toda la comunidad y que todos vivamos en igualdad de derechos y vivamos en algo que yo siempre yo siempre, siempre he repetido y seguiré repitiendo que es mi frase que es “igualdad en las diferencias” yo quiero que haya igualdad en las diferencias cada quien es así como en la comunidad hay negros, hay indígenas, hay amarillos, hay verdes, hay grises hay de todos los en la comunidad LGBT también habemos de todo hay unas personas que se visten de mujer un día, que al otro día están de hombres o sea que hacen su tránsito por las diferentes digamos cómo por los diferentes grupos poblacionales en la misma comunidad LGBT donde se sientan mejores y más seguros, entonces de pronto nosotros discriminamos por eso, porque no compartimos los ideales de los otros y es muy difícil porque cada uno piensa de una manera diferente o sea en la comunidad LGBT tenemos un grave problema y es que muchísima de la población LGBT trabaja el tema de prostitución, maneja el tema de drogadicción, otros manejan el tema de alcoholismo, pero igual son ya como parámetros en su vida que no podemos cambiar es muy difícil cambiarlos, sí, habrá un proceso donde de pronto les socialicemos el efecto contrario que eso le va a hacer en sus vidas pero es respetable porque cada quien actúa de una manera diferente; yo discriminación como tal sólo tuve una en un colegio que yo trabajé como coordinador académico y en los años en el año anterior había habido un problema con un chico de ese colegio con un profesor que había intentado sobrepasarse con él, entonces ellos tuvieron un problema jurídico con ese colegio, los padres del chico demandaron, entonces un proceso dispendioso, entonces cuando yo ingresé hubo como ese tabú y ese freno por algunos padres para que yo trabajara en la institución, pero nosotros hicimos una reunión, la rectora del colegio muy amiga me dijo ¿César, puedo hacer una reunión donde yo comenté su caso delante de todos los padres de familia sin importar el tema? Le dije claro, hagámoslo, hagámoslo porque las cosas es mejor aclararlas desde el comienzo. Entonces se hizo la reunión y donde y les dije a ellos, les dije sí, mi condición es que yo soy gay pero eso no implica que yo vaya a venir a cometer irregularidades en la institución y si alguno de ustedes se ve afectado o alguno de sus hijos se ve afectado porque yo de pronto vaya a sobrepasar los límites entre ellos y yo

alguna cosa, están todas las entidades del estado donde me pueden denunciar; yo vine aquí fue a trabajar pero si ustedes creen que eso inconveniente para que yo trabaje acá, pues ya la determinación la toma la rectora que es la propietaria del colegio, pero yo creo que ella pues conoce mi hoja de vida, yo no me distingo de ella de Girardot, yo me distingo de ella desde acá de Bogotá entonces yo llevo muchísimos años conociéndome con ella, ella sabe de mi condición, sabe cómo es mi forma de vida entonces ella determinará si yo puedo o no puedo trabajar en la institución, pero no, los padres estuvieron de acuerdo y después fui antes muy buen amigo de los estudiantes y muy buen amigo de los padres porque no tuve ningún problema con ellos y de ahí para allá no he tenido más inconvenientes porque yo siempre me he desempeñado la parte pública y yo pienso que uno su vida privada no la debe mezclar con su vida laboral y profesional y tampoco puede uno de su vida privada mostrarla a los cuatro vientos, independiente de como usted sea o actúe, eso es de su privacidad entonces por eso no he tenido inconvenientes pero si hay mucha gente de la población que ha sido discriminada en Girardot, ha sido también de pronto afectada por la misma Policía Nacional porque hemos tenido digamos casos en los que hemos ido a buscar a las personas que trabajan en la prostitución y la policía se ha burlado de ellos y todo eso, entonces eso ha afectado un poco.

¿Alguna vez ha acompañado a alguien a denunciar?

Sí, tuve una chica que ella salió del país casualmente yo la acompañe a la personería municipal donde se hizo todo el tema porque cuando se enteraron que ella hacía parte de la comunidad LGBT porque consiguió una pareja femenina también, entonces el novio de ella, ella había tenido un novio, el novio de ella se encargó en difundirle a mucha gente el tema de su condición como lesbiana y eso le afectó laboralmente mucho a ella entonces la amenazaron, ya no le daban trabajo, todo ese tema, entonces yo le hice el acompañamiento hicimos un proceso muy bonito fuimos a la personería, donde ella hizo su declaración, donde todo este tema, y eso le sirvió a ella y le ayudo para que en otro país con una mentalidad más abierta la apoyarán y ella está casualmente en España está trabajando muy bien y ha sido apoyada por muchas organizaciones LGBT allá y está súper.

Me alegra... ¿Y este proceso de demandar fue bien, se la tomaron en serio a ella?

Sí claro, nos apoyaron mucho en la personería municipal, se hizo seguimiento, ella también participó en el proceso de caracterización antes de viajar, nos acompañó como en dos mesas de trabajo y sí sí el proceso de respaldo fue bueno, cuando iniciamos ya el proceso con el consejo consultivo también la Policía Nacional nos determinó una persona de la fuerza pública que nos acompañara en todos los procesos que necesitáramos, posterior a eso también con una persona de la comunidad LGBT que organizamos del año pasado un festival multicolor tuvimos también inconvenientes con otra líder de otro en la misma comunidad LGBT pero que tenía otros intereses, entonces ella también tuvo cómo, como diría yo, se quiso cómo mezclar mucho, o vincular mucho con la vida privada de nosotros y divulgó cosas que no debía divulgar, entonces también hubo que recurrir a la policía y todo pero el proceso paró ahí y no volvieron a existir comentarios ni crítica ni nada sobre el tema.

¿Y tomando los procesos que hablamos antes en cuenta de la justicia transicional, estos mecanismos de la JEP y de la Comisión de la Verdad que en estos momentos se están trabajando en Colombia tienen algún impacto en Girardot?

Pues hasta el momento no lo han tenido como tal, pero yo pienso que todo eso sí debía tenerse en cuenta en todas las en todas las ciudades del país porque en todas las ciudades debe haber gente que perteneció a todos esos procesos armados en el país allá hay mucho desplazamiento, muchísimo desplazamiento, entonces todo eso de pronto afecta en parte, pero el estado o como tal la Secretaría de Gobierno que es el ente encargado de hacer ese control no lo ha hecho como muy visible, entonces no hemos tenido como esa herramienta para podernos vincular en estos procesos de la justicia transicional y también ver qué así como digamos tienen talanquera o tienen freno las personas por haber sido parte del conflicto armado, pues también hay personas de la comunidad LGBT que han sido víctimas de esos procesos.

¿En tu opinión hay alguna manera en acercar esta gente LGBTI a las herramientas de la justicia transicional?

Claro, yo pensaría que sí se hacen o sea yo lo primordial que pienso es que nosotros porque no hacemos parte de sus procesos es por desconocimiento, si el estado hace un como un alto en el camino y empieza a fortalecer el tema de la de la capacitación de la concientización, eso ayudaría a que uno se quiera hacer partícipe de esos procesos por ejemplo allá la población LGBT andaba como rueda suelta y sólo les importaba la fiesta,

los reinados y todo esas cosas, pero ya cuando vieron que había un consejo consultivo LGBT y que había una organización LGBT, ya ellos fueron conociendo el tema y se fueron vinculando porque ven que uno les explica cuáles son los procesos, que se va a trabajar, cómo se va hacer, entonces ellos van teniendo esos conocimientos y van queriendo hacer parte de los procesos, yo pienso que si uno da a conocer todas estas cosas la gente llega, antes no hacían nada y no llegaban porque nunca nadie decía “oiga es que vamos a ir a mirar a ver venga los papeles a ver si pedimos un mercadito” como nadie lo hacía entonces nadie pedía, nadie exigía, nadie pero ya cómo se ha venido haciendo hacia la gente sabe, ya por ejemplo la gente cuando son las entregas de los mercados ya lo llaman a uno “oiga César cuando son las entregas de los mercados ¿Qué documentos toca llevar?” Todo eso nos ha permitido todo eso.

Así que hace falta una intervención educativa. Exacto Acercar esa parte. Sí mucha divulgación de estos temas donde nosotros estemos inmersos. ¿Y cuándo se trata de realmente denunciar hechos victimizantes, un tipo de discriminación, ves ahí un obstáculo de las personas LGBT acercándose a mecanismos de justicia transicional?

Sí, les da a veces miedo por el mismo tema que yo le digo que la misma policía se ha encargado como de discriminarlos y tratarlos mal y entonces eso les hace a ellos como más bien guardar sus cosas y no contar yo pienso que en Girardot debe haber muchísimos casos de violación de discriminación de toda la población LGBT pero no se atreven a denunciar o a contar por miedos, por amenazas no sé por qué, pero mucha gente debe haberlo sufrido y no haberlo dado a conocer por lo mismo porque no sienten ese respaldo suficiente del estado para que ellos puedan exigir la defensa de sus derechos.

¿Tienes otra sugerencia de cómo se puede aumentar la confianza hacia el estado o que el estado puede hacer de su parte para acercarse?

Esto es muy difícil si no partimos desde nosotros mismos o sea si nosotros mismos no nos damos el valor no nos respetamos no nos queremos y no nos amamos estamos fregados, porque la discriminación empieza desde la casa es muy difícil y muchos y muchos hijos no les cuentan a sus padres las cosas por el mismo temor a la actitud de sus padres hacia ellos, entonces si usted no ve en su entorno familiar ese respaldo, ese apoyo ¿Cómo lo busca usted afuera? O sea cómo busca que una entidad del estado lo apoye a usted si usted va a ir a denunciar a su papá y su papá después en la casa lo coge y lo medio mata, entonces es muy difícil y muchas de esas cosas han hecho que mucha gente de la

comunidad LGBT llegue al suicidio, por lo mismo, que no se sienten respaldados y de pronto ven es bueno, cómo desahogarse o cómo contarle a un amigo y ese amigo lo que lo induce es a las drogas, a la prostitución a todo ese tema, entonces es muy difícil; yo pienso que todo debe partir desde la familia o sea el estado debe como ampliar más el tema yo siempre, yo también la política pública ahoritica en el nuevo plan de acción que hicimos me di la pelea porque quedara inmerso en el plan de acción que todas las instituciones educativas dentro de las escuelas de padres hablen del tema de orientación sexual ¿para qué? para que los padres tomen conciencia de que eso no es una enfermedad, que eso no es una maldad que ese no es diabólica es una condición con la que se nace el ser humano y que pues eso ya es genético, que es difícil de cambiar.

¿Te quise preguntar si ese tema con la prostitución en Girardot porque yo vivo con una mujer que también es de Girardot y también me ha hablado de ese tema. Si eso ha generado cierto tipo de rechazo en la población de Girardot en personas que dicen ya no quieren que eso ocurra?

Sí claro y por eso le digo yo el tema de la discriminación parte de ahí de que las chicas se están ubicando en las esquinas de la ciudad de Girardot y todo ese tema y aparte de eso que están ejerciendo la prostitución también están, ya se están enfocando más al tema delincriminal entonces roban a los hombres y todo ese tema entonces todo eso hace cómo generar más rechazo de la sociedad hacia estas personas.

¿Pero más allá de la discriminación te has enterado de casos de personas que han querido actuar por su propia cuenta en contra de eso?

Hace más o menos 2 años mataron a un chico de la población LGBT, por lo mismo, después nos enteramos de que era que él había robado los clientes que había estado y entonces él se unió con otro y volvió y lo citó al mismo hotel y todo eso, lo llevó y entre juntos le cobraron venganza por el tema de haberlo robado y a él lo asesinaron. Entonces todo eso conlleva, eso que es muy complicado, por lo mismo, porque ellos uno intenta hablar les intenta acercarse a ellos pero ellos buscan es lo fácil, entonces es muy difícil también manejar la población LGBT es muy complicado totalmente son mentes que muchas veces no analizan de verdad hacia donde van hacia que horizonte van, sino es vivir el momento y ya y es querer de pronto sobresalir por encima de los demás sin importar lo que haga **Sí y creo que la brecha es aún más grande entre la población LGBT y el estado que entre la población y sus seres queridos, sus familias o la**

población en sí... o sea nosotros hemos tenido muchos espacios de participación por lo mismo, porque nos conformamos con un comité, porque exigimos, porque estamos constituidos, porque estuviéramos cada uno por nuestro lado, créame que es muy difícil. **Sí y 800 personas ya es muchísimo ¿Cuántos habitantes tiene Girardot? Cien mil Mira, es casi 1%, de las personas registradas.**

Porque la población real que hay en Girardot LGBT hay muchísima, muchísima sin caracterizar muchísima que no quiere hacer parte de los procesos por lo mismo porque dicen que es una pérdida de tiempo que el estado nunca les va a ayudar, que si no hacen nada por su cuenta el estado no les va a dar nada. Y es que no es que el estado nos dé ni nos regale es que nos abra los espacios donde podamos consolidar ese trabajo y poder hacer cosas. **Y puede ser que tu rol en ser líder social es encontrar esos vacíos y acercar más a la comunidad entre si.** Sí, claro y **también con otras entidades que pueden prestar ciertos servicios, que pueden ser útiles como tú mencionaste en salud, en educación,** sí es ser como un puente o como un enlace entre la comunidad y el estado para que nos permitan todo esas cosas. **Me alegra mucho.** y yo pues más que he estado trabajando con la parte pública, entonces más he podido pues conocer el tema y mirar en qué en qué áreas puede uno como aportarle más para que el estado ayude, entonces pero ya teniendo lo que yo le decía ese plan de acción, ese plan de acción nos sirve muchísimo pero tenemos que dejarlo inmerso en el plan de desarrollo para que surta efecto y de pronto le dejen recursos y podamos hacer algo. Pero buscando eso, la inclusión porque es que yo le he dicho ahí hay varios líderes de la comunidad LGBT pero cada uno se ha encargado de ir buscando como la exclusión por lo mismo, por su actitud, por su arrogancia, por estar peleando con todo el mundo, entonces yo no, yo nunca he peleado con nadie si me puede ayudar el estado me ayuda y si no me puede ayudar pues no me ayuda si no miro que otro mecanismo puedo conseguir para ayudar. Tanto es así que el año pasado cuando iniciamos el consejo consultivo a mí se me ocurrió la locura de organizar un festival multicolor, allá se hace un reinado LGBT, dos reinados se hacen, el reinado nacional del turismo gay y el reinado Señorita Girardot gay, entonces en el reinado Nacional del turismo gay que busqué este año, hacer un evento, una semana cultural, festival multicolor se llamó, entonces logré también que la Gobernación de Cundinamarca se vinculara al proceso, entonces el lanzamiento del reinado fue en la Gobernación de Cundinamarca en el salón de gobernadores, de ahí salimos para Girardot y en Girardot tuvimos muchos eventos todos los días, en el parque principal donde la

gente podía ir a mirar todas las actividades, entonces se realizó el primer día se hizo un encuentro de danzas donde participaron como 10 grupos de danzas excelentes hubo mucha comunidad que participó en el proceso que vio las capacidades que tiene la comunidad LGBT y no fue sólo LGBT grupos de danzas donde hay población LGBT donde hay heterosexuales de todo, pero buscando eso la inclusión y y que nos vieran que nosotros también tenemos en muchas facetas de arte de cultura, de todo ese tema, entonces fue muy bonito. Y durante cada día había un desfile de las candidatas, entonces el primer día fue eso de los bailes, grupos de danzas y la entrega de llaves de las candidatas, el segundo día fue un desfile que se hizo con ellas y eran cantantes, artistas, entonces estuvo una chica que cantó, unos muchachos también que cantaron, que hicieron rap, que todo ese tema, todos apoyando el proceso LGBT sin ser de la comunidad; Y el día viernes sí se realizó la parada una fue la parada artística trans, entonces donde hubo transformistas donde hubo solo artistas trans que hicieron show en tarima y se presentaron y todo eso. El día sábado fue el desfile de carrozas que fue un desfile muy bonito porque nos apoyó la administración, las secretarías de despacho nos apoyaron y nos acompañaron la Policía Nacional de tránsito, bomberos, entonces fue muy chévere el desfile, fue muy nutrido y sobre todo que este año fue diferente a los anteriores porque ya fue con más respeto, yo le dije que nadie podía ir mostrando nada, que ir muy bien vestiditas las que van a desfilan como transformista, como mujeres muy tapaditas para que no tuviéramos el problema de eso de que haya comentarios, porque pues en el desfile se sabe que si usted sale un desfile sale con su familia, con sus niños entonces era dar ejemplo de eso, de respeto para que nosotros tuviéramos pues también respeto y tolerancia por parte de la comunidad pero fue muy bonito y el domingo ya se hizo la velada de elección y coronación, entonces fue una semana muy chévere donde tuvimos la participación del estado que nos acompañó a todos estos procesos.

Qué bien, ¿Eso fue tu idea? Sí eso fue una locura que se me ocurrió y lo hice. **Me alegra mucho porque que yo sepa Girardot es muy católico, es rural, no es que necesariamente es el lugar que uno piensa, ahí hay una gran población, un gran activismo LGBTI, así que me alegran estas iniciativas que a partir de ciertas estructuras logran visibilizar acá estamos y todos podemos convivir en paz.** Sí, esa era la idea de nosotros con el evento, visibilizar al a población LGBT no como el reinadito, no como la rumba en una discoteca, sino como eso, cómo, mostrar que nosotros somos arte, somos cultura o sea que tenemos las mismas condiciones que cualquier ser

humano porque no somos diferentes en nada, sólo en nuestra orientación sexual, no más que eso es diferente el gusto por personas del mismo sexo. **Todos tenemos una orientación sexual solamente que hay ciertas personas que clasifican unas orientaciones sexuales.** Sí exacto y que nosotros como comunidad LGBT las mostramos, porque la sociedad vive de doble moral. **También heterosexuales se besan en la calle todo el día** por eso y la población la población tiene eso tiene algo que se llama doble moral, que uno demuestra lo que es sin hacerle mal a nadie, pero para muchas sociedades, para muchas personas de la sociedad está mal visto, está mal hecho está no sé qué, pero no se miran de pronto por dentro muchísimas cosas y muchísimos defectos que tienen que pueden ser peores que la orientación sexual con el mismo sexo. **Claro y lo más importante es no juzgar y no calificar algo que es lo más natural y el amor es el amor ¿no? Pero sí, me alegra que es justo lo que yo veo en esos eventos, en lo que tú lanzaste allá ese festival, donde la gente si puede ver ah ok todos sobrevivieron y todos bien.** Sí y no hubo irrespeto, no hubo nada gracias a Dios, todo fue en normalidad, en paz, en calma, no hubo ningún inconveniente. **Me alegra mucho, me alegra mucho porque esas son iniciativas de la sociedad civil que normalmente el estado no logra realizar de tal forma, así que ese es un gran aporte a la paz.** Allá en Girardot se ha querido hacer una marcha gay, para celebrar el día internacional de la marcha gay, pero yo siempre he querido y no lo he logrado por lo mismo porque entre la misma comunidad LGBT somos como muy cada uno tirando para su lado y cada uno a hacer lo que quiere, porque yo siempre he pensado que si nosotros vamos a hacer en Girardot ya hicimos el primer espacio de participación que fue la visibilización con este, con este evento, yo quiero hacer una marcha pero donde todos salgamos en jean y camiseta blanca, independiente de hombre, mujeres, transgénero, bisexuales, como quieran llamarlo, pero que salgamos así y que todas las camisetas estén marcadas y digan respeto y tolerancia, pero no lo he logrado consolidar porque yo les digo y ay no pero para salir así, no sé que, pero es que la idea es esa, es ir abriendo los espacios donde nos respeten y nos valoren de verdad **y unir más entre LGBTI ¿no?** pero de pronto voy a ver si lo logro así salgamos 30, 40... los otros se irán uniando y cada año será más numeroso pero que salgamos así, no cómo lo hacen acá en Bogotá y cómo lo hacen en otras partes porque es que ya, tiende a la vulgaridad y tiende al irrespeto y lo que yo le decía a esos eventos sale mucha población mayor, menor, niños, adultos, de todo, entonces uno tiene que como que crear una mentalidad donde no respeten y nos valoren a todos porque somos iguales. **Y también**

mandar un mensaje político y no cómo creo que especialmente a las chicas trans les gusta mucho desfilan, pero si tal vez las puedes motivar a todos Sí o listo hagámoslo, pero entonces vale la gente que quiera salir vestida cómo, como yo quiero, con jean y camiseta blanca donde haya un mensaje lo hagamos y el resto bueno listo que salgan vestidas como ellas quieren las trans por ejemplo pero que les demos un modelo de un vestido donde ellas vayan bien tapaditas. **Sí yo entiendo perfectamente lo que es tu idea y espero que lo puedas hacer.** Porque es el tema de eso del respeto, o sea si yo no me respeto, si yo no me quiero y me valoro yo no puedo pedir en los demás que hagan eso por mí, si yo soy grosero e irrespetuoso yo como le puedo pedir a usted que me respete y que no me diga groserías, pero si yo no las digo espero que mi actitud genere en usted la misma actitud que yo estoy dando, eso es lo que yo quiero hacerles ver, pero es que es muy complicado trabajar con la comunidad LGBT es muy muy difícil. **Sí, yo también he tenido mis experiencias en mucho menos tiempo que tú, por acá en Bogotá, que no respetaban para nada mi tiempo, pero está bien, sigo muy muy interesada y más que todo espero que se pueda visibilizar lo que ha sufrido esta población dentro del conflicto armado me parece muy importante porque mucha gente ni sabe lo que significa LGBTI, ni eso, y es crucial que la gente tenga conocimiento.** Sí muy sesgados muchas ganas y motivaciones entorno o no les interesa o no como que no han captado dónde están ubicados.

Apendix B

Interview with Andrea la Bella, 20.02.2020 in Girardot

Entonces me puedes contar a que te dedicas como lideresa de la comunidad trans tanto como la comunidad LGBTI en Girardot y en Cundinamarca?

Mira yo me he dedicado solamente a defender a la población LGBT y últimamente a las mujeres trans, desde que tengo uso de razón me ha gustado defender los derechos de las personas más vulnerables ya que yo vengo de una etnia indígena de Colombia que es la etnia wayuu donde nosotros tenemos unos usos y unas costumbres ancestrales dónde nos preocupamos por las personas más desvalidas o sea las personas que son vulnerables. Entonces esto viene desde la infancia desde que estamos niño nuestro padre nos enseña que tenemos que ayudar a los demás que tenemos que defender los derechos de las personas más vulnerables desde que estamos en el entorno de la niñez, en este ámbito en esta cultura entonces ya al salir del territorio comienzo a llevar una vida de defensora de derechos humanos por las mujeres trans y por la población LGBTI primero ejercí este liderazgo en Barrancabermeja en Bucaramanga, en defensa de las trabajadoras sexuales de la población LGBTI y de mujeres sin género cuando eran vulneradas ahí estaba yo acompañándola a poner las denuncias ante fiscalía, procuraduría cuando eran abusadas medios por parte de la fuerza pública, de la policía. Ya de allí de Barrancabermeja recibo algo en el año 1979, me desplaza la guerrilla y los paramilitares de Barrancabermeja y decido venirme a radicar a la ciudad de Girardot, Cundinamarca dónde empiezo nuevamente a manejar el liderazgo con un bajo perfil porque ya me di de cuenta que no era tan fácil de ser una líder en el país debido a los grupos que venían operando al margen de la ley como era la guerrilla y los paramilitares. Estoy en Girardot en el año 96 , decido irme a vivir un municipio del departamento del Tolima que se llama el Guamo Tolima, allí comienzo a trabajar con la población LGBTI y de los municipios de Natagaima Tolima de Chaparral de Coyaima, comenzamos a hacer reuniones y es cuando comenzamos ya a empezar a recibir amenazas por los grupos al margen de la ley tanto guerrilla como paramilitares hasta el momento que en el año 1999 a mí me llega un panfleto que tengo que irme que tengo que irme, abandonar el municipio yo no lo hago en el momento y un 28 de Agosto del 99 es cuando sufro un ataque por parte de cuatro individuos que llegan a mi casa en el Guamo donde yo tenía una peluquería, una distribuidora belleza y ellos llegan en dos motos de alto cilindraje ingresan a la peluquería

cierran la puerta donde yo estaba viendo las noticias de las 7 de la noche y allí me... soy agarrada por el cabello, me llevan a la parte atrás de la peluquería donde tenía yo mi sitio residencia, allí yo soy torturada, agredida físicamente un golpe en la cara en la boca, soy violada por los cuatro sujetos, me obligan hacerle sexo oral, abusan de mí hasta prácticamente destruirme el recto, no conforme con esto con me dan en la parte posterior de la cabeza en la parte izquierda me dan con una pistola donde me desmayo, caigo al suelo y aparte de esto me tratan de decapitar ocasionándome una herida en la parte izquierda del cuello, de ahí me dejan tirada dejan la puerta abierta en mi peluquería. No sé cuánto tiempo pasó, cuando me auxiliaron fueron unas clientas que pasaban por el sector y llamaron a una señora que era enfermera en el hospital, que pasaba en ese momento por la peluquería y le informaron de lo que me había pasado y fue la que me las que me socorrieron, la enfermera fue la que me hizo las suturas tanto el cuello, en la cabeza, me hizo sutura en el recto, ya cuando yo reacciono a los golpes que ya revuelvo en sí no sé qué hora era se retiran ellos y me dicen que cierre bien la puerta, yo lo que hago es que cojo, busco ropa con la plata que tenía y espero que amanezca porque la orden era que tenía que irme tenía que abandonar el municipio. Viajo a Bogotá, de Bogotá vuelven otra vez y me hacen seguimiento y ahí es cuando tengo que salir del país, regreso a Colombia después de 8 años de estar por fuera del país, regresó a Colombia después de estar en regreso a Colombia y en dónde me radico en Girardot y comienzo nuevamente ya porque habían garantía de las autoridades, nuevamente comienzo a organizar a la población LGBTI en el municipio Girardot y los municipios que me piden apoyo estoy ahí presta prestarles el apoyo para organizarse y en el año 1900 en el 2010 creo la primera asociación LGBTI del municipio Girardot y empiezo a liderar este proceso, pero ha sido un proceso que ha sido duro porque como víctima del conflicto soy yo sola la víctima en el municipio y las administraciones no han tenido voluntad política para prestarle el apoyo a la población LGBTI.

¿Y esos hechos victimizantes que has sufrido, los fuiste a denunciar?

Los hechos victimizantes ocurrieron en el Guamo se denunciaron el juzgado segundo penal pero ese juzgado como era donde reposaba todas las denuncias de corrupción de los hurtos de los recursos del municipio este juzgado fue quemado, por los mismos mismo corruptos, lo quemaron, entonces toda esa evidencia se borró, de esa denuncia pero del 99 al 2005 fue cuando hubo más violencia en ese municipio por parte de los paramilitares

que fueron el bloque Tolima fue el que el que operó en ese sector que el comandante se llamaba Juanito creo que era, si no estoy mal, ese era el que operaba en el municipio del Guamo, Cucuana, Rincón Santo, la Chamba pero ahí están las evidencias después ella yo en el 2013 o 5 es cuando declaró acá en Girardot Cundinamarca porque habían garantías, porque primero no habían garantía y no tenía conocimiento que el estado colombiano había reconocido como víctimas del conflicto armado a las personas que habían recibido algún hecho victimizante, como en mi caso desplazamiento forzado violencia sexual, tortura, lesiones permanentes, lesiones personales permanente porque esos dos delitos que el último tortura y el de lesiones personales no me lo quieren reconocer, estamos en ese proceso.

¿Y eso lo denunciaste después de los hechos victimizantes?

Después de los hechos victimizantes cuando regresó de Europa que ya se estaba ya estaba en marcha el programa de las víctimas, que fue ya cuando se organizó la ley 1448 del 2011 fue cuando vinieron ya a reconocer a las personas como víctimas del conflicto armado.

¿Te refieres a la ley de víctimas y restitución de tierras?

La ley 1448 es la ley de víctima es la ley de víctimas, que la han querido acabar, que es lo único que tenemos las víctimas, que nos defiende del estado colombiano y de la guerrilla esa es la ley y la quieren a trabajar porque no le dan cumplimiento el estado colombiano no cumple con esa ley.

¿En alguna de esas ocasiones donde fuiste a denunciar has experimentado discriminación ante las autoridades?

Mira, la discriminación de la población LGBTI la vivimos paso a paso, diariamente, por lo menos yo aquí como lideresa y como acá se hace la mesa de víctimas en el municipio, que se llama la mesa municipal de víctimas yo era la coordinadora y en una reunión del comité de justicia transicional, estuve solicitando que me informaran en que se habían gastado los recursos y que no habían sido invertidos en las víctimas. La secretaria de gobierno de esta época era la Señora Sandra Ivonne Serrano que ella también es de la población LGBTI ella cansada de verme diariamente y reconocí mirándome que soy una mujer trans, cuando yo hice esa solicitud que se informará, la señora de una forma grosera, altanera comenzó a tratarme del “señor” que lo que decía el señor no era cierto y que el

señor no tenía la razón y que el señor esto. La denuncia ante procuraduría, ante fiscalía, desafortunadamente en este país, la justicia en Colombia se maneja políticamente y cómo la señora trabajaba con la administración de esa época y tenía funcionarios que trabajan a nivel departamental y nacional conocidos de ellas y de la rama judicial, el proceso fue archivado. Y diariamente las mujeres trans la población LGBT y recibimos discriminación llámese si vamos a una entidad de salud a pedir algún servicio llámese la fiscalía, procuraduría, donde lleguemos que tenga que ver algo con una denuncia de violación de Derechos Humanos en contra de la población LGBTI siempre hemos sido discriminados y seguimos siendo discriminadas.

Antes me contaste que también acompañaste a amigas tuyas a denunciar hechos victimizantes, que tú has liderado también en la comunidad esa lucha y esa resistencia.

En cuanto a las denuncias que tú te refieres son las denuncias de muchas compañeras mujeres trans y hombres gay de la población LGBT y que sufrieron violencia sexual y por no encontrar apoyo ni confianza en las autoridades competentes para realizarlas, porque ellos no guardan la confidencialidad de estas denuncias sino es que comienzan a hacerlas públicamente estas personas son objeto de burlas por los mismos funcionarios, entonces hemos venido haciendo últimamente un trabajo de acompañamiento de ir las a llevar a Bogotá dos tres mujeres trans, mujeres sin género, hombres gay que fueron víctimas de abuso sexual durante el conflicto, porque estas personas no habían declarado por vergüenza, por no encontrar la confianza en la autoridad y por miedo era el otro factor de que no se había denunciado, entonces en este momento yo estoy haciéndole el acompañamiento estas personas no solamente población LGBT y mujeres hombres también he tenido que ir acompañar la defensoría del pueblo para que hagan sus denuncias porque los hechos sucedieron 2010 2005 2007 hasta en el 2000 pero estas personas no veían confianza para hacerlas, el miedo no lo dejaba por un lado y lo otro que las autoridades no le daban esa confianza que ellos necesitaban y veía que iban a ser objeto de burla porque a muchos le sucedió esto, entonces por eso lo estamos haciendo ahora últimamente. ¿Qué, por qué tanto tiempo después? Casualmente es el motivo por el cual por el miedo y porque no veían confianza para hacer sus denuncias.

¿Y qué recomendarías tú como lideresa de la comunidad trans para que se mejorara ese acceso de las personas trans o LGBTI para mejorar el acceso de esta comunidad en los mecanismos de justicia transicional como la JEP y la Comisión de la Verdad?

Qué recomiendo yo de que para el acceso a la justicia la verdad y la reparación que debía de ser no simbólica sino como lo ordena la ley 1448 que la cual no se cumple, a nosotras a las mujeres trans la población LGBTI y se nos debían de brindar las garantías porque es que el problema que tenemos aquí en la ley 1448 es que como la ley no nos nombra como mujeres trans ni como población LGBTI sino dice las víctimas del conflicto armado tienen derecho a la justicia, a la verdad y a la reparación, pero como no están la sigla o no esta parte población LGBTI mujeres trans, entonces por eso nos vulneran nuestros derechos pero no solamente nosotros sino a las personas, las víctimas totalmente todas se nos vienen vulnerando nuestros derechos, ¿Qué aconsejo yo? Yo lo que aconsejo o que pido, más bien exijo es que se nos brinde de verdad y se nos garanticen el derecho a la justicia, a la reparación y a la no repetición, porque es que a nosotros cuando vamos a las autoridades, las autoridades no nos brindan el apoyo como debe ser como mujeres trans como población LGBTI sino que miran ah ese es una víctima y sin decir más, porque dicen no, ese es un maricón porque dicen así nos tratan es un marica, entonces lo que no queremos que nos den el valor como seres humanos, es lo que exigimos porque la ley es para todas y todos en este país pero resulta que para unas cosas contamos como población LGBTI y como también mujeres lesbianas como también mujeres trans, pero solamente para la discriminación es que contamos que no hacen a un lado pero cuando nos necesita la JEP cuando nos necesita el estado para reunirnos como borregos, para demostrar a la comunidad europea que están cumpliendo con los programas y que sí es cierto que en Colombia se está implementando un proceso de paz ,el cual es falso. Entonces no reúnen, nos engañan que va a ser una capacitación que va a ser una orientación y nos reúnen, nos dan un almuerzo y refrigerios en un hotel y fotografías y pasó todo. Para ese momento sí somos importantes, de ahí para allá no contamos para nada. Lo he vivido como fue Cartagena el primer encuentro de las de las víctimas de violencia sexual, nos utilizaron, nos llevaron al teatro de padres nos metieron un hotel 4 días nos reunían como borregos, nos llevaron al teatro Pedro de Heredia después que hicieron todo el evento que nos dijeron que era un evento privado que eso era cosa de reserva eso salió por todo las televisiones del mundo, salió por la revista, El Espectador, la revista Semana, por todas tenemos las evidencias, al contrario lo que hicieron fue exponernos más al peligro que

vivimos día a día, nos hicieron más visibles al peligro ¿Y qué pasó? La comisión de la Verdad nos abandonó, nos dejó solas a todas, después de eso comenzamos a recibir amenazas, esporádicamente recibíamos amenazas todas las que participamos en este evento y seguimos en la misma asustadas pendiente que no nos vaya a pasar nada, eso es lo que nos pasa y por eso yo lo digo nos utilizan solamente para demostrar al mundo que se están cumpliendo con el proceso de paz, pero las víctimas, nosotros no estamos recibiendo nada de ese proceso de paz, nosotros somos los que menos contamos en ese proceso de paz y cómo me gustaría a mí algún día poder tener la oportunidad de un medio internacional que se diera cuenta de verdad que pasa con las víctimas del conflicto armado en Colombia porque es una farsa, esta es una parte de una trufa que le están mostrando al mundo, que se está implementando este proceso de paz y que las víctimas somos el centro de atracción, es mentira, no estamos recibiendo nada en comparación a los que reciben los guerrilleros, los victimarios que los tienen en un pedestal les han entregado tierra lejana entregado macroproyectos, les dan sueldo mensualmente, mensualmente le están una remesa mientras que una víctima le dan un Auxilio \$1.000.000 para una familia con 6 individuos este millón de pesos lo reparten en cuatro meses, cada cuatro meses le dan \$250000 para que paguen arriendo y se alimenten dentro es la ayuda del estado colombiano.

¿Cómo crees que se puede prevenir mejor e investigar y sancionar esas violencias que sufrieron y sufren las mujeres trans?

Es que estas violencias que han sufrido las mujeres es el directo responsable del Estado colombiano es el directo responsable porque él no nos protegieron, las autoridades no nos protegieron, no nos brindaron acompañamiento nos dejaron solas ,nosotras sobrevivimos al conflicto, las que hemos vivido, es gracias a Dios porque mi Dios fue el único que nos protegió y haciendo resistencia en los municipios y en los departamentos, así es que hemos sobrevivido tanto las que vivíamos en peluquería trabajando como estilista como la que ejercías la prostitución porque todas fuimos víctimas de los grupos al margen de la ley, el estado es directo responsable que no nos brindó protección cuando la buscamos cuando tocamos la puerta cuando íbamos a la fiscalía a los juzgados a denunciar los actos de agresión en contra de nosotras nunca nos atendieron, es más el estado colombiano en este momento no sabe cuál es la estadística de la población LGBTI y muerta durante el conflicto armado en manos de los grupos al margen de la ley no lo sabe. ni eso sabe.

¿Y ahora en Girardot qué tan segura te sientes? ¿Llegaste a un lugar donde sí Te respetan y dónde puedes estar tranquila?

Girardot en los años cuando yo llegué era una vida más tranquila se podría vivir, pero últimamente ha habido mucho problema con los sicariatos. Hay muchos sicariato hay, muchas cosas que se mueven turbiamente dentro de la sociedad del municipio, las autoridades por igual, lo que digo no hay protección del estado no lo hay en Girardot, la policía no sirve para nada, uno no encuentra apoyo aquí en la policía, la fiscalía por igual, los juzgados por igual, aquí es el nido la corrupción en todos los ámbitos, aquí no hay justicia para nada, la justicia aquí es para los de cuello blanco, aquí las personas vulnerables y la población LGBTI estamos de la mano de Dios porque nosotros no encontramos ni en fiscalía, ni en procuraduría, ni en policía, encontramos ningún respaldo de ninguna índole, se lo digo yo porque lo digo porque yo tengo medidas de protección por estar denunciando los hechos de corrupción en contra de las víctimas y de la población LGBTI y porque tengo pruebas ante fiscalía ante procuraduría, ante contraloría, tanto a nivel departamental como nacional pero como estos entes de control se mueven es políticamente tienen sus caciques que son los que lo manejan como vemos en este país todo es política y por medio de la policía hay ningún apoyo el apoyo es nulo totalmente cero, porque en una ocasión llamé a la policía y habían unos sujetos sospechosos al frente de mi vivienda entonces lo que hicieron fue como para como diríamos cómo sería la palabra, como para de pronto exponerme más me enviaron un CAI móvil y me lo instalaron al frente mi casa para volverme más visible ante estos sujetos, entonces por eso nosotros no no no encontramos apoyo ni tenemos confianza en la policía del municipio de Girardot yo lo único que cuentan el día es un esquema de protección que me lo implementó la unidad de protección debido a los riesgos que tenía como lideresa así como defensora de derechos humanos y con el cuento actualmente y pidiéndole a mi Dios que no me lo vayan a quitar porque sé que en el momento menos pensado que me quiten ese esquema, no sé me tocará es salirme el municipio irme y abandonar todo nuevamente para salvar mi vida porque me siento en riesgo porque he denunciado muchos actos de corrupción aquí en el municipio y el corrupto no se queda quieto ese está mirando el momento en que él puede atacar es un enemigo que está ahí dormido, entonces estamos sin protección totalmente aquí la policía no sirve para nada, esa es la palabra, cero sirve la policía en este municipio.

¿Tienes alguna sugerencia de cómo se puede acercar mejor la comunidad trans o LGBTI a esos mecanismos, a la policía o también a la fiscalía?

Mira, la sugerencia que hay es el propio estado colombiano tiene que implementar una política pública donde quede plasmado de que se debe capacitar todos los funcionarios públicos en derechos humanos y sobre todo en población LGBTI y persona vulnerable porque es que no es solamente las personas LGBTI y las mujeres trans son las personas vulnerables también las trabajadoras sexuales que somos agredidas por la falta de conocimiento de las autoridades en derechos humanos, eso es lo que tiene que implementar el estado, el respeto hacia el ser humano, en esta política pública debe quedar por como por obligatoriedad de que ellos tienen que hacer un curso de derechos humanos hacia el respeto hacia el otro, llámese población LGBTI, trabajadora sexual, gay, cómo se quieran llamar personas vulnerables, porque es que ellos no respetan al ser humano y todos somos seres humanos aquí no se trata ni de población LGBTI no podemos permitir de que no violenten nuestros derechos que son consagrados por ley, eso lo que tiene que hacer el estado colombiano, implementar esto en las instituciones en todas las instituciones comprendida fiscalía, procuraduría, enseñarles el derecho humano cómo se deben de tratar estas personas vulnerables, porque es que nos tratan como si fuéramos ciudadanos de quinta categoría, lo peor de la humanidad nos tratan a nosotros pero cuando nos necesita si somos valiosos somos importantes cuando necesitan a la población LGBTI para demostrar que sí están cumpliendo con los programas hay si la foto el refrigerio y nos están tratando bien. Me acordé de un libro que leí, el holocausto ¿Te acuerdas? cuando llegaban a pasarle revista a los campos de concentración que los bañaban, los vestían, les daban de comer y nada pasaba eso se implementa en este país y en muchos, fotos bien vestido bien arregladito si no está pasando nada internamente no pasa nada pero está pasando de todo.

¿Te sientes amenazada en tu posición como lideresa social?

Mira, las personas que tenemos por convicción o por naturaleza de escoger, no lo escogemos mi Dios es el que lo decide, ser lideresa a defensora de derechos humanos estamos conscientes que estamos en riesgo que en cualquier momento podemos salir de la casa y no podemos regresar, no sabemos constantemente estamos en riesgo así sea en la propia casa porque no sabemos que nos puede pasar por nosotros tocamos temas tan sensibles como es la corrupción, el abuso, la vulneración de los derechos. Entonces él

constantemente estamos en riesgo totalmente riesgo total lo diría yo riesgo eminente estamos todas las personas que tenemos por convicción eres porque esto no lo hago porque yo porque muchas veces he visto decepcionada o frustrada cuando veo que no puedo lograr un objetivo en defensa de los derechos una persona y se le vulneran todos sus derechos y las autoridades no quieren reconocer que se están vulnerando sus derechos esto me produce el llanto, me produce dolor, me produce de todo y a ver declinar pero conozcan a la fuerza masa con más fuerza y por no tengo que luchar aquí no puede quedar este siglo para adelante entonces una convicción y sabemos que estamos en riesgo total es un riesgo inminente que tenemos las personas que somos lideresas defensores de derechos humanos constante riesgo.

¿Hubo alguna razón específica por la cual te mudaste a Girardot?

El motivo por el cual elegí mudarme a Girardot fue porque cuando regresé de Europa quise radicarme en el municipio el Guamo de donde había sido desplazada por arraigo, por amistades, porque ya había vivido allí 14 años, pero llegué con esa ilusión pues allá en erradicarme, pero llegué en la mañana y ya la llega como a las 9:00 estuve todo el día mirando a ver dónde me podría donde me podría instalar el sitio. Por ahí como a las 4 de la tarde decidí salir del municipio para Bogotá cuando antes de salir del municipio como faltándome unas 3 calles ya para salir a coger el transporte, el bus, fui abordada por dos sujetos en moto, los cuales me agredieron físicamente me partieron la boca de una sola trompa de golpe me cogieron a puntapiés y que yo me tenía que ir del municipio que no me querían ver entonces llegué me fui para Bogotá posteriormente regrese a Girardot, vi la tranquilidad del municipio y como más seguridad pues no vi tanto como tanto riesgo entonces instalarme acá mirando por eso pero es difícil uno como líderes a llegar a trabajar a una ciudad donde no hay voluntad política donde lo que encuentra uno es corrupción uno hace los esfuerzos, pero son inútiles porque hay mucha corrupción desde los entes de control para abajo entonces está uno en esa lucha, en esa en esa pelea constante contra estos gigantes de la corrupción y como te decía muchas veces se desanima uno pero al día siguiente y amaneces con más fuerza más ganas de luchar de trabajar por los más débiles y ahí vamos y por eso fue lo que motivo por el cual me radique acá, pero ya estoy ahora sí estoy decidida irme del municipio, porque pensamos de que la corrupción venía por parte de las administraciones anteriores y pensamos que iba a cambiar ahorita que está administración pero vemos que lo que cambió fue de nombre porque estamos viendo

que sigue imperando el tráfico de influencias del nepotismo y las recomendaciones entonces no vemos que haya cambiado nada la administración y vemos que el esfuerzo es en vano hay no hay nada seguimos en la misma no hay voluntad política, a la fecha no vemos voluntad política entonces por eso estoy mirando la opción de migrar del municipio para otro lado, irme a un territorio donde ya no sé si dejaré por un tiempo en liderazgo o definitivamente renuncie a él y decida vivir ya tranquilamente sin estarme preocupando, pero la única forma será irme para la campaña como dicen en Europa irme para vivir por allá en una finca que no vea lo que sufren las demás personas sería la única forma que se podría uno olvidar pero no dejan de faltar los problemas y ahí vamos.

Es muy importante lo que estás compartiendo conmigo, siento que aún en este municipio que no fue tan golpeado del conflicto armado siguen muy fuertemente estos problemas sociales y tú los enfrentas y con todo.

Es que, yo creo y me atrevo a decirle que Girardot es el municipio más corrupto del departamento donde los recursos no llegan donde tienen que llegar, son desviados de una o de otra forma y si los recursos vienen para darle a las personas más vulnerables por decir un ayuda nutricional de \$50,000 \$100,000 buscan la forma de rebajarlo a \$15,000 \$20,000 pesos y se quedan con el resto, pasan por encima de las necesidades de las personas más vulnerables a ellos no les importa sino apoderarse del dinero para que hablemos así. Eso es lo que le interesa a ellos apoderarse del dinero apropiarse de este dinero a costa de lo que sea a costa de lo que sea como éste pasan por el dolor ajeno yo no le importa no hay voluntad política para sacar estas personas adelante, ni por sacar el municipio adelante no tienen sentido de pertenencia que lo que yo veo que le hace falta como un docente parte del municipio como oriundos del departamento, como raizales, no les duele no hay amor propio por el municipio ni por su gente falta de todo esto los catalogo yo.

¿Te has conectado con mucha gente desplazada de la comunidad LGBTI acá en Girardot?

En Girardot habemos poquitas, habemos como tres personas de la población LGBTI víctima del conflicto armado, eso es todo lo que hay pero el resto no hay, pero sí de municipios de todo el departamento Cundinamarca porque yo fui la representante de la población LGBTI en la mesa departamental en el período este que terminó, ya eligieron otra persona. Entonces sí, vivo en constante comunicación con ellos, pero todo es lo

mismo lo que te estoy contando todo eso se vive en los mismos territorios con las víctimas del conflicto armado en conflicto armado población LGBT y no LGBT todos sufrimos por igual.

¿En la comunidad trans que conoces aquí en Girardot y desde tu perspectiva personal has experimentado algún tipo de control social o persona que te impidiera hacer ciertas cosas?

Aquí todavía hasta donde yo sé, como líder, no se tiene conocimiento de ninguna persona que ningún grupo al margen de la ley que ejerza control sobre la población LGBTI y ni de las mujeres trans hasta la fecha no se ha visto de que se le impidan la libre movilidad o que no ejerzan la prostitución o que no se puede parar en un sitio o los limiten a circular libremente por la ciudad, no hasta el momento no se ha visto, ni se tienen conocimientos aquí lo único que vemos es que hay exclusión laboral, aquí no hay inclusión aquí hay es exclusión laboral a la población LGBTI es muy poco la inclusión laboral que se le brinda no hay oportunidades para ellas porque si las mujeres trans van a solicitar empleado una heladería o a un restaurante o a cualquier parte así sea paseadora, no se le brinda esta oportunidad, son discriminadas, porque como bien sabemos siempre nos han relacionado con trabajadoras sexuales, que sólo lo único que sabemos es peluquería y ejercer la prostitución, entonces nosotros no tenemos inclusión laboral aquí en el municipio y no es solamente en el municipio en todas partes de Colombia es lo mismo, las mujeres trans no tienen oportunidades laborales, son muy pocas las oportunidades que tienen no todas, porque siempre nos relacionan con el trabajo sexual ahí está el problema que la gente todavía no ha tomado conciencia que dentro de las mujeres trans hoy en día tenemos psicólogas, trabajadoras sociales, tenemos abogadas, tenemos administradoras de empresas, pero realmente no gozamos de esa inclusión laboral porque no hay una política a pública en el país que nos garantice sus derechos

¿Eso lo has experimentado directamente en Girardot o lo has visto o te contaron sobre esa exclusión laboral?

La exclusión laboral es a nivel nacional, eso no es solamente aquí en Girardot, todo en Colombia es igual es muy poca las oportunidades que hay para las mujeres trans y para la población LGBTI es más cuando se dan de cuenta en una empresa de que un empleado es de la población LGBTI y llámese lesbiana o gay buscan la forma de cancelar el contrato y despedirlo somos excluidos, no hay inclusión laboral para nosotros la población LGBTI

por falta de esta política pública que hay que mirar cómo se hace, porque tenemos una política pública que elaboraron pero esa política pública la elaboraron prácticamente son con los funcionarios de las administraciones no con la población y esta política pública y que hacerla es con la población, hacer las caracterizaciones, las necesidades de la población qué es lo que necesitan las mujeres trans, que lo que necesitan las mujeres lesbianas, que necesitan los hombres gay, eso es lo que hay que hacer con la misma población, no con los funcionarios, que están debajo de un escritorio o debajo un aire acondicionado y ellos son los que opinan sobre cuáles son las garantías de la población LGBTI ignorando que nosotras tenemos una necesidades las mujeres trans muy diferente a las mujeres sin género porque nosotras desde que empezamos una transición necesitamos acompañamiento de profesionales como psicóloga psicólogos entró endocrinólogas, cirujanos plásticos para poder una hacer una buena transición y esa política pública que han elaborado en los municipio, en los departamentos están mal elaborada porque no hay un diagnóstico real de las necesidades de nosotras las mujeres trans de la población LGBTI y hay que hacer de verdad la política pública que vaya en beneficio de la población LGBTI y de las mujeres ante Colombia.

Apendix C

Interview with Andrés (Tyra Fox), 21.02.2020 in Girardot

Hay otro reinado que se llama Miss Colombia trans, entonces cada uno a medida del tiempo ha venido cogiendo como su fuerza y su empoderamiento donde pues el reinado nacional del turismo prácticamente es uno de los últimos que empezó dentro de todos pero ya ha venido ocupando casi el tercero o segundo lugar, estamos ya compitiendo para poder llegar al primero.

¿Y cuál fue tu motivación para iniciar este evento aquí en Girardot?

Bueno, mi motivación empieza con el tema de la aceptación, soy gay desde que tengo uso de razón y yo creo que desde niño he tenido como esa noción de decir, o sea esto tiene que haber alguna aceptación por algún lado, como de buscarle el lado positivo a las cosas y como demostrarle a la gente y demostrarle de pronto a mi mamá porque pues en ese tiempo mi mamá no me aceptaba como persona homosexual, como gay que soy, ella no me aceptaba, entonces yo siempre me he puesto como a escudriñar el evento y a escudriñarme yo mismo y yo pienso que lo hice con la intención de la aceptación, de demostrarle a la gente que somos nosotros, qué hay detrás de una peluca, que hay detrás de ese transformista, porque todos somos transformistas los que participamos, con el tema de la aceptación, con el tema de mostrarle a la gente de que a pesar que nos señalan y somos una población vulnerable, queremos darles una visibilización a ellos de ejemplo, de que somos ejemplo y podemos compartir también con ellos, de que somos seres humanos, no somos robots ni extraterrestres, de que también sentimos, amamos, queremos, de que también soñamos, de que queremos ayudarle a la gente, entonces eso es un factor muy importante para mí, la aceptación en este tema y aparte de la aceptación sigue lo social, para mí el querer ayudar al prójimo es un factor muy importante porque así es cómo llegamos a la aceptación, tú ayudando puedes lograr hacer muchas cosas, ayudando así te paguen mal, la recompensa después viene, tarde que temprano tiene que venir la recompensa. Con que otro fin lo hice, hay algo de pronto muy secreto y por eso me atreví a firmarle la hoja y yo creo que en algún momento de mi vida tendré que decirlo públicamente, no es algo de lo que me sienta orgulloso pero sí es algo de la cual quiero, siempre me he tratado como de dejar muy en claro, soy una persona inmunodeficiente donde mi vida empezó a cambiar prácticamente desde hace 4 años, yo me enteré que era portador de VIH, desde ahí mucho más empezó a cambiar todo con el evento, lo hago

también con el fin de que la gente se entere de que a pesar de que tenemos nuestros inconvenientes, nuestras enfermedades, tengo ese valor de seguir, de luchar, de que no importa que tu cargues con la cruz todos los días de que no interesa que tú sepas que te vas a morir, porque yo miro alrededor y sé que todos vamos a morir sé que no soy el único, ni el primero ni el señalado qué me van a decir algo esto no porque sé que me van a venir muchos y delante mío ya hay muchos que están enterrados por ese tema, pero aquí lo que interesa es mostrarle a la gente que nosotros las personas, de nuestra condición, de yo tener una enfermedad, no significa que si yo me junto contigo te vaya a contagiar o de que si yo tengo mi pareja la voy a contagiar o es que si yo termino con mi pareja no me puedo dar la oportunidad de estar con otra persona, no al contrario hay que tener la valentía y la certeza de salir adelante, mira que las cosas no son malas en la vida.

Y antes mencionaste una palabra dijiste que el grupo LGBTI era un grupo vulnerable ¿En algún momento has experimentado que la gente por no entender te ha tratado diferente a otras personas?

Hay en ocasiones que sí las he sentido y en ocasiones cómo te sientes que te hacen el feo, como que hagamos lo a un lado como que si pongámosle cuidado, pero sí pero no, sí, han habido ocasiones casualmente en estos días me sentí ayer me sentí discriminado yo estaba en una reunión en la Universidad de Cundinamarca y me tocaba salir para una reunión donde me tocó, iba a una cita para concretar el salón para hacer el reinado, si el sitio, cuando para concretar el reinado y me siento con las personas, los dueños del establecimiento y me dicen ¿Qué día es? yo digo es el 21 y el 22 es puente, es fin de semana, y me dijeron no lo podemos hacer, porque nosotros manejamos gente hetero y pues a ver la gente que va a pensar, qué va a decir. Y yo empecé a sentir que me empezaron a coger a piedra el alma. Entonces yo le dije no le venga y miré que te quiero decir una cosa, ¿Aquí cuánta gente le llega? ¿Con cuánto llena este bar? Me dijo yo lo lleno con 120 personas, yo estoy diciendo que te lo voy a llenar con 300 a 400 personas yo traigo un circo, o sea yo lo llamo circo yo le digo yo traigo un circo barato ni un circo de pueblo mi circo muy bien montado, donde la gente puede, ver puede venir y darse cuenta que es elegante y la gente que las candidatas las personas que participan, no se vienen a vestir con cosas baratas. Invierten en cosas buenas en sí para que se vea super wow y le dije pues más que vuelvo y digo más que la gente me conozca que la población LGBTI estoy más interesado en que esto se llene de gente hetero a qué se llene de homosexuales, porque los homosexuales ya saben que el evento existe entonces que no y

que no y que no. Entonces más me ofendí cuando me dijo si quiere como por colaborarle aplázalo y te puedo colaborar aplazado y te puedo colaborar viernes y un sábado pero que no sea festivo, en ese momento me sentí pidiendo limosna y sabes que con la persona que tú estás tratando es gay, entonces es erróneo y créame que salí furioso pero no podía decirle de todo ese hombre porque pues soy una figura pública en Girardot donde yo no puedo, me toca mantenerme al margen y lo que tenga que decirle a alguien prefiero llegar a mi casa y discutir solo como un loco. Pero eso es muy duro para mí que fue muy muy muy duro apenado para mí porque yo digo bueno, estoy hablando con una persona que es de closet, que no hay necesidad de que lo diga se le nota pero es de closet y se le nota, eso es respetable, pero es muy duro saber que es que nuestra propia comunidad nos excluimos y no nos aprendemos a aceptar y de esta manera, dentro de muy dentro si estamos pidiendo aceptación, siempre decimos ¡ay qué rico, que hicieran esto! Pero si tú tienes la manera de hacerlo no lo haces por prejuicio a lo que digan los demás a que te vayan a señalar, por lo que te vayan a decir eso es muy duro.

¿Alguna vez fuiste a denunciar alguno de esos hechos?

Mira, que yo nunca he procedido a esas cosas porque yo sé qué llegará el día en que serán ellos los que me van a pedir quiero pertenecer a tu evento, porque yo tengo un propósito muy grande y éste lo veo mi evento lo veo como el reinado drag en islas Canarias acceso yo lo veo como algo así, yo digo , va a tener que llegar el día que sean las empresas que me busquen, yo ahorita estoy buscando y estoy golpeando la puerta y estoy deme y eso pero tengo la certeza y la convicción de que con el trabajo que venimos haciendo llegará el día en que son ellos los que me van a buscar entonces créame que ese día no les voy a cerrar la puerta, sí les voy a hacer el recorderis pero le voy a decir que es comienzo como para que vayan cambiando esos pensamientos hacia la población y más cuando somos del mismo gremio porque es que desafortunadamente eso es lo que pasa, que nosotros mismos nos excluimos.

¿Podrías poner en palabras por qué hay tanta fricción o conflicto en este grupo?

Yo creo que eso es un tema, sabemos que la sexualidad es como tan diversa, como los pensamientos son tan diversos, como cada mundo es tan diverso y cada ser humano es tan diverso, es tan diferente, son tantas las problemáticas que nos abarcan a cada ser humano, sea por un lado que tú tienes la aceptación y ya te das demasiado y te crees la más, entonces te empiezas a excluir a creerte o la problemática de que no eres aceptado

tienes el factor mamá, papá que te están gritando, que te están diciendo, entonces tú te sales, vuelves, que te conviertes entonces tú quieres como formar una barrera, de que yo soy la más y de que los que me rechazaron fueron mi papá y mi mamá, pues yo no voy a permitir yo pues me voy al mundo a pelear y a batallar y a guerreármela y a permitirme para qué me gasto y la que estuvo conmigo bien y la que no la cacheteé y la que si pues la dejé al lado mío, o sea eso es como muy diversos ese tema, unas porque les dan mucho y otras porque no les dan otras porque no las aceptan, entonces cada una yo pienso que cada una tiene su problema, eso es un problema de tratar ahí hay situaciones por ejemplo hablo del tema que tengo un grupo de examigos por ejemplo con mi socio con quien yo organizaba el evento él era un chico, siempre me tocaba el tema de volverse trans pero todo como en recocha, nosotros fumábamos marihuana, entonces en el sentido de que siempre nos poníamos a fumar y el que pongámonos las tetas, que rico ponernos las tetas y gozarlas unos años después nos las quitamos y yo decía ¿tetas? ¿años? Yo decía ¿dejarme crecer pelo? Yo y me miro y lo único que me falta son mis senos, pero yo no quiero ser travesti, entonces de un momento a otro él si se volvió travesti, es un niño que a él la mamá lo acepto desde su niñez, le dio todo el amor, a mamá lo adora pero se crió con ese concepto de que todo el mundo le tiene envidia, si me entiende, entonces si tú eres mi amiga y no haces lo que yo digo tú me tienes envidia entonces pero con este concepto amiga entonces te creo como en esa en esa en esa en esa cuenta tanto fuimos amigos que él ahorita pronto quizás tiene ese concepto mío, que porque viajó, porque fue a Europa, porque se volvió trans bueno muchas cosas, entonces yo le digo como le digo que yo no tengo nada que envidiarte, el ir a Europa, estoy muy joven y con guardar dinero y puedo ir a Europa y no solamente lo que hizo usted que fue a prostituirse por qué mi sueño no salir a vender mi cuerpo a Europa, mi sueño es ir como un profesional, demostrarle al mundo que soy un ejemplo para la sociedad, si se me aparece el me aparece el rato y me van a pagar es diferente y unos euros no me van a caer mal, pero no voy con el objetivo de que me voy a bajar del aeropuerto voy a buscar un piso y me voy a publicar y prostituirme entonces no le puedo envidiar eso a ella, entonces yo le decía no no le puedo envidiar esto a usted, ni a su pareja, ni a nada, entonces son cosas que como que eso también le hicieron aterrizar, cada número que yo le nombraba le decía él porque no la podía envidiar, a su pareja no la puedo envidiar, porque es un flojo que mantiene acostado, que le gustan que todo le den, le dije yo no puedo envidiar, yo tengo una pareja que sale a trabajar desde las 6:30 a 7 de la mañana está en la calle trabajando y nosotros

tenemos una microempresa de jugos donde yo los hago, yo los empaco y él sale y los vende entonces todo es un trabajo equitativo dónde es un personaje mi pareja es una persona que cree demasiado en mí, cree en Tyra, cree en Andrés entonces yo sólo decía él entonces en muchas circunstancias eso es lo que lo que pasa con las trans, entiendes de que entre ellas mismas, la una porque tiene o que no tiene hay una laguna tienes que ser más no hay muy caribonitas que pronto tienen el factor de ser deseadas de ser buscadas, para sexo, fotografías, webcam, ahí es donde empieza la semilla de la envidia, entonces porque le va bien entonces yo no es que de pronto la quiera superar sino ya empiezo hablar mal de ella, o sea son muchas de la cual se ve eso aquí en Girardot por ejemplo a mí como me han querido destruir mi imagen, Jaime, la persona que te digo, él ha sido una persona que en el tiempo que nos consideramos tan buenos amigos cuando yo me enteré de lo mío, yo no he hablaba con mi mamá, entonces uno lo que hace es llamar al mejor amigo y pues como que marica me pasó esto, mire, ¿yo que hago? no para mí como terrible porque yo estaba solo no tenía el apoyo de mi papá de mi mamá , yo trabajo desde los 16 años, la guerra en la calle, luchando ¿él qué hizo con eso? él quiso Cómo ejecutarme y como queriendo poner como esa información como una amenaza para mí en el sentido de quizás si él no hace lo que yo estoy haciendo hacer entonces yo empiezo contar, entonces cuando yo me empecé a dar cuenta de esa situación, eso hizo que me llenara más de fuerza, porque en muchas situaciones hay muchas personas inmunodeficientes que no tienen capacidad se van y se quitan la vida se deprimen, se enferman, usted sabe que esto depende del sistema inmune donde cualquier estado de emoción fuerte puede afectar el sistema inmune inmediatamente salgo a cama y pues me puedo estar muriendo, entonces yo he aprendido que como que todas estas clases de cachetadas y golpes en mi vida me hagan como fuerte y me hagan decir ¡no! No puede ser así, yo no puedo dejar debilitar de eso, hay que mirar una solución; nunca he tenido la oportunidad desde que tuvimos inconvenientes con mi amigo de pronto de sentarnos de hablar y de charlar porque de parte de él no existe la sinceridad, entonces cuando uno ve que no hay sinceridad uno da la media vuelta y prefiere irse porque pues uno al quedarse ahí que hacemos yo venirle y hablarle, decirle te quiero te amo eres mi amigo, las cosas no son así, pero si usted no me va a creer, es como una relación , si tú no le crees a tu pareja, si vas a empezar a creer a los de la calle o a los de afuera, entonces son todas esas situaciones que en mi vida y dentro de lo que yo puedo decirte que me ha estado pasando.

Espero que te puedo preguntar ¿El estado te ayuda con tu salud o te lo pagas todo tú?

No, el estado es muy bueno con las personas que somos inmunodeficientes el estado cubre completamente el tratamiento de nosotros, nos atienden muy bien, agradecido primeramente con Dios y pues con la medicina realmente que nos dan, porque eso es como uno se vuelve tan dependiente de eso que eso es prácticamente la vida de nosotros, es como cuando una persona sufre de asma, sin su inhalador no puede vivir.

¿Y cómo elegiste el nombre Tyra?

Bueno el nombre Tyra fue un proceso, yo antes me llamaba Tatiana, me gustaba mucho ese nombre, cuando empecé en Colombia de repente me salió un viaje a Ecuador, empecé a buscar nuevos horizontes y a mí me gusta mucho la piel morena y me gustaba mucho esa modelo Tyra Banks entonces llego un momento a Ecuador donde me tocaba vestirme de mujer pero no teníamos apellido, entonces alguien me dijo ¿Qué es lo que más te gusta de Quito? Dije la plaza Fox, entonces me dijo llámate Tyra Fox.

¿Entonces quieres ir a Europa, a participar en un reinado?

Entonces, si me llega a salir la oportunidad digo siempre que uno tiene que voltear la arepa, que no todo que no todo tiene que ser para las cosas, digámoslo así mundanas, no todo tiene que ser que si yo voy a Europa voy entonces a prostituirme, no se tiene que ver enfocado en ese ámbito, si sale rico, yo soy una persona que soy muy mente abierta a todo, de ir a competir que yo salir a pasear haya algo para concursar , para competir allá, superguao porque pues como uno de ir demostrar mire, vine a concursar vine a hacer esto, lo otro, pero no me vine a prostituir, hay que buscar nuevos enfoques y mostrarle a la gente qué sí se puede, que es una tarea muy difícil es muy complicado es un tema como estar golpeando muchas puertas, donde siempre de que te empieces a golpear en muchas ocasiones desde que empiezas te van a decir no pero nunca desistir para que llegue el momento en que te digan sí, entonces esos son cuestiones de oportunidades y de esperar a que se presente la oportunidad.

¿Has visto el reinado de Islas Canarias, es muy grande en Europa, no?

Yo conozco y sé de él Islas Canarias porque lo he visto por YouTube y porque tengo amigos en Europa y me han comentado, entonces uno busca y trata como de absorber esa energía, como de mirar como que uno dice rico, bacano, analiza cada personaje, se sabe que en Islas Canarias son las empresas las que buscan a las personas para patrocinar, es

un tema donde hay tanta aceptación que eso es muy bonito y el más importante que se ve es el Drag Queen, entonces eso es muy bonito, yo siempre he querido hacer eso en Girardot hacia el tema cultural, la cultura de nuestra tierra, las raíces de Colombia, yo hago una convocatoria nacional donde vienen de todo el país a competir aquí, entonces es atraer todas las culturas y atraerlas al centro del país.

¿Y alguna vez has experimentado algún problema o discriminación con la policía local de Girardot?

Mira que no, yo siempre he pensado que mi carácter no da para que un Policía me haga una ofensa de esas, porque yo soy muy parado y muy en lo que es. De pronto en el tema que por ejemplo que día yo iba con mi pareja en moto, novio el pare y tuvimos un percance con la policía, me requisaron y yo estaba súper trabada se dio cuenta y me pidió el bolso, me requisó y yo no tenía nada, me preguntó que éramos nosotros y yo le dije que él era mi pareja, entonces dio media vuelta y dijo recojan y váyanse. y yo después pensando creo que la discriminación no se vio, porque no hubo burla, el man fue muy bien, tan pronto dije que era gay, activista de la población LGBTI, entonces eso tiene como un poquito más de poder. La discriminación se vive mucho en las familias, en los temas de trabajo, en la empresas, pero ya cuando se puede tratar en el tema de ley yo pienso que la discriminación existe para nosotros mismos, porque muchas veces tú te sientes discriminado porque la policía no te deja hacer lo que a ti se te dé la gana, entonces a eso le llamamos discriminación, cuando la policía tiene la razón en muchas ocasiones, entiendes el ejercicio que te estoy dando entender. Por ejemplo se paran en Vasija de barro las chicas trans para vender el cuerpo, se paran en Vasija de barro de ellas dicen que se sienten discriminadas porque la policía las corre, Vasija de barro es un restaurante elegante , eso no es discriminación, es un respeto para todo hay ahorita yo siempre he dicho que ahorita con el tema de los celulares fácilmente se puede uno publicar en una página y no tiene que estar saliendo a las esquinas a mostrar las nalgas, quieren que las respeten y decenas tiene sentimientos muestra las nalgas, se ponen esas blusas transparentes mostrando los senos y ya cuando viene la policía decimos que nos están discriminando, yo pienso que el tema es más de cultura de la población LGBTI de que nos eduquen, porque muchas veces sabemos que existen nuestros derechos pero desconocemos nuestros compromisos y desconocemos y desconocemos lo que nos toca a nosotros cumplir, porque es tan rico exigir, pero es tan complicado reconocer tus errores, entonces es como ese tema lo que yo siempre he socialista o esas cosas con el tema de la

policía de pronto con los bachilleres que pues que le podemos pedir. si sabes que son temas de bachilleres. Yo pienso que a estos chicos bachilleres sí deberían socializar y se ve y sí deberían de hacer como una charla, pues porque son chicos nuevos en una institución, qué le podemos exigir dónde son nuevos y donde no saben las normatividades y sino de toda una vida desde niños han estado enseñados a burlarse del marica, pero si no los culturizan, ahí sí la diferencia es grande, y lo digo en el sentido en el sentido de que de que nosotros cuando yo saco el desfile de carrozas, yo me doy cuenta de eso, yo me cuenta que están los bachilleres los jóvenes y están vociferando, voy y le digo al comandante que ese personal no está capacitado para atender un evento con población LGBTI. entonces eso de una vez les llamó la atención, entonces estuvo bien ellos creen que van detrás de unos payasos para yo estar sonriendo o sea nosotras somos el chiste de dos horas y media de ellos durante el desfile. Ahí yo comprendí que no son los comandantes, sino que no se brinda una comunicación didáctica y educativa a los bachilleres.

¿Ellos vienen de la zona o es un programa a nivel nacional?

Eso es un programa nivel nacional porque pues muchas veces los de Girardot los mandan para otro lado los otros vienen para acá, entonces siempre andan no podemos hablar de todo lo que no podemos olvidar tampoco podemos generalizar, porque como todo como por ejemplo a veces me he puesto a hablar con gente que dice no es que ustedes los maricas toman mucho, son drogadictos, las rumbas suyas son muy fuertes, que miedo dejarle mis hijos a ustedes, nos ven como un peligro, entonces es donde yo digo ¿en el mundo hétero qué hay? Lo mismo con diferente nombre de género, cosas peores, porque en el mundo gay por lo menos lo hacemos frentiado y si a mí me gusta alguien yo miro y si veo que no se puede respeto, pero en el mundo hetero del no poder salir a frentiar las cosas se refugian en la soledad para poder llamar a alguien para poder abusar de esa persona, para poderla violar, entonces cuál es la doble la doble moral en la que estamos nosotros , lo importante es la aceptación, si uno no se acepta uno vive en el error y eso pasa mucho aquí en Girardot, yo en el medio que he andado me tropiezo mucho con mucho hombre que dice ser hetero y yo les pregunto, les digo, bueno, ¿qué pasa? usted tiene su mujer y tiene sus hijos pero usted sale a la calle a buscar qué, ¿por qué está conmigo? si usted tiene unas tetas, tiene una vagina, en la vagina, si usted quiere culo, usted puede buscar a su mujer y la puede estimular de la manera que quiera, pero entonces

muchas veces viven refugiados en eso, por mi familia, por el que dirán, por mis hijos, entonces todo se ha tratado de venderle la felicidad a la sociedad y al que dirán.

Qué eso fue un proceso que también yo viví la felicidad, yo era de que hubiera tocado quizás la mejor universidad aquí o quizás no estuviera en Colombia estudiando ya puedo estar estudiando, ahorita tuvieron un muy buen trabajo, por si yo hubiera vendido la felicidad a mi familia, pero yo decidí ser feliz y aceptarme sin importarme la aceptación de los demás y de esa manera me he venido abriendo los espacios, he venido surgiendo, no soy profesional, no tengo mis estudios, por lo mismo, por no vender la felicidad a mi familia, porque mi familia se empezó a dar cuenta de quién era yo, entonces empezaron a cortarle el chorro de lo que me venían dando, entonces no pues es gay, la familia no puede saber, vaya viendo para donde se va, me crió mi abuela, mi mamá no me aceptaba en ese tiempo, todo lo que me venía, es que la familia no se sabe estaba en ese tiempo que no sea es todo fue estado donde yo en estos momentos fuera el gran profesional acartonado y diplomado, con esposa, hijos teniendo esa cruz por dentro teniendo que dejar a mi esposa en la casa ir a la vuelta de mi casa a buscar para poder satisfacer mi necesidad sexual y poder darle un poquito de esta felicidad que quiero sentir aceptación, 15 minutos de aceptación, es muy duro digamos ver a la casa y luego la realidad porque eso es como lo que yo he venido hablando con personajes que se atraviesan en mi camino de esa manera, yo tengo mi pareja me resulta la cana al aire a mí me gusta porque soy ser humano. Y eso en un país que tiene estructuras muy fuertes católicas, cristianas, eso genera esas equivocaciones de que las personas piensan que tienen que ser de una u otra manera. Porque aquí en Girardot todavía es una ciudad que se ve mucho el tema del cristianismo, las iglesias, hay mucho evangélico, iglesias, con mi evento todas las iglesias se me han venido encima, pero no tengo ninguna que se me haya parado a decirme las cosas como son, nunca se me ha parado un pastor, son tan cobardes que mandan a hacer panfletos y los mandan a regar por todo Girardot, eso es sinónimo de miedo, porque que yo salga a la calle a hacer una manifestación o una marcha yo no le estoy arreglando la felicidad a nadie.

Eidesstattliche Erklärung

Hiermit erkläre ich, dass ich die vorliegende Masterarbeit selbstständig und ohne Hilfe Dritter verfasst habe. Bei der Bachelor-/Masterarbeit wurden keine anderen als die angegebenen Quellen und Hilfsmittel benutzt. Alle den angegebenen Quellen entnommenen wörtlichen oder sinngemäßen Inhalte wurden von mir entsprechend kenntlich gemacht.

Statutory Declaration

I hereby declare that I have written this master's thesis independently and without the help of third parties. No sources or resources other than those specified were used in the master thesis. All literal or meaningful contents taken from the given sources have been marked accordingly by me.

Erftstadt, 18.06.2020

A handwritten signature in black ink, appearing to read 'J. Keller', written in a cursive style.

Jana Charlotte Keller