

The multi-layered aspects of a gender perspective in transitional justice processes: LGBTI+ persons

Submission to the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence

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This paper has been prepared by ILGA World as a response to the [call for submissions](#) published by the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence.

It provides an overview of the way in which a comprehensive gender perspective has been integrated (or not) in the transitional justice processes of 3 countries: Colombia, the Philippines and Sierra Leone.

It particularly focuses on:

- (1) the inclusion of the experiences of LGBTI+ persons¹ as part of the application of a gender perspective in the transitional justice strategies and mechanisms adopted in these countries;
- (2) the way in which violations and abuses committed against LGBTI+ persons during the conflict were identified and recognized (or not); and
- (3) examples of best practices and challenges in relation to the application of a comprehensive gender perspective in said countries.

Introduction

The last four decades have witnessed fundamental changes in the conceptualization and implementation of transitional justice processes (hereafter, TJ). On the one hand, the importance of non-judicial mechanisms such as truth-seeking initiatives that place the healing of victims in the heart of the process thus focusing less on perpetrators, contributed to the evolution of TJ from a retribution-centered approach towards a more restorative-based paradigm.ⁱ On the other hand, the considerable progress made in the promotion of public acknowledgement of gender inequality, discrimination and gender-based violence in the past few decades, led TJ to adopt a gender perspective in order to address more adequately the multi-dimensional issues that arise from these aspects and that particularly affect women.ⁱⁱ

However, violence against people who experience SOGIESC² in diverse and non-normative ways has been largely unexamined in the field of TJ,ⁱⁱⁱ often as a consequence of a 'narrow construction of gender-based violence anchored in the normative male-female binary and its corresponding assumptions of heterosexuality'.^{iv}

This is especially important if we consider the effects that TJ mechanisms such as truth commissions have in the construction of narratives that are more inclusive of historically marginalized groups,^v and the positive results that such narratives can have in the realities of LGBTI+ persons, most notably in countries where mere restoration is not enough to substantially transform their lives in the framework of a post-conflict society.

¹ The term 'LGBTI+ persons' encompasses lesbian, gay, bisexual, transgender, intersex persons and others who experience sexual orientation, gender identity/expression and sex characteristics in diverse and non-normative ways.

² SOGIESC refers to sexual orientation, gender identity/expression and sex characteristics.

TJ is commonly regarded as an effort to redress human rights violations, nonetheless it was also conceived as an instrument of broad social transformation;^{vi} in this sense it is imperative that TJ overcomes the exclusion of LGBTI+ persons and contributes not only to the restorative aspect of transitioning but to its transformative component as well, and this for the case of LGBTI+ persons involves, among other things, the adoption of a comprehensive gender perspective that recognizes the multiple dimensions of the intersectional identities of persons subjected to abuses during conflict, and that challenges the social and public attitudes that influenced and amounted to the violence that LGBTI+ persons suffered.

The information provided in this submission is mostly based on the experiences of LGBTI+ defenders and NGOs from Colombia, the Philippines, and Sierra Leone in the TJ processes that took place in their countries.

I. Participation of LGBTI+ persons in transitional justice processes

The process of TJ in **Colombia** has been a long one. The involvement of LGBTI+ persons in discussions around peace and conflict in the country dates back to 2001, to the negotiations between the government of the former president Andrés Pastrana and the FARC guerrillas - known as the Caguan Peace Talks- when some LGBTI+ defenders came together as a group to carry-out an exercise of self-characterization in the framework of the *Planeta Paz* process^{vii} -an initiative to promote the active participation of social leaders in the Caguan Peace Talks-.^{viii}

Another important event in this regard is the adoption of the Law for Justice and Peace, through the Act 975 of 2005, which facilitated the peace process between the government and the paramilitary group *Auto Defensas Unidas de Colombia* (AUC), and became a milestone for TJ in the country. There were some important developments in regard to the rights of LGBTI+ persons affected by the conflict in this juncture. However, it was in the latest peace negotiations with the FARC-EP that the participation of LGBTI+ persons was more tangible and collectively carried out.

In the framework of Colombia's most recent peace process, various civil society organizations provided very valuable input for the process of building a stable and lasting peace in the country. Between 2012 and 2015 at least 9 different events organized by the negotiating table took place to facilitate citizen participation in the discussion of the peace agreement. 17 LGBTI+ organizations participated in 5 of these events and made 225 recommendations and other inputs to be considered for the peace process.^{ix}

During the discussion of said agreement that took place in Havana, civil society organizations and social actors also traveled to Cuba to meet with the Gender Sub-commission -a body that was established as part of the formal peace architecture to include the voices of women and review the peace agreement from a gender perspective.^x Among the organizations present in the meetings with the Gender Sub-commission were LGBTI+ activists and defenders who intervened in multiple opportunities to raise their concerns and guarantee the inclusion of the experiences of LGBTI+ persons affected by the conflict.^{xi}

As a result of the active participation of LGBTI+ defenders, and the inputs provided by the Gender Sub-commission, the final agreement acknowledged that the requirements to achieve a more democratic society included the participation of LGBTI+ persons; that the conflict had a differentiated and disproportionate impact on them; and that they played an important role in the resolution of the conflict and the promotion of peace.^{xii}

The final agreement contemplated 41 differential measures which particularly address the rights of LGBTI+ persons.^{xiii} These include, but are not limited to, measures for the prevention of violence, attention and assistance for victims, affirmative measures, institutional adjustments, and the creation of spaces for participation, decision making, and promotion of economic empowerment of women and LGBTI+ persons. To follow-up on these measures, and particularly the ones related to the gender perspective, a special body comprised by civil society organizations, known as '*Instancia Especial de Género*', was established. This was an important step for the monitoring of the gender perspective during the implementation phase of the agreements.^{xiv} Nonetheless, this institution has reportedly struggled to make substantive impact in the implementation of the gender approach.^{xv}

Another important step regarding the participation of LGBTI+ defenders in this particular TJ process is the incorporation of a gender and differential perspective in the set of mechanisms that comprises the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR), which is composed of the Truth, Coexistence and Non-Repetition Commission (CEV) the Special Jurisdiction for Peace (JEP), and the Unit for the Search of Persons Presumed Disappeared in the context and by reason of the armed conflict (UBPD).^{xvi} The mandate of the Truth Commission explicitly includes LGBTI+ persons,^{xvii} as it does the legal framework that gives rise to the JEP.^{xviii} Within the mechanisms of the SIVJRNR there are different types of working groups charged with the task of implementing the comprehensive LGBT-inclusive gender perspective. Owing to this development, and due to the active participation of LGBTI+ defenders, these mechanisms have been able to receive reports and other inputs on violence against LGBTI+ persons during the conflict.^{xix}

Civil society organizations played a pivotal role in all phases of the TJ process in Colombia. Some important examples of this are the conformation of national platforms such as the '*Grupo de Trabajo Género en la Paz*' (Gpaz), which brings together feminists, LBT women, women victims' rights activists and academics, to monitor and advocate for the implementation of the agreements;^{xxi} and the national platform 'LGBTI for Peace', which emerged following the unexpected negative result of the plebiscite to ratify the final agreement, with the purpose of defending the gender approach contained in the first version of the agreement, after some religious and political sectors pushed for its redrafting and the removal of any reference to sexual orientation and gender identity (SOGI) issues.^{xxii}

The 'LGBTI for Peace' platform facilitates the participation of around 200 organizations at the SIVJRNR. It has engaged with the mechanisms that comprise this system by gathering information and submitting reports on violence against LGBTI+ persons during the conflict to the Special Jurisdiction for Peace, the Truth Commission and the Unit for the Search of Persons Presumed Disappeared; and by participating in the construction of the national search plan of the UBPD and its guidelines to guarantee a gender and LGBTI+ inclusive approach,^{xxiii} along with other platforms and organizations.

The situation of TJ in the **Philippines** and **Sierra Leone** is the complete opposite of Colombia when it comes to LGBT+ persons.

In the **Philippines**, a gender component was included in some mechanisms deriving from their TJ process, such as in the Transitional Justice and Reconciliation Commission (TJRC): its strategies also favored a victim-centered approach, as its Colombian counterpart, and its recommendations suggested that the gender perspective was included in the work of other TJ institutions, proposed to be established by the TJRC, through gender advisers.^{xxv} However, these developments were limited in their conception of gender, understanding it as a category that exclusively addresses the experiences of cisgender heterosexual women. Additionally, the peace deal in itself represented a step-back for the LGBTI+ movement in the country, giving its potential to forbid homosexuality in the Bangsamoro Autonomous Region in Muslim Mindanao, by allowing the implementation of the Sharia law in the areas covered by the new Bangsamoro territory.^{xxvi}

In **Sierra Leone** homosexuality and same-sex relationships are criminalized. This criminalization creates barriers for the active participation of LGBTI+ persons in public matters due to the fear of reprisal. The mechanisms set up by the government usually include women, children and people with disabilities. Women issues, such as gender-based violence and reproductive rights, are usually given priority. However, there are no mentions of LGBT persons in any official documents.^{xxvii}

The Truth and Reconciliation Commission (TRC), established as part of the TJ process of the country to receive testimony from all perspectives (victims and perpetrators),^{xxviii} was mandated to give special attention to victims of sexual violence.^{xxix} The way the TRC interpreted this mandate allowed it to capture 'women's complete gendered experiences at a political, legal, health and social welfare level'.^{xxx} LGBTI+ persons experiences were not included nor considered in this mandate. In addition to this, it has been mentioned that some of the recommendations made by the TRC in regard to women's experiences of violence have not been implemented in the past.^{xxxi}

II. Identification and acknowledgement of the violations and abuses committed against LGBTI+ persons

Colombia has established itself as the country with the most positive developments in regard to the inclusion of LGBTI+ persons in transitional justice processes. This, once again, was the result of the combined efforts of LGBTI+ defenders and advocacy groups. Some of the most notable outcomes regarding the identification and acknowledgement of the violations and abuses committed against LGBTI+ persons during the conflict include:

-The ruling of the 'Botalón et al' case in Puerto Boyaca, in which the chamber of Justice and Peace of the Superior Court of Bogota, acknowledged the responsibility of crimes committed against LGBTI+ persons by the paramilitary group AUC in the framework of the conflict.^{xxxii} Thanks to the participation of Colombia Diversa -one of the most known LGBTI+ groups in the country- through the submission of an *amicus curiae*, the court was able to acknowledge that: i) violence based on sexual orientation or gender identity is a form of gender-based violence; ii) it is important to differentiate when the motive of a crime is based on prejudice against LGBT persons or to other

causes; iii) the particular impact of the conflict in the lives of LGBT persons must be analyzed; iv) there should be reparations with a differential approach for LGBT victims. The ruling of this case established an important legal precedent for all LGBT victims of the Colombian armed conflict.^{xxxiii}

-Two prioritized cases in the Special Jurisdiction for Peace (prioritized cases 002 and 004) have recognized LGBTI+ persons as victims of violence based on their SOGI. In order to prioritize these cases, the JEP included gender identity and sexual orientation in its criteria for the prioritization of cases.^{xxxiv} Since this development the JEP has received three reports from the NGOs Colombia Diversa and Caribe Afirmativo on the persecution against LGBT persons by members of the FARC guerrillas and some paramilitary groups, marking the first time a transitional justice tribunal receives these inputs on persecution against LGBT persons.^{xxxvxxxvi}

-The reports launched by the National Center for Historical Memory (CNMH) on violence against LGBTI+ persons during the conflict, and the reports on violence against LGBTI+ persons submitted by civil society organizations and the CNMH to the Truth Commission. These reports are particularly important for their capacity to make visible the way in which LGBTI+ persons experienced violence during the conflict and for their potential to contribute to the collective construction of memory with LGBT-inclusive narratives of the conflict.^{xxxvii}

-Reparations for LGBTI+ persons victims of the conflict: i) The Unit for Comprehensive Attention and Reparations of Victims, created in 2012 through the Act 1448 of 2011 -along with the National Center for Historical Memory and the Land Restitution Unit-, officially recognized the 'Mesa LGBT de la Comuna 8 de Medellín' as victim of systematic violence and as subject of collective reparation. This marked the first time that a collective of LGBT persons was recognized as such in a TJ process.^{xxxviii} This group has been awarded material reparations so far, which includes the delivery of the new headquarters for the organization. Nonetheless, it is expected that in the near future other strategies as means of reparation will be adopted, such as measures for the rehabilitation, satisfaction and guarantees of non-recurrence through actions for institutional strengthening and the reconstruction of the social fabric with respect towards diversity.^{xxxix} In addition to this, another LGBT collective has been recognized as victim of the conflict in San Rafael, Antioquia,^{xi} and one more is on the process of being recognized as such in Chaparral, Tolima;^{xli} ii) according to the Victims Unit, there are around 2.150 LGBTI+ victims of the conflict, out of which 1.321 have been awarded administrative reparations through a comprehensive strategy adopted by this Unit to specifically address persons with diverse sexual orientations and gender identities.^{xlii} The Unit has, however, been subject to criticism due to its inadequate information systems on LGBT victims -given that lack of disaggregated data by subpopulations-; its procedures to access collective reparations -which can often be revictimizing for LGBTI+ victims-; and the lack of sensitization and knowledge of its officials around issues of sexual orientation and gender identity.^{xliii}

In the case of the **Philippines**, LGBTI+ persons still face persecution. There have been legislative developments in regard to victims of the conflict but the violations against LGBT+ persons are not covered by the existing laws.^{xliv} Cases of violence based on SOGI are not

prioritized by the government and the programs for victims are focused on heterosexual men and women.^{xlv}

In **Sierra Leone** the situation is far worse for LGBTI+ persons. The prevalence of legislation imposing life imprisonment for homosexuality and same-sex practices is still in force, and although it is apparently not implemented in practice, it deters victims from filing complaints for incidents of discrimination or violence based on their sexual orientation or gender identity.^{xlvi}

In terms of the beneficiaries of war reparation, cisgender women who were victims of sexual violence were included. However, the implementation of the reparations has been inadequate, and **Sierra Leone** has been requested to allocate sufficient resources to implement the recommendations of the TRC and to ensure that all victims were registered and that all potential beneficiaries of war reparation, in particular widows and women victims of conflict-related sexual violence, were adequately compensated without further delay'.^{xlvii} There have been no mentions about reparations for LGBTI+ persons victims of war.

III. Best practices and challenges

For the case of **Colombia** in particular, the fact that the Peace Agreement included specific provisions on gender and LGBT people in relation to TJ helped activists ensure that these perspectives would be included in the legal frameworks governing the institutions that comprise the SIVJRNR. Such legal recognition, in turn, has been fundamental to the institutions themselves (in order to secure buy-in from internal skeptics and defend their work against external anti-gender forces) and to activists (as an advocacy tool to ensure accountability). all three of the SIVJRNR mechanisms have established working groups with the task of mainstreaming gender and promoting women's and LGBT people's participation, this development has prevented the watering down of gender concerns. Thanks to these working groups, the CEV and UBPD have both created spaces for dialogue with women's and LGBT organizations and victims, allowing them to consult on internal guidelines and methodologies. Beyond these working groups, all three institutions hired many public officials who are sensitive and even knowledgeable about gender and sometimes LGBT concerns.^{xlviii}

In terms of the challenges, LGBT victims and activists have faced an adverse political context in which anti-gender forces (religious interest groups and parties aligned with the Executive) oppose LGBT inclusion in the peace implementation (TJ included). Beyond TJ institutions, there is little political will to prevent, investigate, and otherwise address conflict-related violence against LGBT people, which hinders their participation in this work. In addition to these external elements, there are also internal challenges within the TJ institutions, including large information gaps on conflict-related violence against LGBT people, difficulties mainstreaming LGBT inclusion due to lack of buy-in and internal disconnects across different divisions, limited expertise on LGBT concerns within gender working groups, and restrictive, even patriarchal, definitions of legal and extralegal notions such as 'pattern of violence', 'systematicity', and 'armed conflict nexus', that could result in LGBT exclusion (or a truncated inclusion) in TJ outcomes.^{xlix}

Criminalization of homosexuality in **Sierra Leone** remains the biggest challenge for any type of participation of LGBTI+ persons in public processes, let alone TJ processes. In the case of the **Philippines**, the fact that the peace agreements can further the discrimination and violence that LGBTI+ persons have experienced -and continue to experience- by opening the possibility to forbid homosexuality in Muslim Mindanao, represents not only a challenge to the inclusion of LGBTI+ persons in TJ processes, but a step-back for the LGBTI+ movement in the country.

The fact that violations against the rights of LGBTI+ persons are not covered by the existing laws in the country, and that cases of violence against LGBTI+ persons during the conflict are not being prioritized, are also impediments for the consecution of peace and for the transition to a truly democratic society. It is important for TJ processes to address these challenges in a comprehensive way in order to resolve the historical debt towards LGBTI+ persons, resulting from years of criminalization, persecution, lack of protections and lack of inclusion.

In general, some of the best practices identified that should be taken into consideration for future TJ process include:

- The adoption of legal frameworks that expressly state the obligation to apply a comprehensive LGBTI+-inclusive gender perspective in all transitional justice actions.ⁱ
- The creation of gender experts' workgroups in the different transitional justice institutions.ⁱⁱ
- The articulation between those experts' groups, LGBTI+ persons and NGOs, and participatory spaces.ⁱⁱⁱ
- The implementation of participation mechanisms in which LGBTI+ people might be heard after long periods of forced silence.ⁱⁱⁱ
- The recognition of the gravity and representativity of violence against LGBTI+ people in processes of prioritization, among others.^{liv}

The challenges that subsist despite the best practices include:

- The criminalization of homosexuality and the lack of protections and guarantees for LGBT+ persons' participation in TJ processes.
- The high sub-registry of violence against LGBTI+ people,^{lv} and the lack of disaggregated data that includes all SOGIESC categories.
- The absence of judicial decisions that prioritize gender-based violence in their specific framework.^{lvi}

-The lack of officials with training in comprehensive LGBTI+-inclusive gender perspectives, not only in gender workgroups but in all other instances as well.^{lvii}

-The absence of an intersectionality perspective.^{lviii}

-The refusal to treat transgender or no-binary people according to their identity in official judicial proceedings.^{lix}

-The technical difficulties in finding LGBTI+ disappeared people and to identify their sexual orientation and gender identity.

-The necessity to establish relations of communication and trust between the system given the lack of territorial approach in its relationship with the victims in territories.^{lx}

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- ⁱ Andrieu Kora, 'Transitional justice: a new discipline in human rights' (*SciencesPo*, 2010) <<https://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/transitional-justice-new-discipline-human-rights-0>> accessed 13 May 2020
- ⁱⁱ International Center for Transitional Justice, 'Gender Justice' (*ICTJ*, 2020) <<https://www.ictj.org/our-work/transitional-justice-issues/gender-justice>> accessed 18 May 2020
- ⁱⁱⁱ Pascha Bueno-Hansen, 'The Emerging LGBTI Rights Challenge to Transitional Justice in Latin America' (2017) 12:1 *International Journal of Transitional Justice* 126 - 145
- ^{iv} *Ibid* 127
- ^v Kimberly Theidon in Nicole Maier, 'Queering Colombia's Peace Process: A case study of LGBTI inclusion' (2016) *Capstone Collection*. 2886. <<https://digitalcollections.sit.edu/capstones/2886>> accessed 12 May 2020
- ^{vi} Kora (n 1)
- ^{vii} Centro Nacional de Memoria Histórica (CNMH), 'Aniquilar la Diferencia. Lesbianas, gays, bisexuales, y transgeneristas en el marco del conflicto armado colombiano' (2015) 20 <<http://www.centrodememoriahistorica.gov.co/descargas/informes2015/aniquilar-la-diferencia/aniquilar-la-diferencia.pdf>> accessed 26 May 2020
- ^{viii} FOSCOL, 'Proyecto apoyado por FOS: Cinco experiencias de referencia para la construcción del sentido de la paz territorial' <<https://foscol.org/organizaciones-socias-planetapaz/>> accessed 26 May 2020
- ^{ix} Fundación Ideas para la Paz (FIP), 'Participación de las organizaciones LGBTI que realizaron aportes en el marco del proceso de paz con las FARC: recomendaciones para incluir el enfoque de género en la implementación del Acuerdo Final', (2017) <<http://cdn.ideaspaz.org/media/website/document/5a1736c40f0ae.pdf>> accessed on 9 May 2020
- ^x Norwegian Centre for Conflict Resolution (NOREF), 'Towards an inclusive peace: women and the gender approach in the Colombian peace process' (2017) <<https://noref.no/Publications/Regions/Colombia/Towards-an-inclusive-peace-women-and-the-gender-approach-in-the-Colombian-peace-process#footnote-6>> accessed on 9 May 2020
- ^{xi} One of the organizations that intervened in the meetings with the Gender Subcommission is Colombia Diversa. The intervention can be found here: <<http://www.colombia-diversa.org/2015/03/intervencion-completa-de-colombia.html>> accessed on 9 May 2020
- ^{xii} Secretaría Técnica del Componente Internacional de Verificación, 'Tercer Informe de Verificación de la Implementación del Enfoque de Género en el Acuerdo Final de Paz en Colombia para los Verificadores Internacionales Felipe González y José Mújica (A.F.6.3.2)' (CINEP/PPP-CERAC, 2019) 1 <<https://www.verificacion.cerac.org.co/wp-content/uploads/2019/07/Tercer-Informe-de-Implementaci%C3%B3n-del-Enfoque-de-G%C3%A9nero-STCVI.pdf>> accessed 19 May 2020
- ^{xiii} Colombia Diversa, 'Seguimiento a la implementación del enfoque diferencial para personas LGBT' (2020) <<https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2020/04/cartilla-3.pdf>> accessed 26 May 2020

xiv Ibid 2

xv Instancia Especial de Mujeres para el Enfoque de Género en la Paz, 'Enfoque de género y paz territorial: balance a tres años de la firma del Acuerdo de Paz' (2019) 6 <<https://www.instanciagenero.org/wp-content/uploads/2019/12/Informe-final-Instancia-Especial-de-Mujeres-para-el-Enfoque-de-G%C3%A9nero-en-la-Paz.pdf>> accessed on 26 May 2020

xvi JEP, 'Comprehensive System of Truth, Justice, Reparation and Non-Repetition' (2019) <https://www.jep.gov.co/Infografas/SIVJRNR_EN.pdf> accessed 21 May 2020

xvii Presidency of the Republic of Colombia, Decree 588 of 5 April 2017 <<https://comisiondelaverdad.co/images/decreto-588-de-2017-comision-verdad-mandato-funciones.pdf>> accessed 20 May 2020

xviii Colombian Congress, Act 1957 of 2019 <

<https://www.jep.gov.co/Marco%20Normativo/LEY%201957%20DEL%2006%20DE%20JUNIO%20DE%202019.pdf>> accessed 26 May 2020

xix E.g. El Herald, 'Víctimas del Caribe en el primer informe LGBT a una Comisión de la Verdad en el mundo' (2019) <<https://www.elheraldo.co/colombia/victimas-del-caribe-en-el-primer-informe-lgbt-una-comision-de-la-verdad-en-el-mundo-666421>> accessed 21 May 2020

xx E.g. Caribe Afirmativo, '¡Nosotras Resistimos! Informe sobre violencias contra personas LGBT en el conflicto armado en Colombia' (2019) <<https://caribeafirmativo.lgbt/nosotras-resistimos-informe-violencias-personas-lgbt-conflicto-armado-colombia/>> accessed 21 May 2020

xxi Grupo Género en la Paz, '¿En qué va la implementación de las medidas de género en el Acuerdo de Paz?' <<https://generoy paz.co/>> accessed 26 May 2020

xxii Edgar Robles, National Coordinator of the platform LGBTI for Peace (*LGBTI por la Paz*) interview conducted 23 May 2020

xxiii Some of the contributions of LGBTI+ victims that were incorporated in these guidelines, as communicated by the platform LGBTI for Peace, included: the integration of the concept of 'social family' which recognizes that the vast majority of times those who are interested in looking for LGBTI+ persons are their social family, and therefore their participation should be allowed in search initiatives; the acceptance of social names in the legal protocol to identify missing persons for cases where identity marks in official documents do not match with the actual identity of the missing person (particularly in cases of trans and intersex persons); the verification of changes or operation in the bodies of trans and intersex persons to reconstruct the way the disappearance occurred and to contribute to the correct identification of the recovered body.

xxiv Edgar Robles (n 15)

xxv Ma. Lourdes Veneracion-Rallonza, 'Gender and transitional justice in the Philippines: a reflection (last of two parts)' (*Ateneo de Manila University*, 2016) <<https://www.ateneo.edu/news/research/gender-and-transitional-justice-philippines-reflection-last-two-parts-blueboard-ma>> accessed 24 May 2020

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xxvii Communication with a local human rights defender (anonymous)

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xxxii Colombia Diversa, 'Sentencia alias "Botalón": reconocimiento a las víctimas LGBT del conflicto armado' <<https://colombiadiversa.org/casos/paz-victimas-lgbt/>> accessed 23 May 2020

xxxiii *ibid*

xxxiv Jurisdicción Especial para la Paz (JEP), 'Criterios y metodología de priorización de casos y situaciones' (2018) <<https://www.jep.gov.co/DocumentosJEPWP/5CriteriosYMetodologiaDePriorizacion.pdf>> accessed on 21 May 2020

xxxv Colombia Diversa, 'Por primera vez, el crimen de persecución contra personas LGBT llega a un tribunal de justicia transicional' (2019) <<https://colombiadiversa.org/noticias/lgbt-en-la-jep/>> accessed 21 May 2020

xxxvi Colombia Diversa, "'No olviden a las víctimas del conflicto del Tolima", el pedido de personas LGBT a la JEP' <<https://colombiadiversa.org/noticias/victimas-lgbt-jep-tolima/>> accessed 26 May 2020

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<https://www.elespectador.com/colombia2020/pais/la-resistencia-lgbt-de-la-comuna-8-de-medellin-articulo-857069>> accessed 23 May 2020

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xliv Rhadem Musawah, Board Member of Mindanao PRIDE and Communications Officer of Mujer LGBT Inc., interview conducted 24 May 2020

xlv *ibid*

xlvi UN Human Rights Council (n 24) § 16

xlvii *ibid* § 47

xlviii Communication with Colombia Diversa.

xlix *ibid*

¹ Communication with Caribe Afirmativo

li *ibid*

lii *ibid*

liii *ibid*

liv *ibid*

lv *ibid*

lvi *ibid*

lvii *ibid*

lviii *ibid*

lix *ibid*

lx *ibid*