*Submission to the Report on Colonialism and Sexual Orientation and Gender Identity by the Research Team on Colonialism and Transitional Justice (the Queens University Belfast, and Ulster University Northern Ireland)*

Our research project focuses on colonial harms and Transitional Justice, in Colombia and Ireland[[1]](#footnote-1), and forms part of the UKRI Gender, Justice and Security Hub[[2]](#footnote-2). We are pleased to share some of our key findings related precisely to the issue of colonialism and sexual orientation and gender identity in the context of Colombia. This relationship has become particularly evident in the most recent peacebuilding and transitional justice efforts. In this submission, we offer some replies to question 6 and question 10, based on this research, and are pleased to share recommended readings in Annexes.

*6. How has the legal and social regulation of gender, sexual orientation and gender identity been relevant for imposing and maintaining colonial power?*

According to Posada Gómez (2019), the imposition of a strict gender binary and the persecution of homosexual activity was a key mechanism of colonial power in Colombia, dovetailing with a racial hierarchy which marginalised – and dehumanised – native peoples and black slaves. The author notes that this social regulation of gender, sexual orientation and gender identity which finds its roots in Spanish colonialism continues to the present day, particularly with debates over so-called “gender ideology” (or anti-gender) discourse by conservative sectors of society.

In our study on the Havana Peace Accord (Wright, Rolston & Ní Aoláin 2023a), we note that, while colonial power structures continue to dominate public and private life in Colombia, the relevance of colonialism to the armed conflict was largely absent from the negotiations and the agreement itself. At the same time, the colonial legacy of a strict gender binary was reflected in the triumph of the NO vote in the plebiscite over the agreement. The outcome of the vote was motivated to a large extent by the mobilisation of the conservative “gender ideology” (or anti-gender) discourse and a rejection of several clauses of the agreement which dealt with the harms caused to the LGBTIQ+ community in the context of the armed conflict. Many of these clauses were removed in the final version of the Accord which was released in November 2016.

*10. How, if at all, should reparatory justice for the lasting consequences of colonialism include measures to address discrimination and violence based on gender, gender identity and sexual orientation?*

Despite the limitations of the Havana Peace Accord in acknowledging and addressing the ongoing effects of the colonial past in Colombia, the Transitional Justice institutions that were created as a result seem to have taken a different approach. As we note in a recent blog post (Wright, Rolston & Ní Aoláin 2023b), in its final report the Truth Commission (CEV, in Spanish) gives considerable weight to the colonial past and refers to the notion of “colonial treatment” (“*trato colonial*”) to refer to the ongoing nature of these harms, which have become culturally inscribed.

Crucially, the Truth Commission, which dedicated a volume of its final report to the experiences of women and LGBTIQ+ people (CEV, 2022), also identifies the colonial origins of the harms suffered by Colombians on the basis of their gender, sexual orientation and/or gender identity, both within and beyond the context of the armed conflict.

Key findings include:

* Among indigenous populations, gender identities and sexual orientations were often fluid. The Spanish colonisers repressed practices of homosexuality and transvestism, by equating them to sin, according to Jewish-Christian morals, and criminalising them. (CEV 2022, p.375)
* Hetero- and cis-normativity are an ongoing legacy of colonialism, transferred to the Independent Republic of Colombia, which in turn used the social norms created during the colonial period to create national unity. These rules meant that LBTIQ+ people were excluded from the historical nation-building project (CEV 2022, p.472) These ideas have also permeated contemporary social and moral attitudes and led to persecution against LGTBIQ+ people. A case in point is the fact that homosexuality was only decriminalised in the 1980s. (p.561)
* Likewise, since colonial times and up to the present day, women’s identities and value has been questioned and imposed by masculine and colonial domination, particularly among indigenous and black women (CEV 2022, p.258)

These acknowledgements by a Transitional Justice institution constitute a preliminary – but significant – step towards identifying the colonial basis of discrimination and violence based on gender, gender identity and sexual orientation, both within and beyond the context of Colombia’s armed conflict. In that sense, the work of the Truth Commission may constitute a form of, or at least open the door to, reparation for the harms that have been caused.

**References**

Comisión para el Esclarecimiento de la Verdad, la Convivencia y la no Repetición (2022) *Mi cuerpo es la verdad. Experiencias de mujeres y personas LGBTIQ+ en el conflicto armado*. <https://www.comisiondelaverdad.co> (Annex 4)

Posada Gómez, B. (2019) “La emergencia de la ideología de género en Colombia: preferir un hijo muerto que marica.” *Cuadernos de Música, Artes Visuales y Artes Escénicas* *14(2)*, 75-101. (Annex 1)

Wright, C; Rolston, B; & Ní Aoláin, F. (2023a) “Navigating colonial debris. Structural Challenges for Colombia’s Peace Accord”. *Peacebuilding 11(1)*, 62-77. (Annex 2)

Wright, C; Rolston, B; & Ní Aoláin, F. (2023b) “A Window of Opportunity to Bring Colonial Legacies into View: Transitional Justice in Colombia”. *Leuven Transitional Justice Blog* https://asf.be/a-window-of-opportunity-to-bring-colonial-legacies-into-view-the-case-of-colombia/ (Annex 3)

1. https://thegenderhub.com/projects/addressing-post-colonial-legacies-in-transitional-justice/ [↑](#footnote-ref-1)
2. https://thegenderhub.com/ [↑](#footnote-ref-2)