

Understanding Colombia Series

THE IMPACT OF CONFLICT ON LESBIAN, GAY, BISEXUAL, & TRANSGENDER INDIVIDUALS

In brief

- The LGBT community faces widespread discrimination by Colombian society in terms of education, employment, health, and legal rights.
- The internal armed conflict has exacerbated this discrimination, as both the guerrillas and the paramilitaries have actively targeted members of the LGBT community.
- Common criminals also target the LGBT sector as a means to extort money from individuals.
- The national government has cut spending on HIV/AIDS education programs that could help minimize false perceptions of the LGBT community in Colombia.
- The police has been lax in enforcing laws to protect the LGBT sector, citing that official complaints have to be made by the victims.
- Dissension by the Constitutional Court on the discrimination against the LGBT community has yet to be converted into hard policy.

Background

Traditional Colombian society, heavily informed by Catholic Church teachings, has long considered homo-, bi- and transgender-sexuality reprehensible. Although the 1980s witnessed the decriminalization of homosexual relations and a gradual opening up of the debate on social attitudes towards lesbians, gays, bisexuals, and transgender individuals (LGBT), human rights violations against the communities continue. The forty-year civil conflict exacerbates the potential for abuse as state protections waver, individuals rely upon force to achieve their goals, and armed actors seek societal control through intimidation and violence.



A gay pride flag flies in Bogotá's Plaza Simón Bolívar.
(Photo courtesy of *Colombia Diversa*)

Important facts

Civil, social, and human rights

Article 13 of the 1991 Colombian Constitution declares: "the State will provide conditions for equality to be real and effective, and will adopt measures in favor of marginalized or discriminated groups." Despite this, the LGBT sector in Colombia constantly faces the violation of liberties and rights secured by others by national law. This is rooted in long-running discrimination, prejudices, and exclusion. In various cities throughout the country, hate crimes against gay men and transgender individuals— in which force and torture are prevalent— are increasingly more common. Moreover, in relation to the right to employment, there have been several cases in which LGBT individuals have faced discrimination based solely on their sexual preference. Similar violations are prevalent in the education and health sectors in Colombia. In addition, there is legal discrimination against same-sex partners in that they do not enjoy the same rights accorded to heterosexual couples, such as access to healthcare and social security.

The conflict and the LGBT sector

Armed actors in Colombia exert their influence through "social cleansing" efforts. Capitalizing on social fears around HIV/AIDS, LGBT sexual practices, and LGBT moral influence on children, both paramilitary and guerrilla forces target gay, lesbian, bisexual, transvestite and transgender individuals to seek control of territory and populations. Paramilitaries justify social cleansing as a means by which to eliminate individuals who fail to conform to traditional standards and thereby to strengthen the community against the guerrilla threat. Guerrillas employ similar methods to secure their own strongholds.

Common crime reflects social perception of LGBT individuals

Thieves in the capital are known to target LGBT individuals, couples, or groups at bank machines and in their homes. Lesbian meeting places have been targeted and robbed. The blackmailing of closeted LGBT using photographs of couples in intimate situations serves as a strategy of extortion. Also, skinhead activity in Bogotá has included so-called "street patrols" that focus on cleaning the streets of "unwanted" behavior.

Health care

Colombian individuals and LGBT rights organizations allege that health workers discriminate against HIV positive patients. In a report written in 2002, the UNHCHR listed cases of discrimination against persons with HIV/AIDS as cause for great social concern, and encouraged the affected population to turn to the courts for legal protection. In addition, state support of education programs to present factual information on homo- and bi-sexuality, as well as on HIV and AIDS, lacks sufficient funding in Colombia. In fact, in 2002 the Colombian government reduced the budgets of the official state education programs on HIV and AIDS, making it virtually impossible for the programs to reach their target audiences.

State responses to violations

In Medellin, the National Police have been denounced on nearly one hundred occasions for abuse of authority and mistreatment of gay men. Since 2001, in the city of Pereira, Risaralda, the police have left unresolved a string of murders of transvestites, for which no figures are available. There is no specific law enforcement office that handles the investigation or protection of human rights violations within the LGBT community. While there are individual police who are committed to investigating and prosecuting this issue, they are isolated and few. Law enforcement fails to investigate thoroughly individual homicide cases unless there is a legal request demanding further research, leaving hate crimes of homophobia and intolerance largely undocumented and uninvestigated. Therefore, due to a combination of societal pressures, most members of the LGBT community are hesitant to file official complaints that would further expose them to public scrutiny.

The Colombian Constitutional Court

On over 25 different occasions, the Court has highlighted the liberties of LGBT individuals, citing their right to free sexual orientation, the right to equality and nondiscrimination in fields such as education, healthcare, employment, access to the police, prison situations, patrimonial rights, etc. Despite this, the many judicial uprisings and statements by the Constitutional Court have fallen on deaf ears and have yet to be translated into concrete laws and policies that will guarantee the full protection of the Colombian LGBT community's rights and liberties.

The United States' role

The US should use its good offices to support a peace process in Colombia that includes the participation of all civil society, including the representative participation of LGBT members. Moreover, the US should express clear support for LGBT organizations working for peace in Colombia, particularly those under threat, and establish programming that seeks to reduce violence against LGBT communities in the country.

"Laws are not enough, an important cultural shift is needed... for discrimination to end."

Marcela Sánchez

More information

Colombia Diversa

www.colombiadiversa.org

Planeta Paz

www.planetapaz.org

International Gay & Lesbian Human Rights Commission

www.iglhrc.org

Inter-American Commission on Human Rights

www.cidh.oas.org

Take action!

- Write a letter or call your US Congressmen/women asking them to support organizations in Colombia working to reduce violence against the LGBT sector and to encourage the Colombian government to include LGBT representation in any peace process. To find the address and phone number of your senators and representatives, please visit www.congress.org
- Tell others about the issue of discrimination against the LGBT community in Colombia.