

# COLOMBIA LGBTI

Landscape Analysis  
of Political, Economic  
& Social Conditions



**Astraea** LESBIAN FOUNDATION FOR JUSTICE

**LGBT GLOBAL  
DEVELOPMENT  
PARTNERSHIP**



## Colombia LGBTI: Landscape Analysis of Political, Economic and Social Conditions

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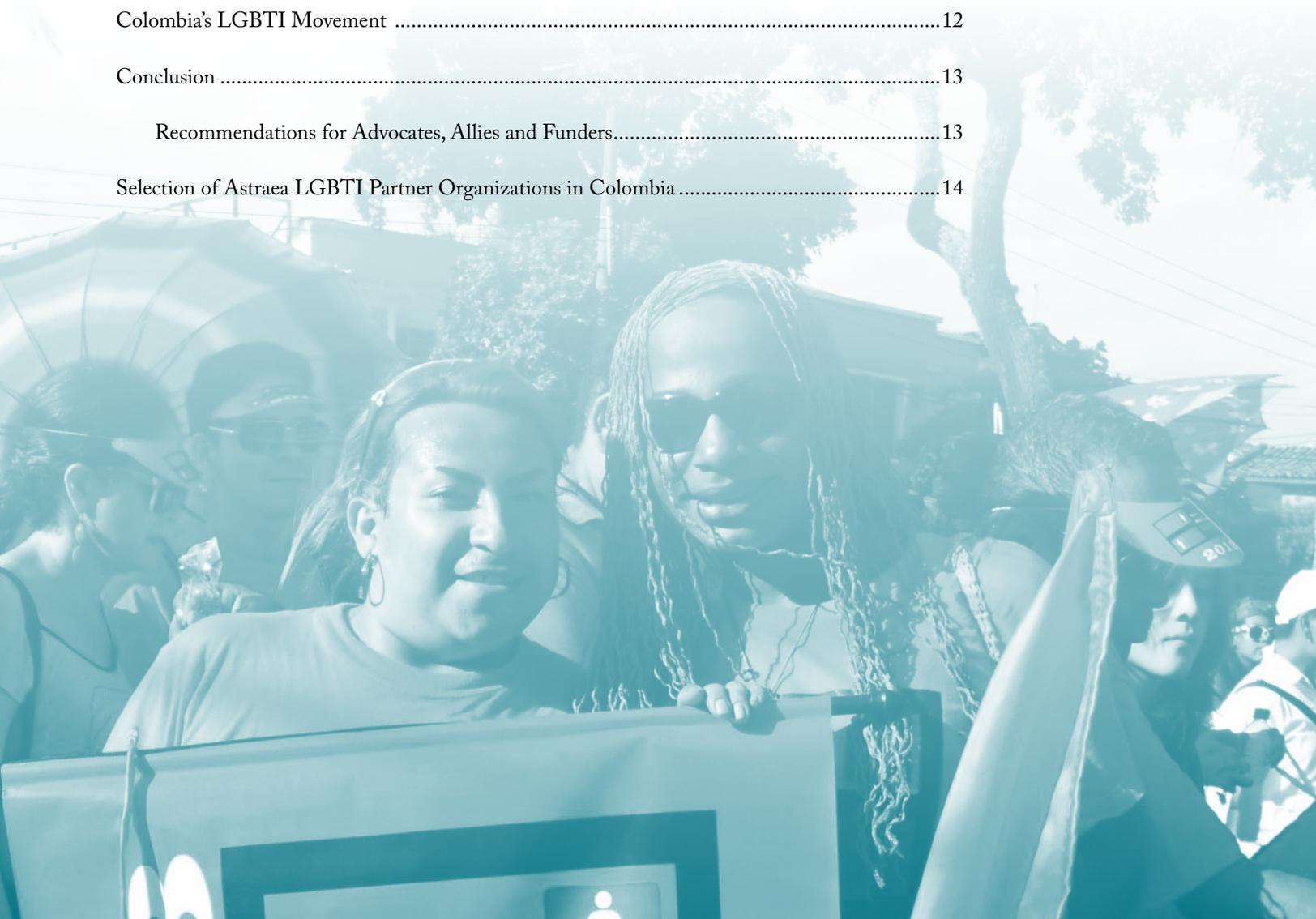
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Cover photo: Santamaría Fundación marches for trans\* women's visibility and rights at the *Ola Fucsia* (Pink Wave) in Colombia. Image courtesy of Santamaría Fundación.

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# INTRODUCTION

In 1991, the government of Colombia wrote into law a landmark constitution with a sweeping emphasis on equality. Though the constitution did not establish lesbian, gay, bisexual, trans\* and intersex (LGBTI) rights explicitly, it opened the door for human rights broadly and ushered in an era of LGBTI advocacy.<sup>1</sup>

## Colombia is home to a vibrant LGBTI movement, led by urban and rural groups working to drive change in Congress, the courts and their own communities.

Colombia is home to a vibrant LGBTI movement, led by urban and rural groups working to drive change in Congress, the courts and their own communities. From developing sophisticated monitoring systems to stem the tide of violence against LGBTI people to using the arts to raise awareness about LGBTI people and their rights, activists are making undeniable strides. In particular, since the mid-1990s, LGBTI activists have secured new rights protections and have come close to winning full marriage equality. Nonetheless, significant obstacles—including deeply-entrenched prejudice, extreme

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1 **A note on terms:** The notation “trans\*” is used to refer to the entire range of possible gender identities, including but not limited to transgender, transsexual and transvestite and many specific to local cultures and contexts. In addition, this report uses the acronym LGBTI (lesbian, gay, bisexual, trans\* and intersex) to be broadly inclusive of sexual orientation, gender identity and bodily diversity. The term LGBT or the identification of specific groups, such as lesbians or trans\* people, are used where these are reflective of organizations or activities referenced.

violence and an intransigent legislature—prevent key gains.

What follows is a landscape analysis of the social, political and economic conditions for LGBTI people in Colombia. This report is developed out of research by Cindy Bello, PhD, and produced by Astraea Lesbian Foundation for Justice as part of the Lesbian, Gay, Bisexual and Transgender (LGBT) Global Development Partnership.<sup>2</sup>

The study draws on a unique combination of data and expertise from policy, development agencies, government, news and academic sources and, most critically, Colombian LGBTI organizations and activists themselves.<sup>3</sup> In synthesizing diverse material and firsthand insight, the report provides a window into what life is like for LGBTI Colombians, an overview of Colombia’s LGBTI social movement and a summary of the opportunities and challenges activists face as they work to advance LGBTI rights protections and translate them into meaningful change. The snapshot concludes with recommendations for advocates and funders on the strategic and timely areas to support enduring rights gains.

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2 For more information on the **LGBT Global Development Partnership**, please refer to page 2.

3 **Methodology:** This report is based on research conducted by Cindy Bello, PhD in Bogotá, Colombia in August 2013. Dr. Bello consulted a range of primary and secondary sources including policy reports, development reports, academic texts, news media sources and civil society organization (CSO) websites and publications. She also conducted interviews with activist leaders and USAID staff to gain a more expansive view of the social and political context informing the organizing and advocacy efforts of LGBTI movements in Colombia. The research purposefully extended to documentation from organizations and sources in rural settings to address the rural/urban divide in LGBTI rights in Colombia.

# COUNTRY BACKGROUND

Colombia's LGBTI movement has unfolded amidst a complex political, economic and social landscape. Colombia has one of the oldest democracies in Latin America and one of the region's fastest growing economies. The country is also one of the most unequal: 1.1% of landowners own over 55% of all arable land.<sup>4</sup> As of 2012, approximately 33% of Colombians lived below the poverty line.<sup>5</sup>

Colombia's long-running internal conflict, which began in the mid-1960s, has only compounded the challenges that people face. From the 1980s into the early 2000s, Colombia was home to a major humanitarian crisis, characterized by forced displacement, along with deaths, disappearances, kidnappings and extrajudicial killings.<sup>6</sup> Between 1985 and 2011, roughly 5.2 million people were forcibly displaced from their land—a phenomenon experienced most starkly across racial, class and gender lines.<sup>7</sup> Afro-Colombians and indigenous peoples were disproportionately affected: In 2010, they comprised an estimated 83% of those driven from their homes.<sup>8,9</sup> Women represented nearly half of the heads of displaced households.<sup>10</sup> Today, the country's internal conflict has been described as a battle over resource-rich territories involving insurgent groups, paramilitaries and the Colombian military.<sup>11</sup>

4 Escobar, A. (2004). Beyond the third world: Imperial globality, global coloniality and anti-globalization social movements. *Third World Quarterly*, 25 (1), (pp. 207-230).

5 The World Bank. *Data: Colombia*. Retrieved from <http://data.worldbank.org/country/Colombia>

6 Justice for Colombia. (n.d.) About Colombia. Retrieved from <http://www.justiceforcolombia.org/about-colombia>

7 International Displacement Monitoring Centre. (2011, September 5). *Colombia: Current IDP figures*. Retrieved from <http://www.internal-displacement.org/americas/colombia/figures-analysis>

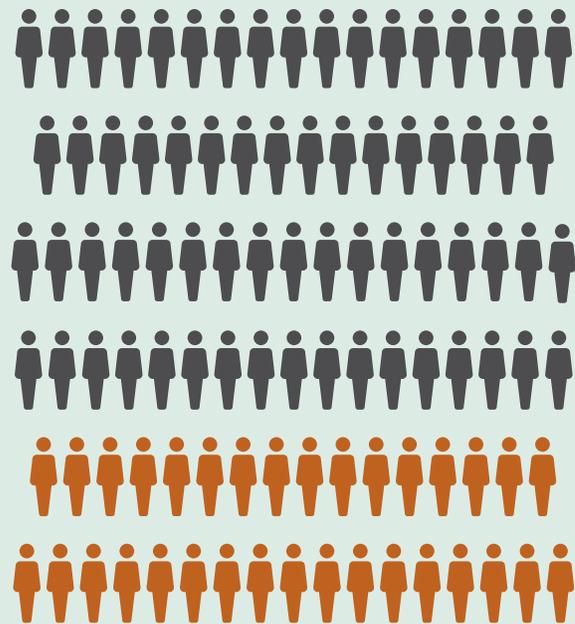
8 United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (n.d.) *OCHA in 2012 & 2013, Plan and Budget: Colombia*. Retrieved from: <http://www.unocha.org/ochain/2012-13/colombia>

9 Delaney, P. (2008). Legislating for Equality in Colombia: Constitutional Jurisprudence, tutelas, and social reform. *The Equal Rights Review*, 1 (pp. 51).

10 Meertens, D., & Zambrano, M. (2010). Citizenship deferred: The politics of victimhood, land restitution and gender justice in the Colombian (Post?) Conflict. *The International Journal of Transitional Justice*, 4 (pp. 194).

11 Escobar, A. (2004). Beyond the third world: Imperial globality, global coloniality and anti-globalization social movements. *Third World Quarterly*, 25 (1), (pp. 207-230).

**33% OF COLOMBIANS LIVE BELOW THE POVERTY LINE**



Amidst the humanitarian and political crises, government and civil society recovery and peacebuilding efforts ushered in a new human rights framework. In 1991, Colombia rewrote its constitution, emphasizing that rights and democratic reform were fundamental to achieving a “culture of peace.” Known as “The Constitution of Rights,” the document enshrined international human rights into Colombian law.

The Constitution did not explicitly protect sexual orientation or gender identity. Nonetheless, LGBTI activists saw the expansive rights framework as an opportunity to establish concrete protections for Colombia's LGBTI community. Marking a significant turning point for the country's LGBTI movement, groups rallied to secure formative legal changes detailed later in this document.

## TIMELINE OF LGBTI POLICIES IN COLOMBIA

POLICY	YEAR	CASE / LEGISLATION / ACT
Decriminalization of homosexuality	1981	Decree Law 100. Did not fully abolish punishment, but reduced consensual homosexual activity to a misdemeanor offense with significantly less harsh sentences, and additionally, it set the age of consent at fourteen years.
Recognition of civil unions, without reference to same-sex couples	1990	Law 54. Recognized civil unions, making no reference to same-sex couples. Served as the precedent for subsequent Constitutional Court cases alleging that the law was discriminatory against same-sex couples.
1991 National Constitution of Colombia	1991	Conferred historic personal and human rights on all Colombian citizens, but did not explicitly state the right to one's sexual orientation or gender identity.
Right to military service for openly gay individuals	1999	Sentencia C-507/99. Constitutional Court affirmed that members of the military who reveal openly their homosexual orientation, or who live openly with a same-sex partner, cannot be excluded from military service.
Rights of intersex minors to bodily autonomy	1999	Sentencia SU-337/99. Constitutional Court affirmed the importance of protecting the bodily autonomy and informed consent for an intersex minor over a parent's desire that s/he undergo potentially "risky surgeries or treatment that do not produce health benefits."
Right to conjugal visits for homosexual prison inmates (Inter-American Commission on Human Rights)	1999	Marta Lucía Álvarez Giraldo v. Colombia, Case 11.656, Inter-American Commission on Human Rights. The commission determined that Colombian penitentiary authorities had engaged in discriminatory treatment by prohibiting conjugal visits between same-sex partners. The ruling determined that such provisions violated domestic law, as well as Articles 5, 11 and 24 of the American Conventions.
Right to conjugal visits for homosexual prison inmates (Colombian Constitutional Court)	2003	Sentencia T-499/03. Following the ruling of the Inter-American Commission on Human Rights, the Colombian Constitutional Court established that the right of homosexual inmates to have conjugal visitations could not be prohibited based on sexual orientation.
Property and inheritance rights of same-sex couples	2007	Sentencia C-075/07. The Colombian Constitutional Court recognized property and inheritance rights of same-sex couples, based on the Court's interpretation of Law 54 of 1990 (which recognized civil unions and the right to patrimonial property).
Patrimonial rights for same-sex couples	2009	Sentencia C-029/09. Constitutional Court ruling that bestowed more patrimonial rights conferred on heterosexual married couples to same-sex couples, including housing subsidies, nationality and residency rights, testimonial privileges and protections from domestic violence.
Constitutional Court presents time limit to Congress to establish access to marriage for same-sex couples	2009	Sentencia C-577/11. The Constitutional Court requested that Congress make a new law to establish access to marriage for same-sex couples, giving Congress two years—until 2013—to pass this law. The court determined that if nothing had been accomplished within that time frame, homosexual couples could register themselves before a notary in order to legalize their union. Congress has taken no action to date.
Constitutional Court refuses to hear adoption case for same-sex couples	2012	The decision rendered adoptions by same-sex couples illegal.
First marriage of a same-sex couple granted	2013	Judge legalizes Colombia's first marriage of a same-sex couple. However, at the time of this writing, the Court has been debating whether unions between same-sex couples could be called marriages or "solemn unions." Activists have raised concerns that "solemn unions" would constitute a second-tier category and not full equality before the law.
Constitutional Court grants lesbian mother the right to adopt her partner's biological children	2014	Veronica Botero's writ of protection approved by the Constitutional Court. The ruling was hailed as a partial victory because the precedent pertains only to cases where one partner is a child's biological parent.

# LIFE FOR LGBTI COLOMBIANS

Despite the LGBTI movement's eventual success in the courts, a wide gulf remains between the rights that LGBTI Colombians have *technically* been granted and the ways in which LGBTI Colombians experience everyday life. While some very promising policies are in place, public and private institutions have been slow to implement pro-LGBTI decisions. Moreover, there is no official government effort underway to document the conditions—positive or negative—that LGBTI Colombians face. As a result, activists carry the costs and burden of gathering data and developing programs to protect LGBTI rights.

## Legal Protections

In the mid-1990s, when the Constitutional Court began issuing rulings more favorable to LGBTI rights, it granted the right of gay teenagers to express their identity in school (1998), conjugal visits for homosexual prison inmates (1999) and military service for openly gay individuals (1999). It affirmed the unconstitutionality of disciplinary action for homosexuality in schools and in the military in 1999 and, that same year, affirmed the right of an intersex minor to bodily autonomy and informed consent over a parent's desire that she undergo potentially "risky surgeries or treatments that do not produce health benefits"—a decision that was considered a benchmark ruling in the global context of movements for intersex rights.<sup>12</sup>

More recent decisions have taken steps toward the rights of same-sex couples. In 2007, the Constitutional Court recognized the property and inheritance rights of same-sex couples, which led to the extension of other rights, including the right to enroll one's same-sex partner in the state's mandatory health insurance plan. In 2009, the Constitutional Court ruled to extend rights such as housing subsidies and protection from domestic violence to same-sex couples.

In May 2012, the Court refused to hear a case on adoption for

same-sex couples, rendering adoptions illegal.<sup>13</sup> Promisingly, in August 2014, the Constitutional Court granted a lesbian mother the right to adopt her longtime partner's biological daughter. This has been hailed as a partial victory because the precedent pertains only to cases where one partner is a child's biological parent.<sup>14</sup>

The Court's 2009 ruling to grant equal civil rights to same-sex couples was a huge win for the LGBTI movement. The Court stopped short, however, of legalizing the marriage of same-sex couples. Instead, it insisted that Congress take on the issue, giving it a deadline of two years—until 2013—to legalize marriage equality. If Congress failed to act in time, the Court declared that same-sex couples could go before a court or notary to legalize their union. As of the publication of this study, the Court's deadline to Congress had passed without action. On June 25, 2013, a judge legalized Colombia's first marriage of a same-sex couple. However, at the time of this writing, the Court has been debating whether unions between same-sex couples would be called marriages or "solemn unions." Activists have raised concerns that "solemn unions" would constitute a second-tier category and not full equality before the law.<sup>15</sup>

Despite the many strides LGBTI activists have made through the courts, the movement has suffered repeated legislative setbacks. Over the past 15 years, the Colombian Senate has rejected a wide range of equal protections for LGBTI individuals, including adding sexual orientation as a category for crimes of bias; extending Colombia's Obligatory Health Plan Coverage to same-sex partners and their families; and allowing conjugal visits to prisoners. This track record, along with the legislature's failure to implement laws and recommendations of the Constitutional Court, speaks to the tremendous obstacles activists confront in narrowing the gap between legal victories and LGBTI Colombian's everyday lives.

12 This decision has been criticized, however, for its failure to offer an *unconditional* set of protections for intersex minors. See: Holmes, M. (2006). Deciding fate or protecting a developing autonomy? Intersex children and the Colombian Constitutional Court. In P. Currah, R. M. Juang, & S. Minter (Eds.), *Transgender Rights* (pp. 102-121). Minneapolis, MN: University of Minnesota Press.

13 Nagle, L. E. (2012). Giving shelter from the storm: Colombians fleeing persecution based on sexual orientation. *Tulsa Law Review*, 48(1). Retrieved from <http://digitalcommons.law.utulsa.edu/tlr/vol48/iss1/1>.

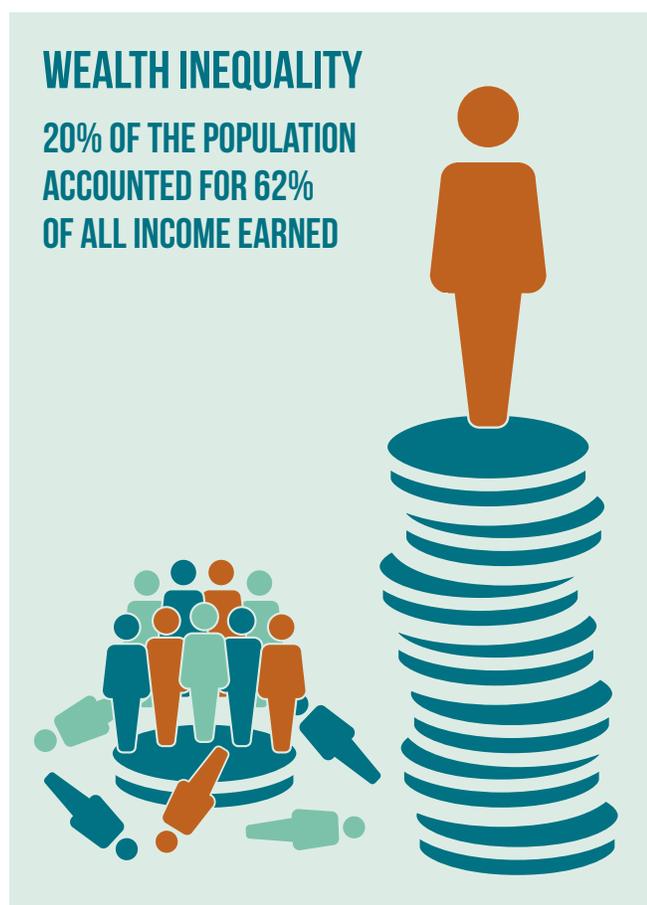
14 Al Jazeera. (2014, August 29). *Colombia grants gay couples adoption rights*. Retrieved from <http://www.aljazeera.com/news/americas/2014/08/colombia-grants-gay-couples-adoption-rights-201482981229879452.html>

15 Sentiido. (2014, November 21). *La ponencia de Pretelt, un retroceso en el Matrimonio Igualitario*. Retrieved from <http://sentiido.com/la-ponencia-de-pretelt-un-retroceso-en-el-matrimonio-igualitario/>

In June 2014, former President Juan Manuel Santos was re-elected in Colombia. In his re-election campaign and acceptance speech, he actively supported marriage equality and called on the government to pass supportive legislation. During his campaign, in response to a questionnaire by *Colombia Diversa* (a leading Bogotá-based LGBTI organization), Santos wrote, “This government—and it is also my personal conviction—supports the decisions of the Constitutional Court in terms of inheritance rights and recognition of lesbian, gay, bisexual, transgender and inter-sex people.”<sup>16</sup> While hopeful, action on these commitments remains to be seen.

## Poverty and Wealth

As noted above, Colombia continues to rank among the countries with the most unequal distributions of wealth in Latin America. In 2012, 33% of the total population lived below the poverty line.<sup>17</sup> Data from 2007 shows that the



16 Lavers, Michael K. (2014). Colombia president backs same-sex marriage. *The Blade*. Retrieved from <http://www.washingtonblade.com/2014/05/27/colombia-president-backs-sex-marriage/>

17 The World Bank. *Data: Colombia*. Retrieved from <http://data.worldbank.org/country/Colombia>

LGBTI individuals face a number of barriers to economic well-being, including workplace discrimination and policies that exclude same-sex couples and their families from job-related benefits such as life insurance, pensions, licenses and permits.

income of the top 20% of the population accounted for 62% of all income earned.<sup>18</sup> A strong rural/urban divide significantly limits access to employment, social services and political participation for those outside of Colombia’s major cities.

While there are no official national statistics that speak to LGBTI Colombian’s specific experience of poverty and wealth, research indicates LGBTI individuals face a number of barriers to economic well-being, including workplace discrimination and policies that exclude same-sex couples and their families from job-related benefits such as life insurance, pensions, licenses and permits.<sup>19</sup>

## Education

The economic challenges LGBTI people face are compounded by—and often tied to—the negative experiences LGBTI youth have in school. LGBTI students have higher dropout rates than non-LGBTI students, experience discrimination by teachers and peers and are subject to school discipline that stigmatizes LGBTI gender expression and identity. In one extreme case, a 16-year-old boy, Sergio Urrego, committed suicide after his school administrators repeatedly disciplined and humiliated him after he was caught with a cell phone picture kissing his boyfriend.<sup>20</sup> Sergio’s family has since brought a suit against the school. In addition, LGBTI students face insensitive curricula and teaching methods.<sup>21</sup> Young trans\*

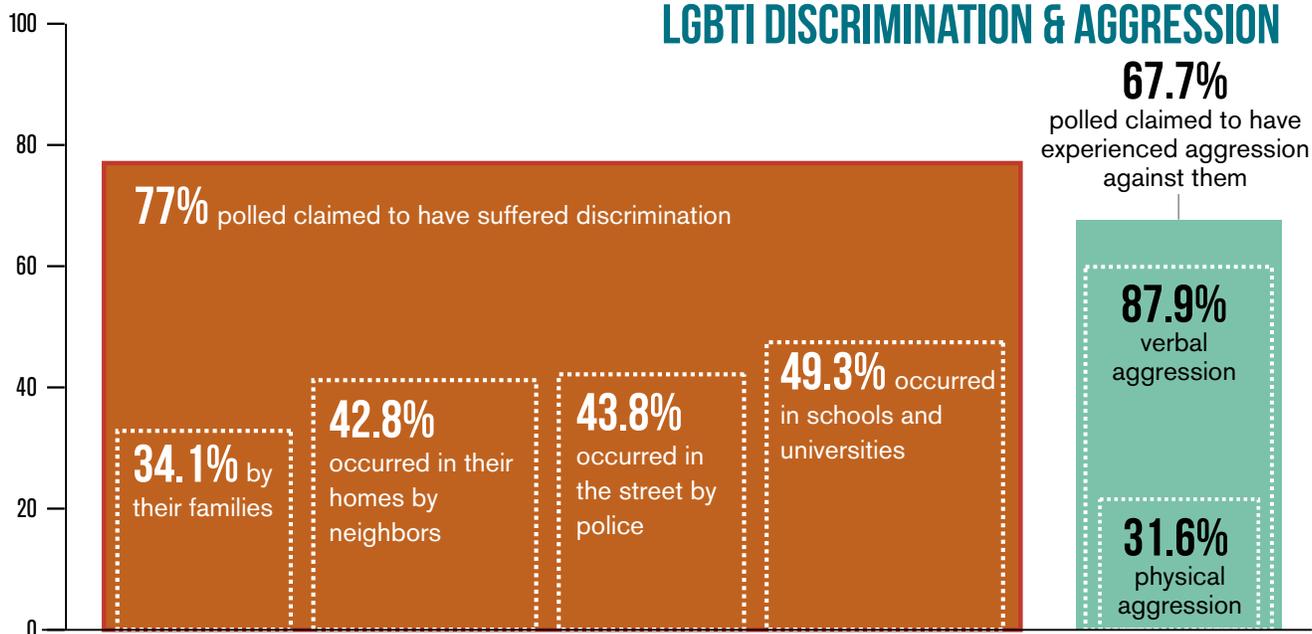
18 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 92). Santa Barbara, CA: Greenwood Press.

19 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 92). Santa Barbara, CA: Greenwood Press.

20 Semana. (2014, September 8). *El joven que se habría suicidado por la discriminación sexual en su colegio*. Retrieved from <http://www.semana.com/nacion/articulo/sergio-urrego-se-habria-suicidado-por-la-discriminacion-sexual-en-su-colegio/402016-3>

21 Pulido Chaves, O., Heredia, M. I., & Ángel, C. (2010). *Las desigualdades educativas en Colombia*. Foro Latinoamericano de Políticas Educativas, Buenos Aires.

## LGBTI DISCRIMINATION & AGGRESSION



women are especially likely to drop out of high school due to poverty, the need to work to survive and fear of harassment and discrimination.

### Health Care

For LGBTI people, a lack of economic resources, combined with a health care system that fails to meet their specific needs, presents an especially high barrier to quality care. No studies have systematically analyzed these barriers, but informational pamphlets and activist projects provide some evidence. For example, a 2010 publication by leading LGBTI organization *Colombia Diversa* highlights health care obstacles facing lesbians specifically, including medical professionals' lack of knowledge regarding lesbian sex and STD transmission, as well as lesbians' reluctance to seek regular medical care due to fear of stigmatization. Gay men also face difficulties as a result of having to navigate a health care system that focuses narrowly on HIV.<sup>22</sup>

The obstacles affecting trans\* health care access are even more vast and complex. Because trans\* people are excluded from various educational and job opportunities, many cannot afford to participate in Colombia's national health insurance program. Even for those who can pay, health benefits do not cover medical interventions required for gender transition. Since Colombians must undergo sexual reassignment surgery to change the sex on their identity card, barriers to quality and relevant health care further limit trans\* people's access to jobs,

22 Colombia Diversa. (2010). *Provisión de servicios afirmativos de salud para personas LGBT*. Bogotá.

education and other opportunities.<sup>23</sup>

### Violence Against LGBTI Colombians

Violence against LGBTI Colombians is pernicious and widespread. While there is no official government data that captures it, activist and individual accounts suggest a reality in which violence against LGBTI people permeates every sector of society—schools and universities, public places and city streets, families and communities.

A survey conducted in 2007 by the Latin-American Center on Sexuality and Human Rights (CLAM), Profamilia (a sexual and reproductive health organization) and the National University of Colombia reveals the degree to which violence saturates the everyday lives of LGBTI people. In a poll of gay pride parade participants, 77% claimed to have suffered discrimination and 67.7% cited aggression. Of those who reported discrimination, 49.3% said it happened in schools and universities; 43.8% in the street by police; 42.8% in their homes by neighbors; and 34.1% by their families. The most common form of assault was verbal at 87.9%; 31.6% of those who experienced aggression said it was physical.<sup>24</sup>

23 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 99). Santa Barbara, CA: Greenwood Press.

24 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 99). Santa Barbara, CA: Greenwood Press.

## PUBLIC OPINION ON LGBTI RIGHTS

Support  
marriage  
equality\*

63%

\*Survey of 1,200 Bogotá residents conducted by the District Planning Department in 2010

24%

Do not  
want gay  
neighbors\*\*

57%

Think that gay people should not be allowed to teach children in schools\*\*

\*\*Survey of 13,000 Bogotá residents conducted by the Mayor's Office of Bogotá in 2010

25 Santamaría Fundación. (2013) *Marineras Fucsia: un búsqueda de Tierra Firme. Informe de derechos humanos de mujeres trans 2005-2011*. Cali, Colombia: Santamaría Fundación.

26 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 101). Santa Barbara, CA: Greenwood Press.

27 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 101). Santa Barbara, CA: Greenwood Press.

28 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 101). Santa Barbara, CA: Greenwood Press. Colombia Diversa. (2010). *The Human Rights Situation of the LGBT Population* (pp. 5).

29 Márquez C., Dignidad humana: Violaciones de los derechos a la vida, libertad e integridad de las mujeres trans. In *Marineras Fucsias: una búsqueda de tierra firme. Informe de derechos humanos de mujeres trans 2005-2011* (pp. 63). Cali, Colombia: Santamaría Fundación.

30 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 100). Santa Barbara, CA: Greenwood Press.

31 Zea, M. C., Reisen, C. A., Bianchi, F. T., Gonzales, F. A., Betancourt, F., Aguilar, M., et al. (2013). Armed conflict, homonegativity, and forced internal displacement: implications for HIV among Colombian gay, bisexual and transgender individuals. *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care*, 15(7), (pp. 788-803).

32 Nagle, L. E. (2012). Giving shelter from the storm: Colombians Fleeing Persecution Based on Sexual Orientation. *Tulsa Law Review*, 48(1). Retrieved from <http://digitalcommons.law.utulsa.edu/tlr/vol48/iss1/1>.

## Major Forms of Violence Against LGBTI Individuals in Colombia

### POLICE ABUSE

**Santamaría Fundación**, an LGBTI rights organization, registered 90 cases of police abuse against trans\* women in Cali between 2005 and 2011, including abuse such as arbitrary detention, torture, physical violence, verbal violence and threats of murder.<sup>25</sup> Police also often fail to investigate or track murders of LGBTI people as hate crimes.<sup>26 27</sup> Available statistics, which have been gathered by local civil society organizations (CSOs), report that:

- » In Bogotá, 60 gay men were murdered between 2000 and 2005.<sup>28</sup>
- » Nationally, 67 LGBTI people were murdered from 2006 to 2007, and at least 57 in 2008.<sup>29</sup>
- » In Cali, 42 trans\* women were murdered between 2005 and 2011.<sup>30</sup>

### PRISON ABUSE

LGBTI people endure a range of abuse in prison including physical, psychological and sexual violence, as well as degrading and humiliating treatment. The Constitutional Court affirmed the right to conjugal visits for LGBTI prisoners in 2003, but the Senate failed to agree, citing the “intolerance to homosexuality” in Latino cultures and the “need to protect discipline and morality in jails.”<sup>31</sup>

### CONFLICT-RELATED VIOLENCE

Human rights activists have long condemned the extrajudicial killing of LGBTI people in the context of Colombia's civil war.<sup>32</sup> Of the 40,000 extrajudicial killings in the 1990s, 7,000 are estimated to have been murders of gay, trans\* people and sex workers.<sup>33</sup> According to Amnesty International, this violence continues today.<sup>34</sup>

33 Amnesty International. (2012, May 24). *Colombia: Annual Report 2012*. Retrieved from <http://www.refworld.org/docid/4fbc394646.html>

34 Linares G., A. (2010, April 14). *Bogotanos muestran indicios de homofobia, reveló encuesta a 13.000 habitantes*. Retrieved from <http://www.eltiempo.com/archivo/documento/CMS-7596847>

While LGBTI people experience violence throughout public and private life, activists urgently highlight issues of police abuse and criminalization, hate crimes, violations of LGBTI rights in prisons and violence, which are directly associated with the internal conflict.

## Public Opinion

In 2010, the Mayor's Office of Bogotá, Colombia's capital city, conducted a poll in which 24% of respondents said they would not want gay neighbors, and 57% said gay people should not be allowed to teach children in schools.<sup>35</sup> In another survey of high school students in Bogotá, six in ten admitted they had mocked peers perceived as gay; three in

ten admitted to having insulted them; 37.9% said they were afraid of homosexuals; and 17.6% said they were disgusted by gay people.<sup>36</sup> On a more positive note, a Bogotá survey found that 63% supported marriage equality.<sup>37</sup> Negative opinions of LGBTI individuals in rural areas are likely to be even higher based on reports from activists interviewed for this study.

In light of such pervasive anti-LGBTI sentiment, this report underscores just how important it is to pursue change at community levels—not just policy—to transform the everyday habits, attitudes and interactions that shape the substance of LGBTI lives.

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35 Linares G., A. (2010, April 14). *Bogotanos muestran indicios de homofobia, reveló encuesta a 13.000 habitantes*. Retrieved from <http://www.eltiempo.com/archivo/documento/CMS-7596847>

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36 Ripoll, J.L. (2009). Love in the time of cholera: LGBT rights in Colombia. *International Journal on Human Rights*, 6(11), (pp. 80).

37 El Tiempo. (2010, August 26). *Los habitantes de Bogotá aprueban el matrimonio homosexual, según encuesta*. Retrieved from <http://www.eltiempo.com/archivo/documento/CMS-7881445>

# COLOMBIA'S LGBTI MOVEMENT

As evidenced by the number of constitutional wins in favor of LGBTI rights over the last two decades, Colombia's LGBTI movement is a powerful force. But LGBTI organizing extends well beyond judicial and legislative realms. While continuing to press the Constitutional Court and Congress to advance protections for LGBTI rights—with marriage equality and adoption rights at the top of their list—LGBTI organizations are simultaneously leading creative campaigns to condemn and combat human rights violations.

In response to the absence of official efforts to track anti-LGBTI violence, including police abuse, activists have launched their own sophisticated methods to document trends, bring the extent of abuse into the public eye and engage police as partners in change. Through programs such as political campaign trainings, storytelling and video production, activists are using diverse tools to build the leadership of LGBTI people and overall expand the power of the movement.

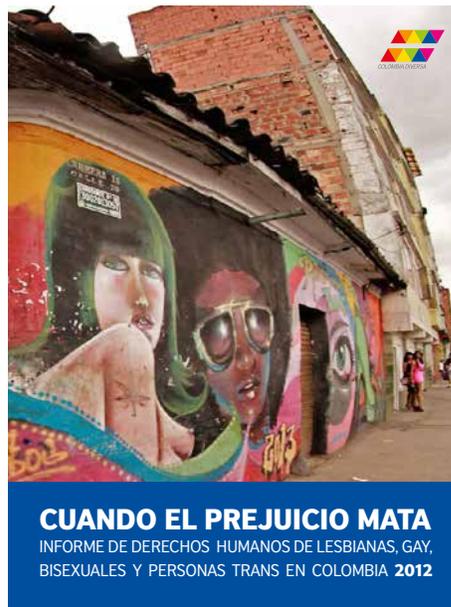
Participants in the movement continue to confront internal challenges as well. They are working with increasingly constrained resources as international funding to Latin American

## Advocacy Highlight: Documenting Violence, Challenging Impunity

**Colombia Diversa** in Bogotá, **Caribe Afirmativo** in Barranquilla and **Santamaría Fundación** in Cali have developed sophisticated monitoring systems to document murders and police abuse of LGBTI people. *Santamaría's* community-based monitoring initiative, *Observatorio Ciudadano Trans* (OCT), led the World Organization Against Torture and the Inter-American Commission on Human Rights to declare Colombian police abuse of trans\* women a human rights violation. OCT research has also encouraged the National Police to create guidelines, policies and trainings for the just treatment of LGBTI people. Cases of police abuse, which reached their peak in 2009, have since dropped.<sup>40</sup>

LGBTI organizations are simultaneously leading creative campaigns to condemn and combat human rights violations.

CSOs decline in the wake of the global economic crisis.<sup>38</sup> Within the movement, one of the most significant concerns activists raise is that LGBTI advocacy has focused too narrowly on sexuality and not enough on how issues of sexual orientation and gender identity intersect with race and class. As scholar Fernando Serrano points out, the distance between legal victories and daily life for LGBTI people only grows wider when one takes into account race, class and geography.<sup>39</sup>



When Prejudice Kills: Lesbian, Gay, Bisexual and Transgender People's Rights Report in Colombia, 2012.

38 Brodzinsky, S. (2013, July 22). Foreign funding dries up for Latin American NGOs. *Christian Science Monitor*. Retrieved from <http://www.csmonitor.com/World/Americas/2013/0722/Foreign-funding-dries-up-for-Latin-American-NGOs>

39 Serrano, F. (2009). Colombia. In C. Stewart (Ed.), *The Greenwood Encyclopedia of LGBT Issues Worldwide: Volume 1* (pp. 91). Santa Barbara, CA: Greenwood Press.

40 Santamaría Fundación. (2013) *Marineras Fucsia: un búsqueda de Tierra Firme. Informe de derechos humanos de mujeres trans 2005-2011* (pp. 80). Cali, Colombia: Santamaría Fundación.

# CONCLUSION

For over twenty years, Colombia's LGBTI movement has had tremendous legal success. Recent surveys that indicate an uptick in public support for marriage equality also suggest that the movement's investment in changing people's minds is gaining ground. At the same time, LGBTI Colombians continue to face steep threats to their safety and well-being, and organizations that advocate on their behalf are as urgently needed as ever. In this complex environment, Colombia's LGBTI movement is poised to build upon the strong foundation it has already laid and advance bolder change for LGBTI communities and their rights.



*Santamaría Fundación* organizes and hosts police training on violence against trans\* women in Colombia. (Image courtesy on *Santamaría Fundación*.)

## Recommendations for Advocates, Allies and Funders

The following recommendations are based on analysis presented in this report and reflect the needs and priorities identified by LGBTI movement actors in Colombia.

1. Support the creation and maintenance of the infrastructure necessary to implement existing legal protections for LGBTI communities.
2. Support organizing and advocacy models that address the interplay between sexual orientation, gender identity, race and class—particularly in efforts to combat discrimination, overcome barriers to basic services (such as housing and health care) and fulfill other fundamental human rights.
3. Invest in LGBTI organizations that work to transform and hold accountable state institutions, as they may be especially vulnerable to the global economic crisis and foreign governments' reluctance to devote their reduced budgets to NGOs.
4. Invest in organizing and advocacy to achieve the full legalization of marriage equality and same-sex couples' adoption rights.
5. Support efforts to end violence against LGBTI people and increase access to non-discriminatory police services.
6. Ensure the participation of LGBTI representatives in truth commissions established to recover the historical memory of Colombia's armed conflict.
7. Invest in strategies that engage communities at local levels and seek to shift cultural attitudes and beliefs in favor of LGBTI rights.
8. Increase the visibility of LGBTI communities in the public sphere and raise awareness about sexual and gender diversity through mobilizations and education, as well as artistic and cultural productions.

# SELECTION OF ASTRAEA LGBTI PARTNER ORGANIZATIONS IN COLOMBIA

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Cali, Colombia



The Astraea Lesbian Foundation for Justice is the only philanthropic organization working exclusively to advance LGBTQI rights around the globe. We support hundreds of brilliant and brave grantee partners in the U.S. and internationally who challenge oppression and seed social change. We work for racial, economic, social and gender justice, because we all deserve to live our lives freely, without fear, and with profound dignity.





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