

Excluded bodies, faces of impunity

Report violence against LGBT people in Colombia 2015

This report is the result of the joint efforts of Colombia Diversa, Caribe Afirmativo and Santamaria Fundación

The aim of this report is to document the major human rights violations of LGBT people in 2015. Some of these violations are analyzed as forms of violence due prejudice and as gender-based violence. They should not be seen as isolated events but as crimes whose cause is strongly linked to social prejudices: therefore the State has the obligation to prosecute these violations since they are violations of the human rights of LGBT people.

1. Murders of LGBT people in 2015: frequency increases and impunity persists

In 2015, 110 LGBT people were killed in Colombia. This is the largest number of homicides recorded since 2012. The main homicide victims were gay men and transgender people. At least 39% of the killings were motivated by prejudices against the sexual orientation or the gender identity of the victims.

Violence against transgender women is very high. It was possible to document that 45% of these cases of violence were motivated by prejudice. The average age of the victims was 28 years. Moreover, in 2015 the highest number of homicides were committed against lesbians and 1 out of 2 cases was motivated by prejudice against their sexual orientation.

LGBT human rights defenders are also victims of violence and discrimination. 2015 showed the highest number of homicides since 2008 and at least half of the cases were related to the defense of LGBT human rights.

Despite this, in most cases, the prosecution and the police have not identified those responsible for the crimes. Between 2012 and 2015, only 15 of the perpetrators have been condemned. This means that -not counting the 98 cases of which no information on the investigation or the trails is available-, 95% of the homicides are still unpunished.

2. Selective enforcement: police brutality and criminalization of LGBT people

In 2015 61 incidents of police brutality against LGBT people were recorded in Colombia. At least 91 LGBT people were affected. The departments with the highest number of incidents of police brutality in 2015 were Bogota (Special District) with 14 incidents and Valle del Cauca with 10.

80% of the cases of police brutality were personal injury and selective enforcement of the law. At least 22 incidents of police brutality were motivated by prejudice against sexual orientation or gender identity. Among these cases there are 11 personal injuries, one attempted murder, one alleged extrajudicial execution and 7 episodes of selective enforcement of the law.

The most recurrent acts of police violence were physical attacks compromising the life and personal integrity of the victims. These physical assaults occurred mainly in public spaces and in stations and vehicles of the National Police. These unjustified procedures are applied selectively and disproportionately. Prejudice causes expulsions of public spaces and unnecessary controls towards LGBT people.

There has been no progress at the judicial level. More than half of the investigations on police brutality in 2015 were closed and archived. 20 victims reported the incident to disciplinary or judicial authorities, while 41 were not reported to any institution. This means that 2 out of 3 cases of police brutality were not reported formally.

3. Living in danger: threats increase where there are armed groups

Since 2014, threats to LGBT people in Colombia increased 50% and were recurrent in places where there are armed groups. 47 threats to LGBT people in 17 departments were recorded. More than half of these events occurred in the Caribbean region.

The departments with the highest number of threats are those where there is a strong presence of groups outside the law and criminal gangs. In such contexts, LGBT people are particularly vulnerable because armed groups resort to tactics of social control that reproduce prejudices and negative stereotypes of this population.

The methods to threaten LGBT people are different. Pamphlets were used in 15 cases. Another 19 threats were perpetrated via phone calls, text messages, social networks, or visits to the home or workplace of the victims. The most common example of these threats are leaflets on "undesirable" or "harmful" people stated as part of the so-called "social cleansing".

4. Impact of violence against LGBT people in the framework of the internal armed conflict

By Caribe Afirmativo

Threats, forced displacement and killings are victimizing events strongly affecting LGBT people in the context of the armed conflict. 1,795 people have reported different victimizing events in this context.

The means to materialize the threats are different, but the pamphlet is the most used means to deliver the messages. Forced displacement is one of the main consequences of threats by armed groups to LGBT people.

The following are the key aspects to identify violence against LGBT people:

1. Selection of the victim: leadership, presence in meetings of victims, human rights defense or visibility of sexual orientation or gender identity puts LGBT people at risk and makes them vulnerable to armed groups.

2. Evidence of prejudice in the execution of violence: language, mode and execution of the violent acts are motivated by prejudice.
3. Connectedness and systematic nature of violence: violent acts are not isolated and there is a connectedness and consistency between them.
4. Rural and marginalized sectors of cities become spaces of increased risk for LGBT people when there are armed groups.
5. Most violence is committed by paramilitary groups or criminal gangs. This does not mean that the guerrillas have not perpetrated violence against LGBT people.
6. Mobile victimizers focus on social and economic control including the "extermination of the immoral" and "abnormal".
7. Lesbians and transgender women suffer a double victimization through gender based violence.

Recommendations

The National Government, the National Institute of Legal Medicine, the Attorney General's Office, the National Police, the Ombudsman, the Unit for Attention and Reparation of Victims and generally the State institutions are asked to take measures to ensure the effective enjoyment of human rights of LGBT people, especially the right to live free from violence and discrimination. Access to justice, reparation and non-repetition should be also guaranteed, all on the way towards building a stable and lasting peace.