All the responsibilities, few rights.
Human rights situation of lesbians, gay, bisexuals, and Transgender in Colombia 2008 - 2009
EXECUTIVE SUMMARY

In order to comply with precise international obligations, Colombia has recognized, with important jurisprudence that lesbian, bisexual, gay, and transgender persons are social individuals with full human rights and responsibilities. It has recognized that a person’s sexual orientation cannot be the motive for discrimination and that equality has to do with the access that all Colombians have, regardless of their sexual orientation, to their human rights. In addition, it has also recognized that LGBT persons are a traditionally excluded and socially vulnerable group, and that sexual orientation is a criteria suspect of discrimination.

Concerning the 2008-2009 period, COLOMBIA DIVERSA found that the social prejudices and discrimination due to sexual orientation or gender identity continue to be the most frequent motivations for the gravest human rights violations of LGBT persons that have happened in the country.

The Organization detected six critical themes in the 2008-2009 period: Police abuse, violence due to prejudice, rights of same sex couples, prison situation, forced displacement and the armed conflict, and the treatment of diversity in the media.

POLICE ABUSE

The cases of police abuse were one of the most frequent forms of violence against LGBT persons. During the years of 2008 and 2009, at least 48 cases of police abuse occurred in the country. The increase compared to the 31 cases occurred in 2006-2007 may be due to the fact that lesbians, gay, bisexuals and transgender women decided to denounce the incidents. The cities that registered the largest number of reported cases, Bogotá, Medellín, and Cali, concentrate in turn the largest part of the population and LGBT groups and organizations.

In 2009 and 2009, at least six lesbian women, seventeen gay men, and 36 transgender women were victims of police abuse. In the lesbian cases, the police aggression corresponded many times with sexual violence acts, in the case of gay men to the forced exit from public spaces, and for transgender women to brief detention. The abuses involved many times violations to the human rights of personal freedom, personal integrity, and due process.

The most frequent police abuses against lesbian women and gay men occurred due to public manifestations of affection between same sex couples. In general, the authorities justified these excessive and violent reactions, arguing that these manifestations were “attacks on public morality”.

The majority of police abuse victims were transgender women. The cases of police abuse against them were harassment, especially in public streets and during police operations meant for the control of public space. In most cases, these took place in zones where transgender women exercised prostitution.

Regardless of the gravity of the cases, the impunity when it comes to police abuse is total. In none of the 48 cases reported has a penal investigation been started, and the Procuraduría General has not made use of preferential powers. In only one of the cases was a disciplinary sanction imposed, that, nonetheless, is not firm because the lower court’s decision was appealed.

1 The number of reported cases does not correspond to the total number of victims: a single case can include two or more victims of police abuse.
2 See annexed table.
3 N. T. Colombia’s Procuraduría General is the government agency in charge of enforcing judicial decisions and ensuring the effectiveness of human rights. Additionally, it has disciplinary authority over public officials. It has the powers of the criminal judicial police and is authorized to take any measures it considers necessary. The Procurador exercises the following functions directly:

1. Discharging from office any public officials.
2. Presenting government bills relating to matters under his jurisdiction.
3. Lobbying the Congress to pass laws that ensure the promotion, exercise, and protection of human rights and demanding their compliance by the competent authorities.
4. Making proposals concerning the processes of constitutional control.
5. Appointing and removing, in accordance with the law, officials and employees under his jurisdiction.
The impunity in the case of police abuse is due in a large portion to the obstacles that the victims have in accessing justice and the possibility of denouncing. Also very grave is the fact there might also be the fear that the institution might want to cover up the cases against LGBT persons before recognizing and punishing the faults that some of its members may incur.

The problem extends even to the definition of the legal instruments that regulate police activity, whose faults create an environment that favors impunity and the infringement on the rights of LGBT persons.

In 2007, a sentence handed down by the Constitutional Court ordered Congress to emit a new National Police Code with the purpose of updating the norms and adjust them to the reality of the country. To date, this task has not been fulfilled. The same dispositions inclined to the violation of LGBT rights are still in effect, and the criteria that govern police activities are still not normalized. In this way, the discretion of officers is favored and the respect and guarantee of the general population rights are put at risk.

The regions have the possibility of regulating Police activity autonomously, of setting their own Police Codes, or to conceive the Coexistence Manuals of the departments or capitals. Since this has to do with local (and very subjective) viewpoints, this power implies the risk of causing discriminatory and prejudicial dispositions. As an example, one can highlight the manuals of Barranquilla and Cúcuta that reflect clear prejudices in the matter of sexual orientation, and therefore foment police violence and the rejection of LGBT persons, in addition to grave human rights violations.

The police directives 058 of 2009 and 006 of 2010 are key instruments that establish measures that tend to guarantee the respect and special protection of LGBT persons, but they are insufficient, as they do not contemplate a definite and forceful will to eliminate, or at least diminish, Police discriminatory practices.

Another source, not only of impunity, but also of violence in the case of police abuse, is the lack of unified information systems that allow the follow up of processes, the identification of vulnerabilities, and the application of preventive actions. Not even the Police, or in general the state entities produce statistics that contemplate the sexual orientation or gender identity of the victims, and the little information available is generally inconsistent and contradictory.

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**Table 1**

State of investigations for police abuse 2008-2009

<table>
<thead>
<tr>
<th>Case Description</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total reported cases</td>
<td>48</td>
<td>100%</td>
</tr>
<tr>
<td>Disciplinary investigations in the internal control offices of the National Police</td>
<td>7</td>
<td>15%</td>
</tr>
<tr>
<td>Disciplinary investigations before the <em>Procuraduría General</em> in exercise of preferential power</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Penal investigations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Full knowledge of the authorities, but without known investigation⁴</td>
<td>31</td>
<td>65%</td>
</tr>
<tr>
<td>Without information on whether an investigation exists</td>
<td>10</td>
<td>21%</td>
</tr>
<tr>
<td>Sanctions⁵</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total investigations</strong></td>
<td>7</td>
<td>15%</td>
</tr>
</tbody>
</table>

Sources: Accusations of social organizations when presented with the answers that COLOMBIA DIVERSA was given by the National Police, local ombudsmen, Personerías⁶, and the *Procuraduría General*, in national and local level.

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⁴ Included in this category are those cases in which some authority or LGBT organization has informed some competent authority, but this authority gives no notice of the existence of an investigation.
⁵ As it was mentioned, in the case of Nathalia, there was a disciplinary sanction.
⁶ N. T. The municipal and district Personerías are the entities in charge of exercising administrative control of the Municipality. They exercise functions of the Public Ministry conferred by the Political Constitution and the law, as well as those delegated by the Nation’s Procuraduría General. They are responsible for the defense and promotion of human rights, the protection of public interest, and the oversight of the conduct of those individuals in public office.
Finally, another obstacle in the fight against impunity in the case of police abuse is the attitude assumed by some control entities: instead of assuming and conducting investigation and sanction processes, they recur to timid and hastened conciliatory processes and pacts of good will and respect.

It is evident that the impunity in the cases of police abuse cannot be considered a problem that affects only and exclusively the National Police; it is also the problem of the judicial authorities and the control organisms, especially the Procuraduría General.

VIOLENCE DUE TO PREJUDICE

One of the gravest manifestations of violence due to prejudice translates into the homicides of LGBT persons. According to the investigator María Mercedes Gómez, “Violence due to prejudice has a symbolic end. It is a message, a threat sent directly to a community, even if inscribed in individual bodies”. Crimes due to prejudice can show up in diverse forms, but always harm rights such as life, personal integrity, and the free development of personality, among others.

Determining when a homicide is a crime due to prejudice implies a great effort of the investigative entities, since the motives of a crime are not always evident. In addition to the technical difficulties, many times the authorities permeate the investigation with their own prejudices towards LGBT persons and rush to conclusions about, among other things, the promiscuity of the victims, the exercise of prostitution, or the couple conflicts derived from jealousy.

Therefore, the National report on LGBT human rights 2008-2009 (Informe nacional de derechos humanos LGBT 2008-2009) was conducted, considering the differentiation of the cases that have indications of being crimes due to prejudice, that is, that were motivated by the sexual orientation or the gender identity of the victims, from the rest of the violent deaths of LGBT persons. The information was classified in four categories: Crimes due to prejudice, homicides of LGBT persons not motivated by prejudice, violent deaths, and homicides with incomplete information.

Not only was data was obtained in the process of the investigation for the 2008-2009 period, but also the update of information about crimes due to prejudice for previous years was achieved. In that way, for example, it could be established that in the 2006-2007 period there were 99 homicides of LGBT persons, 32 more than COLOMBIA DIVERSA had reported at the time in the corresponding human rights report. Of these homicides, 37 were crimes due to prejudice, 56 were violent deaths, and six were homicides not motivated by prejudice.

<table>
<thead>
<tr>
<th>Analysis categories</th>
<th>2006</th>
<th>2007</th>
<th>Total homicides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Deaths</td>
<td>18</td>
<td>38</td>
<td>56</td>
</tr>
<tr>
<td>Crimes due to prejudice</td>
<td>13</td>
<td>24</td>
<td>37</td>
</tr>
<tr>
<td>Other motives</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total homicides</strong></td>
<td><strong>33</strong></td>
<td><strong>66</strong></td>
<td><strong>99</strong></td>
</tr>
</tbody>
</table>

Sources: Press information, incident reports from social organizations, reports from Personerías, ombudsmen and local prosecutors confronted with the answers given to COLOMBIA DIVERSA by the local directors of the Attorney General’s offices at a national level and with the reports and answers from Forensic Medicine.

Even if the authorities do not have the tools to provide accurate information, COLOMBIA DIVERSA collected updated information against the state of the penal processes of the homicides occurred in 2006 and 2007.

7 Clam. Entrevista a María Mercedes Gómez. Available at: http://www.clam.org.br/publique/cgi/cgilua.exe/sys/start.htm?infoId=3568&sid=51 [Last visit: August 15, 2010].
Among other data, it could be established that in over 44% of the cases there are no current penal investigations. In addition, that 25 of the 55 cases (56%) of which there is knowledge of the existence of penal processes are still in the investigation stage and the responsible parties have still not been identified.

In what concerns the archived cases, faults were detected in the investigation process of the corresponding authorities. One of these cases, among others, was archived five months after the homicide was committed\(^8\), a very short investigation time. Prejudicial appreciations on the crime were found in the conclusions of some of the other archived cases, as well as the absence of clear elements that should be part of a specialized investigation. In these cases, the authorities took into account the sexual orientation or the gender identity of the victims, but only to disqualify their way of life and in some way make them responsible for their own deaths.

In what concerns the years 2008 y 2009, COLOMBIA DIVERSA registered the homicide of 127 LGBT persons: 74 violent deaths, 46 crimes due to prejudice, and seven homicides not motivated by prejudice.

### Table 3

**Homicides of LGBT persons, 2008-2009 periods**

<table>
<thead>
<tr>
<th>Categorías de análisis</th>
<th>2008</th>
<th>2009</th>
<th>Total Homicidios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muertes violentas</td>
<td>46</td>
<td>28</td>
<td>74</td>
</tr>
<tr>
<td>Crímenes por prejuicio</td>
<td>31</td>
<td>15</td>
<td>46</td>
</tr>
<tr>
<td>Otros móviles</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total homicidios</strong></td>
<td>81</td>
<td>46</td>
<td>127</td>
</tr>
</tbody>
</table>

Sources: Press information, incident reports from social organizations, reports from Personerías, ombudsmen and local prosecutors confronted with the answers given to COLOMBIA DIVERSA by the local directors of the Attorney General’s offices at a national level and with the reports and answers from Forensic Medicine.

### Graph 1

**Homicides of LGBT persons according to sexual orientation or gender identity 2008 - 2009**

With respect to the sexual orientation of the victims, the information provided from Forensic Medicine is confusing: in the category “homosexual” it includes transgender women as well as gay men. Nonetheless, it could be determined that among the homicides of LGBT persons during 2008 and 2009, 57 were gay men, 31 of the “homosexual” category, four lesbians, and 35 transgender. Antioquia registered the highest rate of homicides (51), followed by Valle del Cauca (19), Bogotá (14) and Risaralda (13).

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\(^8\) The homicide happened in March 2007, in the department of Cesar, and was archived in August 2007. Answer given to COLOMBIA DIVERSA by the Attorney’s office 14, Valledupar District. August 2010.
### Table 4
**Homicides of LGBT persons during 2008 – 2009 by department**

<table>
<thead>
<tr>
<th>Departamento</th>
<th>2008</th>
<th>2009</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antioquia</td>
<td>32</td>
<td>19</td>
<td>51</td>
</tr>
<tr>
<td>Atlántico</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Bogotá</td>
<td>9</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td>Boyacá</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Caldas</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Caquetá</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Casanare</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Cauca</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Córdoba</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Guaviare</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>La Guajira</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Magdalena</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Meta</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Norte de Santander</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Risaralda</td>
<td>8</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Santander</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Valle del Cauca</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>81</strong></td>
<td><strong>46</strong></td>
<td><strong>127</strong></td>
</tr>
</tbody>
</table>

Sources: Press information, incident reports from social organizations, reports from Personerías, ombudsmen and local prosecutors confronted with the answers given to COLOMBIA DIVERSA by the local directors of the Attorney General’s offices at a national level and with the reports and answers from Forensic Medicine.

Increases in this type of homicide were registered in some cities, apparently because in them there is a larger presence of organizations and LGBT activists, and because of the appearance of specialized reports from government organizations such as the Personería de Medellín. The case of Risaralda is interesting, because it went from reporting zero homicides in 2006-2007 to registering thirteen cases in the period of 2008 - 2009.

### Graph 2
**Status of judiciary processes 2008 -2009 (Update 2010)**

Sources: Press information, incident reports from social organizations, reports from Personerías, ombudsmen and local prosecutors confronted with the answers given to COLOMBIA DIVERSA by the local directors of the Attorney General’s offices at a national level and with the reports and answers from Forensic Medicine.
From the total number of cases of homicides known in the period 2008-2009, there is no official information about 81 of them, and another 26 cases are still in the investigation stage. It must be highlighted that there are 25 cases from the 2006-2007 period that still, years later, are waiting to begin their investigation.

Some 23 victims of the 46 homicides motivated by prejudice were transgender women; twelve men were gay, nine were biological men registered indistinctly by Forensic Medicine as homosexuals, and two were lesbian women. None of the victims was identified by their relatives as a bisexual person, but one can suspect that these cases were included in any of the other categories or are hidden.

In what pertains to the circumstances of homicides due to prejudice, it could be established that in five of them presented dismemberment; nine of the cases registered between 5 and 19 stab wounds; in five cases there were from five to nine firearm wounds; in seven of them presented an indeterminate number of firearm impacts.

On the other hand, between 2008 and 2009, at least three LGBT human rights defenders were assassinated. The victims were Fredys Darío Pineda, Álvaro Miguel Rivera and Wanda Fox. Despite their quality as defenders of LGBT human rights, some of the authorities in charge of the investigation qualified the homicides as “crimes of passion”. At the time of writing this report, none of the responsible parties from any the three cases had been identified.

**RIGHTS OF FAMILIES WITH SAME SEX PARENTS**

Colombia recognized the same rights for same sex couples as for heterosexual couples, except for civil marriage and the right to joint adoption of minors.

The recognition of each one of these rights has been achieved through the fight of the community and the LGBT organizations, whose work had to be applied, not only to this recognition, but especially to its effective interpretation and application. As COLOMBIA DIVERSA has verified in the accompaniment and follow up of several judicial cases, the equality of the de-facto marital union between same sex couples and the heterosexual couples that the Constitutional Court recognized is not upheld in practice: when same sex couples begin the processes to demand their rights, they find that the requirements they must meet are more, or in any case, stricter than the ones required of heterosexual couples. The first great obstacle that they find outright is the larger number of proofs – in some cases not viable- that they must present to demonstrate the existence of their union. Faced with this, many same sex couples desist from claiming not only this, but any other right. Each time that these people try to get access to the rights that have been officially recognized as couples, they find all sorts of additional requirements, delays, and other obstacles that appear because the entities and responsible government employees allow themselves to be carried away by their prejudices and mistaken interpretations of the laws. Added to this is the confusion or the lack of information of many same sex couples about the rights that have been recognized by their country.

Even some LGBT persons as well as public employees continue to believe that the declaration of a de-facto marital union, recognized in February 2007, is a confusing and exceptional process and that access to it is strongly restricted by special procedures. For their part, the notaries or conciliators in charge of the declaration of the union are ignorant...
of the jurisprudence of the Constitutional Court in what respects to LGBT rights.

If before cases of same sex couples, judges start from their prejudices, they can incur in violations of the rights of due process and the correct valuation of evidence. The declaration of the de-facto marital union between same sex couples, for example – and this is evidenced by several cases that have been presented until now in Colombia, went from being one more evidentiary element to become an obligation or prerequisite that the judges demand of these couples in the legal proceedings to claim their rights. The heterosexual couples, however, have more possibilities of choosing whether they want or not to do a declaration of their de-facto marital union to demonstrate the existence of their union.

Another impediment that COLOMBIA DIVERSA has observed in the legal claim processes of the rights of same sex couples in the country has to do with the difficulty of proving the union through witnesses, especially in the cases where couples have chosen to pretend to be heterosexual in front of their families and their community. The Organization knows of a case in which the judge even disallowed the witnesses because they were homosexual.

In what pertains to the cases of the claim to the rights of survivor pension, COLOMBIA DIVERSA has been able to detect, on top of the additional difficulties imposed on same sex couples at the time of demonstrating their union, others that end with the denial of benefits. The most important of them has to do with the limited temporal effects of the sentence C-336 of 2008.

Even if in Colombia same sex families are not considered as such, the case is that they exist, that they are a reality, and that they have concrete needs that cannot be solved without the laws that in this country pertain only to families constituted by heterosexual couples. The impossibility of same sex couples to adopt minors jointly has caused a profound inequality in the access to rights among same sex families and the families of heterosexual couples. While the children of the latter enjoy all the rights derived from their mother and father, the children of the former have only the rights derived from one of their parents, mother or father, not both.

The boys and girls of a family constituted by same sex couples cannot inherit from the partner of the legal mother or father; the partner of their legal mother or father cannot authorize medical treatments in case of an emergency or interact officially with the school they attend; in case of divorce, the partner of the legal mother or father cannot ask for custody or visitation rights, and may not be compelled to continue providing economic help to the family; if the legal mother or father dies, the underage children may not go under the custody of the partner of their legal mother or father.

SITUATION OF THE LGBT PRISON POPULATION

In the years 2008-2009, COLOMBIA DIVERSA also noticed that the LGBT persons interned in Colombian jails must face special situations of violations to their human rights because of their sexual orientation or gender identity.

Derived from a joint effort with the Coordination of the Commission for Human Rights and Audiences of the Senate of the Republic (Coordinación de la Comisión de Derechos Humanos y Audiencias del Senado de la República), COLOMBIA DIVERSA participated in a commission charged with investigating the situation in the main jails of Bogotá, and to advise as to the rights of LGBT persons in a series of visits to other jails in different cities of the country. In that way, the Organization was able to get closer to the problem and detect in the clearest way the rights violations that these persons suffer in jail. The most frequent and grave have to do with sexual violence and the restrictions to the identity construction of LGBT persons. It was also found that the main victims in both cases are gay men and transgender women.

Following up on the reports from interned persons, the human rights team at COLOMBIA DIVERSA could ascertain that sexual violence against LGBT persons is frequent and has high impunity levels. In the follow up and support of

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9 Between the months of March and April, the human rights team of COLOMBIA DIVERSA accompanied the visits to the Reclusorio de Mujeres del Buen Pastor (Buen Pastor Women’s Jail), the Establecimiento Penitenciario y Carcelario Modelo (Modelo Penitentiary and Jail) and the Establecimiento Penitenciario de Alta y Mediana Seguridad y Carcelario de Alta Seguridad la Picota (La Picota High and Medium Security Penitentiary and High Security Jail).

10 Some questions and relevant subjects to be taken into account about LGBT persons incarcerated in different jails in the country were discussed with Diana Novoa, coordinator of the Human Rights Commission and Audiences of the Senate of the Republic (Comisión de Derechos Humanos y Audiencias del Senado de la República).
concrete cases of sexual violence in jails, it could be observed, among other problems, the absence of investigations that intend to find the authors of the sexual violence and the lack of interest of the penitentiary system to individualize those who commit these kind of acts.

The transgender women interned in the jails are frequent victims of psychological and physical violence, which includes cases of sexual violence. Many of the restrictions imposed against the identity construction of Trans women come from the authorities and the personnel in charge of jails. They are forbidden to use female clothing, make-up, and long hair among other things. The haircut, specifically, is seen by the persons in charge of jails, as a routine cleanliness control to a male person and not as an attack on the femininity of a transgender woman.

Another frequent complaint registered by COLOMBIA DIVERSA has to do with the transportation of transgender women to the courthouse to carry out the obligations of their respective criminal processes. According to complaints, the guards force them to strip down in front of them and their jail companions for the search11, ignoring their modesty and their female identity. They also point out frequent cases in which in this situation they are victims of mockery and offenses from the guards.

The reports of the violations of human rights of LGBT persons in the Buen Pastor Women’s Jail (Reclusorio de Mujeres el Buen Pastor), specifically, pointed out that the violence and discrimination in this place were directed against transgender men, and that the main aggressions sought to affect the affective links between the transgender men and the interns, restrict their identity construction, limit the duration of the conjugal visits, and exert a verbal and physical violence that derive even into cruel, inhumane, and degrading treatment.

In what pertains to the situation of lesbian women interned in Colombian jails, COLOMBIA DIVERSA found cases in which they had been confined in punishment cells for making evident their sexual orientation and for having an affective relationship with another woman. The repression of the affection expressions was questioned by the Constitutional Court in 200813 in response to a complaint of the discriminatory and cruel treatment of the lesbian women in the Valledupar Jail: a couple remained confined in punishment cells during eighteen months until one of them committed suicide.

Another case, in the Bogotá District Jail at the end of 2009: a lesbian woman was punished with thirty days in solitary confinement because she was seen through a safety visor, kissing her jail companion14.

FORCED DISPLACEMENT

The definition of the condition of displacement, according to Colombian norms, specifies the following causes of forced flight: “internal armed conflict, internal disturbances and tensions, generalized violence, massive violations to Human Rights, infractions to International Human Rights, and other circumstances that can alter or drastically alter public order”.15

About displaced LGBT in displacement situation, a seldom studied and almost unknown problem, COLOMBIA DIVERSA has been able to detect that many of the victims have been displaced mainly by generalized violence against LGBT persons, and even due to institutional violence such as police abuse.

Concerning the period 2008-2009, COLOMBIA DIVERSA reported violence and discrimination acts from armed subjects against LGBT populations. The collective threats of “social cleansing” and the actions committed presumably by paramilitaries or groups of disarmed ex paramilitaries stand out.

Especially in the year 2009, there was in the country a generalized phenomenon of threats and intimidation with pamphlets against groups of persons, among them the LGBT population. According to information from the High Commissioner of the United Nations for Human Rights, a standard format of threatening pamphlet circulated.

Between February and March in at least twenty four of the 32 departments in the country,

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14 COLOMBIA DIVERSA found out about this case in 2010. At present this case is before the Constitutional Court in the revision chamber, with presentation of magistrate Nilson Pinilla. File number T2252507.
15 Congress of the Republic, article 1, law 387 of 1997.
Returning to the definition of a displaced person according to Colombian norms, the social or family discrimination is not contemplated. This form of discrimination is probably the most frequent cause of displacement of LGBT persons. The State has the responsibility to deal with and prevent the situations that cause the grave violations of human rights of the LGBT population.

The lack of information—both official and from non-governmental organizations—about the LGBT persons in displacement defines a first group of challenges to race. If we do know some cases, these have not been included in the system and have not had any follow up.

A second group of challenges in the matter of displacement and human rights has to do with the institutional and non-government players related to the phenomenon. Even if the fight for the recognition of the rights of the LGBT population has found a space in the national debate about human rights, the subject of forced displacement of LGBT persons continues to be a practically unexplored problem. The lack of state interest, the absence of the subject in the agenda of the displaced person organizations, the lack of actions of the LGBT organizations regarding the phenomenon, and the organizational weakness of the LGBT population in the places of expulsion and reception are factors that profoundly affect the capacity of investigation, the activism, and the conception of public policy to prevent and deal with the LGBT population in a displacement situation.

The third group of challenges derives from the difficulties to ask about the causes, effects, and relationships between sexual orientation, gender identity, and forced displacement. The problems to detect the LGBT victims of displacement, as well as to obtain information about their situation, are varied and of different order. The first is the fear of the LGBT persons to reveal their sexual orientation. This fear is increased by the threats and violence of the armed groups. Second, it is common that LGBT persons do not count with social networks that support them, and even more common that the people closest to them are unaware of their sexual orientation, or in the case that they do know it, that they are embarrassed by it and reject it.

The lack of information that exists about sexual orientation in some regions, especially the rural ones, hinders their correct definition and making the problem visible. Another obstacle is the absence of research about LGBT persons as victims of forms of violence due to intolerance, like the case of the ill-named “social cleansing”16. Also the information about the armed conflict and its relationship to the violation of the human rights of LGBT persons is really scarce.

Colombia can count on some regulatory advances in the attention to LGBT population in displacement situations. However, the authorities responsible for this attention place little importance on this regulation. Some measures could be considered to begin the work of classifying this population and making their situation visible; for example, contemplating the possibility of asking about sexual orientation or gender identity of the victims of displacement at the moment of declaration and registration, taking into account, of course, certain special needs for security and confidentiality of this information.

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16 COLOMBIA DIVERSA recognizes that the content of this denomination of violence is itself discriminatory, and that it tends to justify the actions against marginalized communities. We keep it, however, because it is the way it is currently known and how it is reported by several reports, denouncements, and news about it.
DIVERSITY IN THE MEDIA

Especially since the sentence handed down by the Constitutional Court in February 2007 that produced the legal birth of the same sex couple in Colombia, the mass media started to spread information about the situations, problems, and interests of this community that less than a decade ago was almost totally ignored by newspapers, magazines, television, and radio.

COLOMBIA DIVERSA has conducted constant analysis and internal discussion about the course of events that the media reflects. A routine was developed to observe the coverage of subjects related to the LGBT community and its rights done by the main 67 mass printed press outlets in the country during 2008 and 2009.

In this period, in general terms, about 3,000 journalistic works were published in the 67 press outlets observed. 2,938 articles were directly about the subject of the community or the LGBT persons, and another 64 made an indirect mention of it. The 3,000 works used 219 sources of information –the texts mention them- that were cited more than 4,000 times.

While in 2005 the most addressed themes by the media corresponded to international news (54%) about marriage of same sex couples (35%) and, in general, about discrimination (14%), the years 2008-2009 those same articles were about the subject in the country (64%): about the new laws related to (12.5%), LGBT sexuality (8.2%), discrimination and homophobia (6.75%), LGBT victims of crimes (6.73%), marriage of same sex couples (6.36%), families with same sex parents (1.76%), and health (1.86%).

The most cited sources on LGBT subjects continue to be those from the Government-State. While in 2005, 64% of journalistic works cited this source, this percentage in 2008-2009 was 22.4%. Among other firsthand sources that can be highlighted is the high participation of LGBT persons (8.4%) and their social organizations (4.6%), generally through declarations given in interviews or direct consultation. 2.8% of the sources of journalistic works corresponded to these organizations. COLOMBIA DIVERSA was registered as a source in 5.2% of all observed articles. 67.7% of all journalistic works cite no sources.