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26 May 2020

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Colombia: Situation and treatment of sexual and gender minorities, including treatment by authorities and society; state protection and support services available (2017-May 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. Legislation

In its *Global Workplace Briefings 2019* on Colombia, Stonewall, a UK-based organization whose work includes collaborating with institutions “to ensure they offer inclusive, equal and inspiring environments for LGBT people” and to improve legal protection available to LGBT people in Britain and abroad (Stonewall n.d.), writes that sexual relations between same-sex partners are “not criminalised and are therefore legal” (Stonewall Sept. 2019, 1). Similarly, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) *State-Sponsored*

Homophobia 2019: Global Legislation Overview Update report further specifies that Colombia decriminalized same-sex sexual relations in 1981 with the “repeal of Article 323(2) in the 1980 Penal Code” (ILGA World Dec. 2019, 34).

In a report on the recognition of LGBTI rights in the Americas, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) indicates that, according to Colombia's response to the “Consultation Questionnaire,” the Colombian Constitutional Court (Corte Constitucional) has interpreted the 1991 Political Constitution (*Constitución Política de Colombia 1991*) as providing LGBTI persons with the right to protection from discrimination based on “their sexual orientation, gender identity or expression, and body diversity,” even if these categories are absent from the original text (OAS 7 Dec. 2018, para. 89). Similarly, Yamid Enrique Cotrina Gulfo, a lawyer specialized in human rights, reports in a Colombian scholarly journal that in a 1998 judgement, the Constitutional Court excluded homosexuality as a motive for [translation] “misconduct and professional inefficiency” when teaching in the public sector (Cotrina Gulfo Jan.-June 2018, 157).

Regarding discrimination, including discrimination based on sexual orientation, Law 1482 of 2011 (*Ley 1482 de 2011*) modifying the Penal Code (*Código Penal*) provides the following:

[translation]

ARTICLE 3. The Criminal Code shall have article 134A, which shall read as follows:

Article 134 A. *Racist or Discriminatory Acts*. Anyone who arbitrarily prevents, obstructs or restricts the full exercise of the rights of persons on the grounds of race, nationality, sex or sexual orientation shall be liable to imprisonment for twelve (12) to thirty-six (36) months and a fine of ten (10) to fifteen (15) times the statutory minimum monthly wage [1].

ARTICLE 4. The Criminal Code shall have article 134 B, which shall read as follows:

Article 134 B. *Harassment on the grounds of race, religion, political ideology, or national, ethnic or cultural origin*. Any person who promotes or instigates acts, behaviour or conduct constituting harassment, aimed at causing physical or moral harm to a person, group of persons, community or people, on account of their race, ethnicity, religion, nationality, political or philosophical ideology, sex or sexual

orientation, shall be imprisoned for twelve (12) to thirty-six (36) months and fined ten (10) to fifteen (15) times the statutory monthly minimum wage in force, unless the conduct constitutes an offence punishable by a greater penalty.

ARTICLE 5. The Criminal Code shall have article 134C, which shall read as follows:

Article 134 C. *Circumstances of punitive aggravation.* The penalties provided for in the preceding articles shall be increased by one-third to one-half when:

1. The conduct is displayed in a public space, public establishment or place open to the public.
2. The conduct is displayed through the use of mass media.
3. The conduct is displayed by a public servant.
4. The conduct is exhibited for or in connection with the provision of a public service.
5. The conduct is directed against a child, an adolescent or a senior citizen.
6. The conduct is aimed at denying or restricting workers' rights.
(Colombia 2011, emphasis in original)

In a document summarizing in English “[its] most relevant and recent decisions,” the Constitutional Court presents the following decisions in relation to the right of same-sex couples to marriage:

- Decision C-075 of 2007 recognizes “the capacity of same sex couples to engage in *de facto* marital unions, a regime formed out of the permanent cohabitation of unmarried couples with a ‘singular community of life’ for more than two years.” On the grounds of this decision, the Court expanded the rights of same sex partners in *de facto* marital unions in the following years, including recognition on the same terms as heterosexual couples for health coverage and retirement pensions, and, for low income families, social security benefits and housing subsidies;
- Decision C-577 of 2011 finds that “there [is] no valid constitutional argument [justifying] that the same sex couples could not voluntarily formalize a union and constitute a ‘family’.” The Court indicates that same-sex couples in *de facto* marital union “should be given the possibility to enter into a marital contract to perfect its union.” In the decision, the Court has given the Colombian Congress a two-years term to legislate on that matter.
- Decision SU-214 of 2016 orders “judges and notaries to validate the same type of *marriage contract* recognized by the Colombian Civil Code to same-sex couples’ marriages in the country” (Colombia Oct. 2019, 3, 20-23, emphasis in original).

However, ILGA World indicates, in its 2019 report, that “[t]o date, no law has been adopted” following the decision C-577 of 2011 (ILGA World Dec. 2019, 140). Decision C-029 of 2009 extends “all of the rights offered to cohabiting heterosexual couples” to same-sex couples who have lived together for two years and have registered their partnership, including state benefits, nationality and residency rights (Colombia 28 Jan. 2009).

Regarding same-sex couples’ right to adopt, decision C-071/15 grants the right to a partner in a same-sex couple to adopt his or her “permanent” partner’s biological child (Colombia [18 Feb. 2015]), while decision C-683/15 extends the right to adopt to same-sex partners (Colombia [4 Nov. 2015]).

1.1 Transgender Persons

Decree 1227 of 2015 (*Decreto 1227 de 2015*) provides the following regarding the changing of one's sex in Colombia's civil registry (*Registro del Estado Civil*):

Article 1. Addendum. This decree adds Section 4 to Chapter 12 of Title 6 of Part 2 of Book 2 of Decree number 1069 of 2015, by means of which the Sole Regulatory Decree of the Justice and Law Sector was issued, as follows:

...

Article 2.2.6.12.4.3. Scope of the correction. The correction of the sex component in the Civil Birth Register may consist of the entry of the male sex (M) or the female sex (F). The Unique Personal Identification Number (NUIP) shall not be modified by the correction of the sex component in the Civil Register. In the case of cards issued before March 2000, the numerical quota shall be cancelled so that a ten (10) digit Personal Identification Number (NUIP) is assigned.

...

Article 2.2.6.12.4.5. Necessary documentation. In order to correct the gender component in the Civil Status Registry, in addition to the request in the previous article, the following documentation must be submitted to a Notary Public:

1. An uncertified copy of the Civil Register of Birth.
2. An uncertified copy of the citizenship card.

3. Declaration made under oath. In this declaration, the person must indicate his or her willingness to make a correction to the sex component box of the Civil Registry of Birth Status.

Paragraph 1: The declaration shall refer to the person's socio-cultural construct of his/her sexual identity.

Paragraph 2: No documentation or evidence other than that set out in this article shall be required. (Colombia 2015, emphasis in original)

In addition, sources state that the person must be at least 18 years old (ILGA Nov. 2017, 93; Stonewall Sept. 2019, 1; OutRight, et al. 2016, 11).

Decision T-099 states the following regarding military service: “transgender women who self-identify fully as women are not subject to the legal obligations applicable to men under Law 48 of 1993 [on military service]” (Colombia [10 Mar. 2015], Sec. II, para. 100). Cerasetenta, an online publication affiliated with the Center for Journalism Studies (Centro de Estudios de Periodismo) at the University of Los Andes (Universidad de los Andes) (Cerasetenta n.d.), explains that the current legislative situation makes it unclear whether transmen have to complete their military service and how they can obtain their *libreta militar* [the document demonstrating a man's military service status], compulsory for every individual in Colombia identified as male on their identity documents, adding that the Colombian military forces do not have procedures to clarify this situation (Cerasetenta 8 Nov. 2018).

2. Treatment of Sexual and Gender Minorities

2.1 Treatment by Society

Sources indicate that LGBTI people in Colombia face societal discrimination (Colombia Diversa 8 May 2020; US 11 Mar. 2020, 30; Freedom House 2019) and “abuse” (US 11 Mar. 2020, 30; Freedom House 2019). In correspondence with the Research Directorate, representatives from Colombia Diversa [see section 4.1 of this Response] indicated that a [translation] “significant proportion” of the Colombian population still have prejudices against LGBT people (Colombia Diversa 8 May 2020). The US Department of State's *Country Reports on Human Right Practices for 2019* indicates that there were reports of sexual assault [against LGBTI persons] (US 11 Mar. 2020, 30).

According to the representatives from Colombia Diversa, in urban environments, there is a [translation] “higher level of acceptance” of LGBTI rights, though there are still cases of violence against LGBTI people in Colombian cities (Colombia Diversa 8 May 2020). The Colombian newspaper *Semana* states that while the legal developments regarding the situation of LGBTI people in Colombia have improved their life in Colombia's large cities, these gains [translation] “not very applicable” in rural areas (*Semana* 4 June 2017). In another article, *Semana* reports that, according to a study by the National Center for Consultation (Centro Nacional de Consultoría, CNC), a research firm specialized in market study, social research, public opinion and business consulting (CNC 23 Apr. 2020), 31 percent of Colombia's population is in favor of same-sex marriage, while in Bogotá this figure rises to 45 percent (*Semana* 23 Feb. 2019).

According to sources, LGBTI persons, and specifically transgender persons, face difficulties in accessing the formal labour market, being disqualified during the hiring process, in some cases because of their gender identity (Caribe Afirmativo, et al. Aug. 2017, 4; RCN 21 Aug. 2019), and that it is difficult to provide legal evidence of this exclusion (Caribe Afirmativo, et al. Aug. 2017, 4).

According to the CNC, who conducted in 2016 a study looking at full-time LGBTI workers in [translation] “Colombia's main cities,” 64 percent of the respondents said that they did not feel different or as being seen as different by colleagues in their workplace (CNC 23 May 2018, 1). According to the same study, 78 percent of respondents feel that their employer trusts them and 77 percent that they were treated fairly at work (CNC 23 May 2018, 2).

El Espectador reports that in Afro-Colombian communities, LGTBI persons are [translation] “made invisible” because, according to a widespread belief, sexual diversity comes from “the white man” and its presence in Afro-Colombian communities is caused by the “interaction with the white man who tried to export to [these] communities these ‘deviations’” (*El Espectador* 8 Aug. 2018). Regarding LGBTI persons belonging to indigenous communities, the same source states that according to a gay man from Uribia, the [translation] “indigenous capital” of Colombia, [located in La Guajira department], sexual minorities are seen as an “aberration” by indigenous people and it is believed in Uribia, according to an indigenous leader from Riohacha [La Guajira], that a gay man is a “host to a demon” that must be expelled following a traditional procedure (*El Espectador* 8

Aug. 2018). Similarly, Caribe Afirmativo [see section 4.1 of this Response] indicates that indigenous and Afro-Colombian communities hide or silence [translation] “non-normative sexualities” because sexual diversity is considered to be exterior to their communities (Caribe Afirmativo 24 Mar. 2017). The Colombian newspaper *El Tiempo* further explains that, according to a study by Caribe Afirmativo and Colombia Diversa, LGBT persons who are also Afro-Colombians or indigenous people need often to hide their sexual orientation or gender identity in order to have access to their cultural, social and economic rights and when they do assert their rights as members of the LGBT community, they face [translation] “stigmatization” and continue to be victims of prejudice (*El Tiempo* 31 May 2019).

2.1.1 Treatment of Transgender Persons

Radio Cadena Nacional (RCN), a Colombian radio network, reports that, according to the director of the Colombian LGBTI Chamber of Commerce (Camará de Comerciantes LGBTI), a study has found that [translation] “nearly 40 percent of the transgender population in Colombia is without employment”; details about the survey were not included in the article (RCN 21 Aug. 2019). *El Espectador* reports that, according to a study by the CNC and the LGBTI Chamber of Commerce, in 2016, 4 percent of transgender persons had a formal work contract (*El Espectador* 16 May 2019). Discrimination based on gender in small- and mid-sized businesses and the unclear situation of transmen regarding their libreta militar are cited by the source as examples of situations that lead the transgender population to informal work, including sex work (*El Espectador* 16 May 2019). In a report submitted to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), Colombia Diversa, Diversas Incorrectas and the Trans Support and Action Group Foundation (Fundación Grupo de Acción y Apoyo a Personas Trans, Fundación GAAT) [see section 4.1 of this Response] indicate that, although sex work is not prohibited in Colombia, police still take action against trans, lesbian, and bisexual women sex workers, which in turn exposes them to other rights violations, such as arbitrary detentions and verbal and physical assaults (Colombia Diversa, et al. 2019, para. 39).

The same report explains that transwomen working in the sex industry do not have access to membership in the healthcare system, to disability insurance or to benefits (Colombia Diversa, et al. 2019, para. 40). The source adds that, although

the healthcare system has the obligation to provide the necessary care for gender-affirming procedures, as ordered by the Constitutional Court, health institutions still have [translation] “pathologizing requirements, such as [providing] psychiatric certificates,” which then encourages “unsafe [surgical] procedures” (Colombia Diversa, et al. 2019, para. 43). Similarly, a report by OutRight Action International (OutRight) [2] et al. on transgender people’s rights in Colombia explains that transgender men and women cannot access surgery and hormone treatments if they do not undergo a “process of pathologization” by the health system (OutRight, et al. 2016, 4).

2.2 Incidents of Violence

The information in the following paragraph was provided in a report by Colombia Diversa on violent acts against sexual and gender minorities in 2018 [3]:

The report indicates that in 2017, 110 persons belonging to sexual and gender minorities were murdered, while in 2018, 109 individuals were killed. The report adds that 64 LGBT individuals received threats in 2017; for 2018, this number was 127. The report indicates that among those killed in 2018, 47 were gay men, 36 were transwomen and 5 were lesbian women, while in 20 cases, the victim was broadly categorized as LGBT. Threats were mainly made to homosexual men (35), transwomen (19), homosexual women (6) and transmen (5), while in 60 cases, the victims were only described as LGBT. The report adds that [translation] “[a]t least” 33 percent of murders of LGBT persons and around 34 percent of threats were motivated by the victim’s sexual orientation or gender identity. For instance, in the department of Santander, Colombia Diversa reports that threats were made against LGBT rights activists by fundamentalist religious groups or individuals in order to [translation] “demean” their work. The departments with the most incidents of violence against sexual and gender minorities in 2018 are Antioquia with 59 victims, Bogotá with 49 victims and Valle de Cauca with 40 victims. Regarding assassinations of LGBT persons, Antioquia and Valle de Cauca were the departments with the highest number of victims in 2018 (23 victims each), followed by Bogotá (11 victims) (Colombia Diversa Feb. 2020, Sec. 2, p. 3, 5-9, 12, 15, 17, 19).

The Colombia Diversa representatives indicated that 80 percent of murders of LGBTI people happened in cities, and also noted that the proportion of homicides registered in rural zones had increased between 2014 and 2018, from 4 to 13 percent of all cases (Colombia Diversa 8 May 2020). According to the *Bogotá Post*, an English-language Bogotá-based newspaper, “over half of the transgender community” know someone who was killed because of their sexuality (*The Bogotá Post* 6 Mar. 2018).

2.2.1 Violence by Armed and Criminal Groups

Although the Colombian government signed a peace agreement with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) [in 2016 (Colombia Reports 17 Apr. 2019)], there are still ongoing armed conflicts in the country (Colombia Reports 17 Apr. 2019; ICRC 30 Jan. 2019). The Colombia Diversa representatives noted that although the violence dynamics have changed since the peace agreement, armed groups still target LGBTI individuals through threats, [translation] “stigmatization” and, “in some cases,” murder (Colombia Diversa 8 May 2020). The Colombia Diversa report on violent acts against LGBTI individuals notes that the armed conflict exacerbates existing violence based on prejudice against LGBTI people and that this kind of violence is used as a [translation] “war strategy” and a way to exercise social control in an area (Colombia Diversa Feb. 2020, Sec. 2, p. 16-19). *Semana* indicates that, according to Colombia Diversa, between 2014 and 2019, armed groups had issued 75 threats against people belonging to sexual and gender minorities (*Semana* 9 Aug. 2019). In the same vein, in an article on the risks incurred by sexual and gender minorities in three areas of the Caribbean region, *El Espectador* reports that armed groups are among the actors that perpetuate violence against LGBTI persons (*El Espectador* 23 Dec. 2019).

The Colombia Diversa representatives indicated that nine early warnings (alertas tempranas) [4] were published by the Office of the Ombudsperson (Defensoría del Pueblo) in 2018 regarding possible risks and threats to LGBTI human rights in Colombia, which include reports of various incidents of violence, including threats, homicides, forced displacement and social control, in which armed groups were the alleged perpetrators (Colombia Diversa 8 May 2020). One early warning concerned the national level and the others were for the following

departments: Arauca, Cauca, Atlántico, Antioquia, Huila, Cundinamarca and Nariño (Colombia Diversa 8 May 2020). In 2019, departments of Bogotá D.C., La Guajira, Meta, Magdalena and Chocó were also the subject of early warnings for the LGBTI population (Colombia Diversa 8 May 2020).

2.3 Treatment by Authorities

Colombia Diversa's report on violence against LGBT groups identifies 75 victims of police violence in 2017 and 87 in 2018 (Colombia Diversa Feb. 2020, Sec. 2, p. 5). The same source also states that in 2018, among the 87 victims of police violence, 7 were lesbians, 6 were gay men, 9 were transwomen, while 65 were broadly classified as LGBT (Colombia Diversa Feb. 2020, Sec. 2, p. 6-7). For the period between 2014 and 2019, *Semana* reports the registration of 431 incidents of police violence against sexual and gender minorities: 284 physical assaults, 11 acts of [translation] "torture," 3 extrajudicial executions and 2 murders attempts (*Semana* 9 Aug. 2019).

According to the *Bogotá Post*, statistics from Caribe Afirmativo's human rights reports from 2012-2017 indicate that 70 percent of harassment complaints filed against the Colombian national police involve a transwoman (*The Bogotá Post* 31 Mar. 2020). In another article, the same source reports the story of a transwoman who was "attacked, gassed and sexually assaulted by policemen" in mountains outside Bogotá (*The Bogotá Post* 6 Mar. 2018). After she filed a complaint, her case was not solved (*The Bogotá Post* 6 Mar. 2018).

Media sources indicate that a former Director of Human Rights of the Ministry of the Interior (Ministerio del Interior) was accused of mistreatment by employees under his responsibility, in particular those working on the implementation of LGBTI public policy (*El Espectador* 24 Nov. 2018; *Semana* 26 Feb. 2019), which he [translation] "criticized" (*Semana* 26 Feb. 2019). Sources note that the Director of Human Rights appointed in March 2019 is also known for his opposition to the recognition of LGBTI rights (*El Espectador* 10 Mar. 2019) or being [translation] "anti LGBTI" (W Radio 6 Mar. 2019). The Colombia Diversa representatives added that he has [translation] "scarce or non-existent" communication with the LGBT movement (Colombia Diversa 8 May 2020).

3. State Protection

According to sources, LGBT persons' rights were included in the [2016] peace agreement [with the FARC] (Caribe Afirmativo Jan. 2017, 8; Colombia Reports 4 Apr. 2019) and they are recognized as a specific category of victims of the armed conflict in the agreement (Caribe Afirmativo Jan. 2017, 10). Media sources report that on 29 March 2019, the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP) [5] heard NGOs' testimonies on the treatment of LGBT individuals during the armed conflict (*El Espectador* 10 Mar. 2019; *El Heraldo* 29 Mar. 2019). However, people belonging to the LGBTI community may not self-identify as LGBTI with the government (Marketplace 26 Feb. 2018; *El Espectador* 29 Mar. 2019), due to fear of discrimination, and may not benefit from the monetary compensation to which they have a right (Marketplace 26 Feb. 2018).

According to a report by Caribe Afirmativo, written in partnership with the Spanish NGO Fundación Triángulo, different governmental structures help LGBTI victims of crime, including the following:

- When a person is a victim of a crime without immediate danger to their physical safety, they can present a complaint to the prosecutor's office, the [translation] "Immediate Reaction Unit (Unidad de Reacción Inmediata), the House of Justice (Casa de Justicia)" or the police;
- When a person is a victim of domestic violence, they can turn to the prosecutor's office, the Comprehensive Assistance and Investigation Centers for Victims of Intrafamily Violence (Centros de Atención e Investigación Integral contra la Violencia Intrafamiliar, CAVIF), the House of Justice, the police or the Family Commissariat (Comisaría de Familia);
- If a person is a victim of sexual violence, they can turn to a Comprehensive Assistance Center for Victims of Sexual Abuse (Centro de Atención Integral a Víctimas de Abuso Sexual, CAIVAS) where they will receive specialized support. If reaching such a center is not possible, a victim can start a complaint process with the prosecutor's office, the House of Justice, the Immediate Reaction Unit or the police;
- In all cases, when a person needs medical attention, the medical staff is required to call the relevant authorities in order to begin the investigation of the case (Caribe Afirmativo and Fundación Triángulo [2018], 139, 148, 148-149, 151, 152, 154).

The Immediate Reaction Units are a 365 days-a-year service unit that operates 24 hours per day within the Office of the Attorney General (Fiscalía General de la Nación, FGN) that offers access to the justice system (Colombia n.d.a). The Houses of Justice are [translation] “interinstitutional centers for information, guidance, referral and conflict-resolution services, where formal and informal justice mechanisms are implemented and applied”; their aim is to facilitate access to justice for Colombian citizens (Colombia n.d.b). CAVIF and CAIVAS are interinstitutional centers that offer specialized services to victims of domestic violence (CAVIF) and sexual crimes (CAIVAS), including psychological and social services, legal assistance and medico-legal aid (Colombia n.d.a).

According to the OAS report, in November 2012, Colombia created the Urgent Cases Desk which brings together “several government bodies” in order to deal with “cases involving violation of the rights to life, security and integrity” (OAS 7 Dec. 2018, para. 198). The same source indicates that in 2014, a Gender and Differential Approach Team was created within the FGN with the aim of developing guidelines that reinforce investigations of violent acts based on sexual orientation, gender identity and/or gender expression (OAS 7 Dec. 2018, para. 198). In addition, according to Caribe Afirmativo and Fundación Triángulo, the FGN has been appointing special lead prosecutors for cases of violence against members of sexual and gender minorities, in order to assign staff with training related to gender and sexual diversity issues to those cases (Caribe Afirmativo and Fundación Triángulo [2018], 52). However, the same source indicates that while in most of Colombia's main cities prosecutors dedicated to LGBTI cases were in place, such cases were not always assigned to them, and that in some areas the existence of these positions was not known to their colleagues (Caribe Afirmativo and Fundación Triángulo [2018], 116). Reuters reports that, according to the director of Colombia Diversa, the training and appointments have not resulted in “better investigations and sentencing” (Reuters 6 July 2018). *US Country Reports 2018* similarly indicates that NGOs reported “a high level of impunity for crimes against LGBTI persons” (US 13 Mar. 2019, 31).

In a report on crimes committed against sexual and gender minorities in 2017, Colombia Diversa and Caribe Afirmativo state that regarding the 109 murder cases registered that year, 50 were at the inquiry stage, 3 were at the investigation stage, 6 were on trial and 3 resulted in convictions, while 2 were archived and there was no

information on the investigation process regarding the other 45 cases (Colombia Diversa and Caribe Afirmativo July 2018, 34-35). According to the source, the inquiry stage for the [translation] “majority” of homicide and femicide cases takes years, are more are archived than result in convictions of those responsible (Colombia Diversa and Caribe Afirmativo July 2018, 34). The source further reports that, of the 66 cases of police violence registered in 2017, 14 were under investigation, while of the 60 cases of threats registered in 2017, the FGN began an investigation for 17 of them (Colombia Diversa and Caribe Afirmativo July 2018, 50, 71).

4. Support Services

According to the website of the Bogotá Office of Social Integration (Secretaría de Integración Social), in Bogotá, members of sexual and gender minorities have access to free services in sixteen Local Sub-Directorates of Social Integration (Subdirecciones Locales de Integración Social, SLDIS) and in the Centers for Integral Attention to Sexual and Gender Diversity (Centros de Atención Integral a la Diversidad Sexual y de Géneros, CAIDSG) (Bogotá n.d.). The CAIDSG offer psychological counseling, social work support, interest groups, and leisure and cultural activities (Bogotá n.d.). In case of a direct and objective violation of rights, or that puts their life or safety at risk, LGBTI individuals also have access to the Unit Against Discrimination on the Grounds of Sexual Orientation and Gender Identity (Unidad Contra la Discriminación por Orientación Sexual e Identidad de Género, UCD) (Bogotá n.d.). Information on services provided by the SLDIS and on governmental services offered to LGBTI population in other areas in Colombia could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Examples of Non-Governmental Advocacy and Support Services

Colombia Diversa is one of the major NGOs advocating for LGBT issues in Colombia (Colombia Diversa n.d.). The organization works in three principal areas: the promotion and defense of LGBT human and legal rights, the [translation] “positive change of perceptions” of LGBT population in Colombia, and the promotion of the organization and of the political impact of the LGBT community in Colombia

(Colombia Diversa n.d.). Among other activities, the NGO provides consultations and assistance regarding legal issues for people belonging to gender and sexual minorities (Colombia Diversa [2019], 4-6).

Caribe Afirmativo is an NGO based in Barranquilla [Atlántico] that advocates for LGBTI rights, focusing on social integration, the effect of armed conflict, actions to help with obtaining reparations provided by the law and the formation of LGBTI leaders (Caribe Afirmativo n.d.).

The Fundación GAAT is a transgender rights organization in Bogotá (Fundación GAAT n.d.a). It organizes support groups for transgender men and women, as well as for their partners and families, to facilitate transition processes and experiences (Fundación GAAT n.d.b). The Fundación GAAT also provides support to transgender victims of rights violation and organize workshops of self-empowerment where participants acquire tools to advocate for their rights (Fundación GAAT n.d.b).

Santamaría Fundación is an LGBT rights organization in Cali (Valle del Cauca) (Santamaria Fundación n.d.a). It provides orientation, support and legal representation services to transwomen and their families (Santamaria Fundación n.d.b). The organization also maintains a Trans Citizen Observatory (Observatorio Ciudadano Trans) that [translation] “documents, systematizes and analyzes cases of homicides, homicides attempts, torture, ... police violence, deaths due to service denials, deaths due to HIV, discrimination and ill-treatment” of transwomen (Santamaria Fundación n.d.b).

Red Somos is an organization based in Bogotá working on promoting human rights, diversity, sexual and reproductive wellness and health (Red Somos n.d.a). It provides psychological services, legal advice and health services to the LGBTI population as well as to people living with HIV (Red Somos n.d.b). According to its website, the organization also provides screening services for HIV and other STIs as well as support services for navigating health and social services (Red Somos n.d.b).

Diversas Incorrectas is a feminist collective working on the defense and promotion of human rights, specifically sexual and reproductive rights of the LGBT+ population (Diversas Incorrectas n.d.). According to its website, the organization provides legal support for LGBT+ victims of discrimination and violence (Diversas Incorrectas n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] For the year 2020, Colombia's Legal Minimum Monthly Wage (Salario Mínimo Legal Mensual Vigente, SMLMV) was set at 980,657 Colombian pesos (COP) [C\$365] (*El Tiempo* 14 Jan. 2020).

[2] OutRight Action International (OutRight) is based in New York City and has offices in six countries “to monitor and document human rights abuses” of LGBTIQ people (OutRight, et al. 2016, [i]).

[3] The report is based on information requests made to 251 institutions at national, departmental and local levels; on reports of cases by the media; and on reports made to other NGOs and to Colombia Diversa (Colombia Diversa Feb. 2020, 2).

[4] The early warning system (Sistema de alertas tempranas, SAT) is used by the Office of the Ombudsperson (Defensoría del Pueblo) to collect, verify and analyze information on risk to the civilian population related to the armed conflict in order to warn authorities and prevent further human rights violations (Colombia n.d.d).

[5] The Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP) is the justice component in the Integral System of Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y no Repetición) that was created according to the peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) (Colombia n.d.c). Its role is [translation] “to administer transitional justice and hear crimes committed before 1 December 2016 in the context of the armed conflict” (Colombia n.d.c).


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