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Immigration and Refugee Board of Canada

Home > Research Program > Responses to Information Requests

Responses to Information Requests

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14 April 2009

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Colombia: Treatment of homosexuals; especially in Bogota and Cali, availability of state protection and support services

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

While the homosexual community has seen an expansion of its rights through court rulings, especially with regard to same-sex partner rights (IPS 2 Mar. 2009; see also EFE 29 Jan. 2009; 365gay 29 Jan. 2009), traditional attitudes of intolerance and reports of mistreatment persist (Colombia Diversa 2006-2007; IPS 2 Dec. 2008; *El Pais* 30 July 2006; EFE 19 Dec. 2008).

Colombia Diversa, a gay civil rights advocacy group based in Bogota, published a national report on the human rights of lesbians, gays, bisexuals and transgendered (LGBT) people for 2006-2007. In the report, the group indicates that it documented the killings of 67 LGBT persons in Colombia in 2006 and 2007 (Colombia Diversa 2006-2007, 2). Of this number, 29 murders occurred in the Valle del Cauca department and 21 killings took place specifically in Cali (ibid.). Principal homicide victims were identified as transvestites and gay men (ibid.). The report also notes that there were 31 cases of police abuse reported by transvestites and individuals who visibly showed their sexual orientation or gender identity (ibid., 3). Police abuse cases ranged from arbitrary detention and physical aggression to discriminatory insults and harassment (ibid., 3). While the majority of these cases were reported in Bogota, Cali and Medellin, the report notes that it is in these cities that LGBT organizations are active and filing complaints (ibid.). Nevertheless, Colombia Diversa maintains that the overall number of human rights cases registered concerning LGBT individuals is under-reported because official government documents do not specify the identity of LGBT persons (IPS 2 Dec. 2008; see also Colombia Diversa 2006-2007, 8). A Colombia Diversa lawyer stated in an interview with Inter Press Service (IPS) that individuals hesitate to report abuse for fear of reprisals (IPS 2 Dec. 2008). Moreover, the lawyer noted that homicide statistics presented in their 2006-2007 report were "a very partial figure, the result of a 'first effort' that was limited to the big cities" (IPS 2 Dec. 2008).

According to a 2 December 2008 IPS news article, while the LGBT community faces "state and social discrimination" similar to other parts of the world, their situation "is aggravated by the conflicts between several armed groups which are all homophobic." These armed groups are known to carry out "social cleansing" against homosexuals, drug users and vagrants (IPS 2 Dec. 2008, see also US 25 Feb. 2009). *Country Reports on Human Rights Practices for 2008* notes that "[p]aramilitary members who refused to demobilize and new illegal groups" have reportedly carried out executions of, among other groups, homosexuals (US 25 Feb. 2009, Sec.1.g.). In addition, the Colombian human rights group the Centre for Research and Popular Education (Centro de Investigacion y Educacion Popular, CINEP) notes that unspecified government forces were also reportedly responsible for "social cleansing" of various groups, including homosexuals (ibid.). IPS quotes the lawyer for Colombia Diversa as stating that the presence of these armed homophobic groups "forces sexual minorities to hide their orientation in order to survive, or to migrate to the big cities where they can 'blend in more easily'" (IPS 2 Dec. 2008).

The Cali-based *El Pais* newspaper reported that in Cali, although there is a gay scene that features some 20

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mentions that many LGBT people in Cali choose to keep their identity concealed for fear of societal reaction and of losing their jobs (*El País* 30 July 2006).

Regarding legal advancements and protection mechanisms, Colombia Diversa, noted the following in a 2005 report:

In Colombia there have been advances in the recognition of rights of LGBT persons at the judicial level, especially in the high courts. Nonetheless, there have not been equivalent advances in norms or public policies. In other words, jurisprudential recognition has not been translated into plans and programs designed by the executive branch at the national or local level, with the one exception of the Police Code of Bogotá. Because of deficiencies at the legislative level, LGBT persons have found the appeal mechanism (acción de tutela) to be the principal tool to guarantee the exercise of their rights. Thanks to this mechanism, LGBT persons have been able to protect their rights to work, education, health, freedom, dignity and equality. However in terms of social justice, it begs the question of why a segment of the population has in the majority of cases only one tool available to defend its rights. (2005)

Since February 2007, the Constitutional Court of Colombia has made a number of rulings granting rights to same-sex partners (AP 8 Feb. 2007; *San Francisco Chronicle* 26 Apr. 2007; Reuters 15 June 2007; BBC 16 June 2007; COHA 21 July 2008), culminating with a January 2009 decision that permits "same-sex partners all of the guarantees and benefits offered to unmarried heterosexual couples, except adoption" (IPS 2 Mar. 2009; see also EFE 29 Jan. 2009; 365gay 29 Jan. 2009).

In a 2009 interview conducted by UK Gay News, the Executive Director of Colombia Diversa noted that while Colombia has made significant progress on same-sex partner rights, "[d]iscrimination against LGBT people as individuals still exists, particularly in the workplace, schools and in the social arena" (20 Feb. 2009). However, the Director also pointed out that, for instance, Bogota has made noteworthy advancements for LGBT people, including a community centre in Chapinero that provides psychological and legal counselling, a number of "gay bars and other places of interest," as well as two major annual events: the gay pride march held every July and the Ciclo Rosa film festival in September (UK Gay News 20 Feb. 2009; see also *San Francisco Chronicle* 26 Apr. 2007). IPS partially corroborates this information, describing the Chapinero district of Bogota as an "LGBT liberated zone, with several gay bars and discos, and homosexual couples and groups in the streets and squares all night long" (2 Dec. 2008). Moreover, the local mayor is reportedly "openly lesbian" (IPS 2 Dec. 2008). The *San Francisco Chronicle* also reports the following:

Bogota's annual gay pride march has blossomed from a few dozen participants a decade ago to hundreds of thousands. Once-routine expulsions of gay high school students have become rarities, according to activists. Most newspapers no longer use lurid headlines to report gay issues. Soap operas include gay characters and even transsexuals. (26 Apr. 2007)

According to the same 2007 *San Francisco Chronicle* news article, "the gay rights movement, which didn't exist a decade ago, is emerging as a powerful political force" in Colombia (26 Apr. 2007). This information could not be corroborated among the sources consulted by the Research Directorate.

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.

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This Web page has been archived on the Web.

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[Top of Page](#)
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