



[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

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Colombia: Treatment of homosexuals and lesbians and available state protection (2002-2005)
Research Directorate, Immigration and Refugee Board, Ottawa

General situation

An article published in *Colombia Week* reported that "tens of thousands of spectators" attended a civil rights march in Bogotá during the two weeks of 4th annual festival named "Pink Series," which commemorates a 1969 revolt in New York city known as the "birthplace of the gay rights movement" (28 June 2004). Lectures and film projections organized as part of the festival reportedly attracted large crowds which, according to *Colombia Week*, indicates that "Colombia's [Lesbian, Gay, Bisexual and Transsexual, LGBT] movement is gaining strength despite unrelenting machismo and moral hypocrisy" (28 June 2004).

The 8th annual gay pride parade in Bogotá attracted around 4,000 people for its June 2003 edition (AP 29 June 2003). According to the Associated Press, participation was picking up "as courts and politicians embrace[d] demands by gays and lesbians for greater equality" (29 June 2003).

Colombia Week stated that "hatred of homosexuals remains virulent" (28 June 2004). In addition, according to a social worker from Profamilia, a non-governmental organization (NGO), the majority of homosexuals or bisexuals will not openly state their sexual orientation for fear of [translation] "the inquisitive look of society" (*Revista Cambio* n.d.).

The International Lesbian and Gay Association (ILGA) stated that violence against the LGBT community is not discussed in public debates, since this is not perceived as a social problem (25 Aug. 2004). According to ILGA, for some people, when a homosexual is murdered, this simply means that there is [translation] "one less homosexual" (ILGA 25 Aug. 2004). An education campaign was organized in Medellín between 20 and 23 August 2004 for which the slogan was [translation] "Kiss me... don't kill me" (*ibid.*).

Caiman.de, a magazine on culture and travel in Latin America, Spain and Portugal, featured an article on homosexuality in Colombia written by Manuel Antonio Velandia Mora, an openly gay member of Congress (Sept. 2004). The author stated that, as an example of the progress made by homosexuals in politics, the Liberal Party of Colombia recognized sexual minorities as a legitimate social group (Caiman.de Sept. 2004). However, Velandia Mora reported that a gay candidate in the 2001 Congress elections, Manuel Bermudez, was attacked by paramilitaries (*ibid.*). Manuel Antonio Velandia Mora was himself the victim of a grenade attack and of deaths threats during the 2002 parliamentary campaign (IGLHRC 13 Mar. 2002).

According to a source published in 2002, youth gangs beat up young gay men in the city of Bucaramanga, where the president of the municipal council had declared the previous year that gays were [translation] "not welcome" there (Planeta Paz Dec. 2002, 33).

In June 2004, a gay rights activist from Colombia was granted political refuge in Spain after receiving threats in Colombia (UPI News 3 June 2004). The leader of the Movement for Homosexuals in Colombia, Manuel Velandiz, stated that this would oblige the Colombian government to protect the rights of people "regardless of their sexual preference" (*ibid.*).

NGOs and gay visibility

The NGO Planeta Paz works with social leaders in eight regions of Colombia to help them articulate their positions and make them more visible (Planeta Paz n.d.). This NGO produced a list and description of 21 LGBT organizations which is available at <http://www.planetapaz.org/documentos/perfi_lgbt.doc>. Teleantioquia stated that the past few years have seen the emergence of new and more diversified organizations for lesbians (Triangulo

Negro, Mujeres al Borde, Colectivo Lésbico, Fundación Mujeres de Ebano), gay men (Edipogay, Colectivo Gay de Medellín, Amigos Comunes, Grupo de Apoyo Oasis, Rostros de Fortaleza) as well as a support network for transgender people (Red de Apoyo a Transgeneristas) (n.d.).

The *Minoriassexuales.com* Website provides links to gay saunas, video clubs and bars in a few cities in Colombia, identifying over 30 gay bars in Bogotá, 7 in Medellín, 5 in Baranquilla, 5 in Cali, and about 20 other gay bars elsewhere in the country (n.d.). As well, a Website called *Colombian-ito Guía Gay Colombia* provides extensive information on the gay scene, mostly for the cities of Bogotá, Cali and Medellín, at: <<http://pwp.etb.net.co/losmonjes/index.htm>>. *Colombia Week* indicated that gay bars are multiplying across Colombia, that gay characters are more frequently being featured in movies and TV shows and that LGBT communities are developing, such as in the Chapinero neighborhood in Bogotá (28 June 2004).

Planeta Paz indicated that considerable progress has been made regarding LGBT rights with the creation of a national network of organizations and with links being developed between these LGBT organizations and other social sectors (Dec. 2002, 23).

Legal situation

In 2002, Senator Piedad Cordoba Ruiz introduced a bill proposing the recognition of same-sex unions; this bill was drafted with the help of LGBT organizations (*Colombia Week* 28 June 2004; IGLHRC 9 Apr. 2003). However, the bill did not garner sufficient support in August 2003 to remain on the agenda (*Colombia Week* 28 June 2004). Another bill related to same-sex couples was defeated in August 2003, when the Senate refused to allow transfer of inheritances and social benefits to the same-sex surviving partner (AFP 27 Aug. 2003).

On 28 October 2004, the Constitutional Court of Colombia ruled "that same-sex couples have the same residence rights as married couples" when it overruled a decision by a departmental government restricting the amount of people allowed to live on the island of San Andrés (*Weekly News Update on the Americas* 14 Nov. 2004).

Following rulings made by the Constitutional Court over recent years, homosexuals cannot be excluded from serving in the armed forces (Caiman.de n.d.). The same applies to access to the workplace, schools and accommodations (ibid.; see also AP 29 June 2003). The Constitutional Court also invalidated a law banning transsexuals from parading in the streets and granted gays and lesbians the right to conjugal visits in prisons (AP 29 June 2003).

Targeting of homosexuals by violent groups

Planeta Paz indicated that violence targeting LGBT people comes from organized groups as well as from actors of the civil conflict (Dec. 2002, 33).

In his 2003 report titled *Sexual Orientation and Human Rights in the Americas*, Andrew Reding stated that LGBT people are "at high risk" in Colombia and that "right-wing paramilitary groups have targeted homosexuals for 'social cleansing'" (Dec. 2003, 2). According to Planeta Paz, there have been reports of [translation] "social cleansing" in the cities of Pereira, Cali and Bogotá (Dec. 2002, 34).

In some areas, "parts of the resources of the Plan Colombia fell into the hands" of paramilitary organizations (International Relations Center 3 Feb. 2005). In Barrancabermeja, paramilitaries closed gay bars, and beauty parlors belonging to gay men were "transferred to women"; the paramilitaries also reportedly killed and mutilated one homosexual man (ibid.).

In conflict zones, the paramilitaries and the Colombian Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias de Colombia, FARC) have become [translation] "the new guardians of morality" (Caiman.de Sept. 2004). According to Congress Member Velandia Mora, guerrillas have forced homosexuals to move outside of the areas they control and have imposed HIV testing to various people, regardless of their sexual orientation (ibid.). Transvestites are tolerated by some armed groups if they provide sexual favors or information; however, in some instances, transvestites have been displaced or killed (ibid.).

Colombia Week indicated that the social cleansing of homosexuals gets little attention in Colombia, in part due to the high number of "political homicides" (28 June 2004).

Available state protection

Information on state protection specifically available to homosexuals and lesbians was scarce among sources consulted by the Research Directorate. The International Gay and Lesbian Human Rights Commission (IGLHRC) denounced the fact that a gay candidate in the 2002 parliamentary elections was allowed only two days of police

protection after receiving several death threats and after his house was attacked with a grenade (13 Mar. 2002).

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 additional sources consulted in researching this Information Request.

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