

gay, lesbian & transgender human rights

GAY, LESBIAN, BISEXUAL & TRANSGENDER RIGHTS IN THE COLOMBIAN CARIBBEAN

2007-2013

CORPORACIÓN CARIBE AFIRMATIVO

COLOMBIA



Colombian Caribbean

LESBIAN, GAY, BISEXUAL & TRANSGENDER RIGHTS IN THE COLOMBIAN CARIBBEAN.

2007-2013

Caribe Afirmativo is a civil society organization that focuses its work in the Colombian Caribbean Region in order to achieve respect and acknowledgment for sexual diversity and gender identities amidst a mainly afro-descendant and indigenous culture that is also immersed Colombia's pervasive armed conflict. Through its Observatory, Caribe Afirmativo presents its Executive Report on the situation of lesbian, gay, bisexual and transgender rights in the eight states that make up Colombia's Caribbean Region for the period of February 23, 2007 and June 30, 2013.

The Observatory of Human Rights is Caribe Afirmativo's analysis and complaint mechanism. It follows cases of violence affecting lesbian, gay, bisexual and transgender individuals since 2007, this date is significant because, this was the same year Rolando Pérez Pérez's murder took place, Mr. Pérez's death became the inspiration for this activism and still goes unpunished. The report examines actions that are hazardous to the life and dignity of this demographic segment in the Colombian Caribbean region, shedding light on the systematic violence, impunity and the state of helplessness experienced by this community.

This academic unit works on a monitoring and analysis process that, reiterates that the unlawful motives that endanger life, integrity and enjoyment of this community's rights in the Caribbean, as well as, how these are directly related with the victimizer's prejudices towards gays and lesbians and diverse gender identities.

It shows how the latter, produce a hierarchically violent and exclusionary climate that enables cruel suffering, aggression and abuse towards its victims. These facts send a message to the constituency of annihilation of differences and what these stand for in contemporary society.

CARIBE AFIRMATIVO'S Observatory's implementation of documentation, monitoring and complaint methods come from a sociopolitical research process. This process is based upon potential and real acts that endanger an individual's rights, a group of people or what they stand for, as well as, alleged actions motivated by prejudices towards their non-heterosexual orientation or their diverse gender identity.

“The aim of this work is to become a direct contribution to the enforceability of rights”

The Itinerary undertaken by the Observatory comes from an integrated information system based on trusted evidence collected from fieldwork in the cities of the Caribbean Coast, The Observatory maintains permanent contact with the LGBT community. It monitors press coverage of actions that violate or deny their rights, and submit inquiries to police and judicial institutions on rights abuses of lesbians, gays, bisexuals and transgender individuals. This data enables us to triangulate information, and to validate and document it. Through categorical analysis, we are able to raise visibility and to stimulate the reporting of different types of violations that this demographic faces on a daily basis.

DISCLAIMER:

This study is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report are the sole responsibility of his authors and do not necessarily reflect the views of USAID or the United States government.

The aim of this work is to become a direct contribution to the enforceability of rights, under a comprehensive, specific and universal perspective, by doing this work we become a reliable source of information that can provide systematic knowledge at the qualitative and quantitative level. This work constitutes a significant breakthrough for research on acts of violence by police and judicial authorities that affect LGBT community and the search for assurance, restitution and non-repetition. We also provide recommendations on affirmative actions and public policies that can guarantee a decent life and existence in relationship with sexual diversity and diverse gender identities of this demographic in the Caribbean Coast of Colombia.

This work is accomplished in five stages:

1 Tracking, verification and classification of duly triangulated information following official reports, in-depth interviews, focus groups, press analysis and the monitoring of reports of acts of violence.

2 Recording in a database with qualitative and quantitative indexes that clarify the particularities of the victim, detrimental environment and the violated or denied rights.

3 Monitoring and consolidation of information in official sources that allow clearing initial information and to enable reporting, research and possible sanctions or reparation processes.

4 Promotion and support to audiences of victims to denounce an act of violence and enforceability of affirmative actions and public policies aimed at the integration of rights.

5 Preparation and presentation of journals on the situation of human rights of the LGBT demographic in the Colombian Caribbean Coast and recommendations to local and regional authorities.

THE HUMAN RIGHTS OBSERVATORY, reports that since February 23rd, 2007, when Rolando Pérez Pérez was murdered, 79 violent deaths have taken place in the LGBT community of the Caribbean Region, all these cases are duly documented and where allegedly perpetrated due to direct or indirect prejudices towards the victims, because of his or her sexual orientation or gender identity. Furthermore, we document 86 cases of police aggressions towards gays, lesbians and transgender individuals in public settings. The latter show abuse of power. Another 73 physical aggressions were perpetrated by criminal groups (Attempted manslaughter) that endanger victims' lives, 29 threats (pamphlets/leaflets) that circulated in the region during this period of time. By directing death threats to LGBT individuals and actions amidst the armed conflict that continues in this country, it places the victims' lives at risk of becoming forcibly displaced and subject to sexual violence. Consequently, we have shown the denial of rights to education, healthcare, employment and freedom of movement in the use of public areas, leading to marginalization of large sectors of the LGBT community.

In 2012 we managed to strengthen the Observatory's strategy by forging an alliance with nationwide LGBT organizations (Colombia Diversa and Santamaría Fundación), through training, cooperation documentation and tracking of information. This has allowed us to participate in the construction of a new database for the information system and monitoring of cases shared between the three organizations, as well as, having a person in charge of documenting and classifying of information, thus strengthening the complaint mechanisms, and improving enforcement of rights and victims' representations in concrete cases.

In 2012, our participation in the hearing of the International Commission of Human Rights in Washington, DC was key to our work. At this hearing we presented, together with Colombian, Honduran and Dominican Republic organizations, the situation of impunity and helplessness faced by the LGBT community in Latin America and the Caribbean.

Additionally, with the participation of the Minorities Unit of the Ministry of Internal Affairs (Unidad de Minorías del Ministerio del Interior) and its LGBT office we managed that the national strategy of “Urgent Cases Panel” (Mesa de Casos Urgentes), created to provide immediate responses from the State to LGBT human rights violation complaints, to decentralize its workflow towards the cities of Barranquilla and Cartagena. This strategy has allowed for an improved response of the Public Prosecutor Office, Attorney General and Police in the region, in the face of complaints, claims and processes that were frozen or were not identified, and we hope this gets reflected in the litigation, reparation and guarantee of non-repetition.

Taking in account the particularities of the Caribbean Region’s characteristics where the, country’s armed conflict persists, and given the historic implementation of the Victim’s Law (Ley de Víctimas) and the peace process between the Santos administration and the FARC, all of whom bring into national discussion issues of peace and social justice, Caribe Afirmativo is planning specific actions. In particular, Caribe Afirmativo plans on identifying the characteristics of the impact of the armed conflict on the LGBT community and strategies for citizen involvement must be set in motion to guarantee restitution, equity and social justice, for this group.

*“to visibilize the
LGBT demographic”*

We expect through case studies of death, attempted manslaughter, forced displacement, threats, sexual violence, abuse of power and direct and indirect aggressions, to visibilize the LGBT community’s victims. These cases will help implement truth, justice and reparations for the victims with differentiated approaches. Equally, we aim to build an agenda of proposals with other sectors of the civil society, including women, afro-descendant, palenquero and raizal groups, trade unions and youth organizations. The purpose is that the peace and equity in the country also signifies the guarantee of full citizenship amidst sexual diversity and diverse gender identities in all social sectors.

HUMAN RIGHTS SITUATION FOR LESBIANS, GAYS, BISEXUALS AND TRANSGENDER IN THE COLOMBIAN CARIBBEAN REGION 2007-2013

Between February 23, 2007 and June 30, 2013, Caribe Afirmativo’s Observatory, documented 87 violent deaths of lesbians, gays bisexuals and transgender individuals in the region; classified in 76 manslaughters, 7 suicides and 4 post-op* deaths. Of these cases, 35 were transgender women, 48 were gay men and 4 lesbian Women.

The Departments where these situations occurred break down in the following: Atlántico – 36 LGBT death cases documented by the Caribe Afirmativo Observatory during 2012, followed closely by Bolívar with 16 cases, Cesar 8 cases, Córdoba with 1, Guajira 5 cases; Sucre 8 cases and Magdalena 13 cases.

*Post operative. This is the time immediately after a surgery.

In the observatory we develop four definitions:

1. Violent Death

This term can be understood as death caused by suicide, manslaughter or an accidental mechanism, that is to say, exogenous to the subject, in which the existence of an exogenous mechanism and a person responsible thereof can be identified, aside from having elements that show a high grade of violence. They are classified in three categories: manslaughter, suicide or self-inflicted injuries and post-operative death.

Violent Deaths of LGBT Individuals in the Colombian Caribbean

DEPARTMENT	2007-2010	2011	2012	2013	totals per department
Atlántico	13	8	11	4	36
Bolívar	5	4	5	2	16
Cesar	3	0	3	2	8
Córdoba	0	1	0	0	1
Guajira	0	2	3	0	5
Magdalena	4	5	2	2	13
San Andrés	0	0	0	0	0
Sucre	4	1	1	2	8
REGION	29	21	25	12	87

Demographic Makeup of the Victims

DEMOGRAPHIC	2007-2010	2011	2012	2013	totals per department
Trans Women	12	4	13	6	35
Trans Men	0	0	0	0	0
Lesbians	0	2	1	1	4
Gays	17	15	11	5	48
Bisexuals	0	0	0	0	0
REGION	29	21	25	12	87

Weapons Utilized

WEAPON	2007-2010	2011	2012	2013	totals per department
Bladed Weapon	12	7	7	6	32
Fire Arms	6	5	9	4	24
Blunt Objects	7	4	5	2	18
Suicide & Self-Inflicted Injuries	2	3	2	0	7
Others	2	2	2	0	6
TOTAL	29	21	25	12	87

2. Aggressions

This term is used to differentiate between those that endanger the physical integrity and that could amount to attempted manslaughter occurring in a direct way or through threats. On the other hand, we present verbal aggressions that have a detrimental effect on human dignity and their high amount of violence poses a risk to the victim, on that same paragraph we give special value to public actions that directly endanger LGBT individuals in relation with the 1482 Law, from 2011 that penalizes discrimination in Colombia.

Attempted Manslaughter Directed against LGBT Community. From 2007 until 2013

DEPARTMENT	GAY	LESBIAN	TRANS WOMEN	TOTALS BY DEMOGRAPHIC
Atlántico	2	0	6	8
Bolívar	1	2	3	6
Córdoba	0	0	1	1
Sucre	1	0	1	2
TOTAL MANSLAUGHTER	4	2	11	17

In Colombia, particularly in its Caribbean region, the restructuring of illegal far-right armed groups (Paramilitaries) into criminal gangs, has led to intimidation and threatening strategies against civil society and organized groups. These threats are perpetrated by, “Pamphlets or leaflets”, that may be anonymous or not They are written documents that are delivered directly or are exhibited in public areas and that clearly specify death threats to individuals or demand a certain person to leave the area. One of the most affected groups by this violent strategy is the LGBT community. In the last year, this sector has received multiple threats, all delivered in this fashion, and in many occasions such threats have preceded assassination, forced displacement and especially lead to expressions of fear, and sorrow in lesbians, gays, bisexuals and transgender individuals.

Threatening Pamphlets/Leaflets - 2012-2013

MUNICIPALITY	DATE (M/D/Y)	MUNICIPALITY	DATE (M/D/Y)
Cartagena (Downtown)	1/31/2012	Soledad (Atlántico)	8/1/2012
Carmen (Bolívar)	3/26/2012	Ciénaga (Magdalena)	8/10/2012
Sincelejo (Sucre)	3/28/2012	Carmen (Bolívar)	12/3/2012
Baranoa (Atlántico)	3/30/2012	Barrio Escallón (Cartagena)	12/27/2012
Santo Tomás (Atlántico)	6/5/2012	Baranoa (Atlántico)	2/12/2013
Sabanagrande (Atlántico)	6/5/2012	Baranoa (Atlántico)	2/14/2013
Barrio Villa Rosita (Cartagena)	7/19/2012	Buena Vista (Cordoba)	6/5/2013
Barranquilla (Atlántico)	7/20/2012	Sincé (Sucre)	6/7/2013

3. Police Abuse

This term is used to refer to as excessive use of force or the law, against LGBT individuals by members of the National Police. Such institutions far from guaranteeing protection and respect of the rights of this sector, actually put their lives at risk. Refer to the Directive 006 from February 24, 2010, issued by the National Police General Direction (Dirección General de la Policía Nacional).

Public force aggressions directed towards LGBT demographic.

POLICE DEPT, CITY.	2007-2010	2011	2012	2013	totals per department
Metropolitan Police, Barranquilla	7	4	9	4	24
Metropolitan Police, Cartagena	6	8	4	6	24
Department Police, Magdalena	1	0	2	2	5
Department Police, Sucre	2	0	1	2	5
Department Police, Córdoba.	2	0	0	2	4
REGION	18	12	16	16	62

4. Actions of denial to the Rights to Work and Education.

From specific cases, we have been documenting as emblematic, because their reading categories can be applied to more general cases, situations that violate or endanger universal, dignified and discrimination-free access to education, and decent working conditions for the LGBT demographic.

The purpose for this executive report is to be a pivotal point for analytical, critical and reflexive advocacy by the citizens in relation to the acknowledgement of rights for sexual diversity and diverse gender identities, so that it can be used as a tool that enables the authorities and Human Rights Organizations representatives in the Caribbean Region to identify the severity of the violations that affect the LGBT demographic and to propose scenarios of full guarantee of integral rights and real citizen involvement.

“To be a pivotal point for analytical, critical and reflexive processes by the citizens”

RECOMMENDATIONS

PUBLIC PROSECUTOR:

Swift action while researching, collecting proof for cases and condemning perpetrators of violence against the lives of LGBT individuals. This office should also provide adequate training of their officials in identifying and monitoring violence that affects the LGBT community

FORENSIC SCIENCES:

Identify in forensic exams and during sexual abuse complaints possible causes of victimization of individuals due to their sexual orientation or gender identity, as well as exercising the recording of such information on their databases.

ATTORNEY GENERAL:

Make use of its disciplinary preferential power during investigation of police officers and public officials who are unfamiliar and deny rights to LGBT individuals or put their lives at risk.

POLICE FORCE:

Enforce Directive 006 of 2010 that calls for respect and acknowledgement of LGBT rights. Further the fulfillment of guarantee of use and enjoyment of public areas for this demographic, and during investigation, sanctions and reparations of aggressions perpetrated by its members.

OMBUDSMEN & LEGAL CAPACITIES:

Set in motion from their Human Rights units in the Caribbean Territories, documentation, accompaniment and denouncing of cases and situations which endanger the life of the LGBT demographic, as well as the enforceability of the fulfillment of all the guarantees for their rights.

MAYORAL OFFICES & LOCAL GOVERNMENTS:

Immediately set in motion their development plans concerning the protection of the LGBT demographic and stimulate the creation and consolidation of Attention Lines for the guarantee of rights of this demographic.

LGBT COMMUNITY:

Continue in its exercise of enforceability of rights, condemn aggressions and have in mind that citizenship must be full, integral and egalitarian.

***LGBT Rights in the
Colombian Caribbean.
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