

OBSTACLES FOR THE ADVANCEMENT OF LESBIAN, TRANSVESTITE AND BISEXUAL WOMEN'S RIGHTS IN COLOMBIA¹

1. **Lack of information systems.** There is little information regarding the status of human rights of lesbian and bisexual women. Difficulties related with the inexistence of state information systems or human rights organizations that include variables on the sexual orientation and gender identity of the victims, prevents the work of human rights defenders to shed some light on the real situation of this population. The above together with the low awareness regarding rights, few denouncements and scarce results of investigations and impunity for the violation of human rights against these women.

On the other hand, transvestite women in the practice of prostitution are, given their exposure and number of claims, the main victims of human rights violations, as is evidenced in most reported cases of police abuse, violence due to prejudice, violations in prison establishments and violations of the economic, social and cultural rights.

2. **Measures are not taken to eliminate the discrimination against women in all matters regarding marriage and family relationships.** Although the Colombian Government, through court rulings of the Constitutional Court C-075/2007, C-811/2007, C-798/2008, C-336/2008 and C-029/2009 has recognized rights for same sex couples – excluding marriage and adoption-, there are still obstacles for the enforcement of said rulings such as: prejudice and disinformation by public officials, requests for additional and different requirements to those applied to heterosexual couples, discriminatory interpretations of the rulings that limit the effective practice of rights.
3. **Absence of neutrality of the Attorney General's Office to defend the rights of same sex couples.** Since before the appointment of the current Attorney General, Mr. Alejandro Ordoñez Maldonado and Mrs. Ilva Myriam Hoyos – Delegate Attorney General for Childhood, Adolescence and Family, human rights organization for women and the LGBT population, pointed out her lack of suitability to assume an integral defense of human rights, as required by her respective positions, given her previous positions and expression of negative arguments regarding sexual and reproductive rights of same sex couples.

Both Mr. Ordoñez, and Mrs. Hoyos, have stated that sexual and reproductive rights are not human rights and that the focus of gender is a dangerous “gender ideology” that is reduced to the promotion of abortion in anti-life campaigns and anti-family campaigns. On the other hand, through their documents, they have repeatedly shown little consideration and respect for human rights international law and international organisms and mechanisms in the defense of rights such as CEDAW, UNIFEM or have ignored vast interpretations of other committees of the United Nations regarding the concept of family.

These standings are reflected in their current actions as public officials, in which they have argued against the acknowledgement of marriage and adoption of same sex couples on behalf of the Colombian Government, given that according to them the only family that the Government should recognize is the heterosexual family: (...) *The Public Ministry coincides with the thesis of the Constitutional Court, in the sense that the family protected by the Constitution is the monogamy and heterosexual family, which has not been an excluding reason for the Court itself to recognize in its already mentioned jurisprudence, rights of same sex couples who live together.*, http://www.procuraduria.gov.co/html/noticias_2009/noticias_207.htm

4. **Adoption by lesbian women.** In concrete cases such as the request for acknowledgment to a lesbian woman to adopt a biological daughter of her permanent partner, this same organism decided to exercise an administrative surveillance of the case, to ensure that the standing of the Colombian Government be the aforementioned. Likewise, the governmental body in charge of

granting adoption based its negative decision on the opinions of the Attorney General during 2009 regarding the adoption of children by same sex partners.

5. **Violence and police abuse.** For the years 2006- 2007 Colombia Diversa reports the murder of at least 17 transvestites dedicated to prostitution. These women are also the main victims of police abuse together with people who make their sexual orientation evident in public, such as same sex couples.

For the year 2008, the Ombudsman office of Medellin reported at least 2 lesbian women. In the period 2006-2007 at least two verbal aggressions against lesbians for their public displays of affection, police abuse and a threat by extreme right groups “skinheads” in the city of Bogota were reported.

During the year 2009 threatening pamphlets were distributed in the cities of Colombia against vulnerable populations, among them young women, drug consumers, prostitutes, transvestites and people living with HIV/AIDS. Particularly in the municipality of Chinu-Cordoba a pamphlet was distributed and signed by the “Cleansing group of Cordoba and Sucre” which addressed by name a group of lesbians who they threatened to murder, if they did not leave that place. <http://elmeridianodecordoba.com.co/archivo/2009/11/28/>

6. **Prison situation.** Lesbians, bisexuals and transvestites in prisons suffer violation of rights such as considering lesbianism as indiscipline, limitations of conjugal visits for their same sex partner in prison, control over affectionate and sexual relationships between inmates, prohibition to use clothes of the gender different to their biological one, degrading and humiliating treatments, such as denying access to cells or forcing them to shave their heads. All this was corroborated by the Human Rights Commission of the Senate.
7. **Economic, social and cultural rights.** The needs and rights of lesbian, bisexual and transgender women are not acknowledged, studied or contemplated by the public policies of the Government. It was established that lesbian and bisexual women are afraid to recognize their sexual orientation to medical personnel and for the case of transvestite women, their specific needs are not recognized by medical personnel, which implies a deficient medical attention, adding to the low subscription to the social security system in health by the latter.

Two underage lesbians were expelled in 2008 from the Colegio Leonardo Da Vinci of Manizales because of their sexual orientation. The school received a judicial order to readmit the girls, but when they returned they found close to 700 students waiting for them with posters and words that rejected them. The judicial order included the obligation of designing and executing a public policy on sexual diversity in the school, that to date has not been complied with.

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