



Australian Government
Refugee Review Tribunal

Country Advice

Colombia

Colombia – COL39772 – Homosexuals –
Gay Rights & Human Rights Activists –
Transsexuals – Treatment – Cali – State
Protection – Liberal Party – Green Party –
Pink Party – Piedad Cordoba – Santamaria
Fundacion

31 January 2012

- 1. Please provide information relating to the risk of harm in Colombia, particularly in Cali, for (a) homosexuals generally, (b) gay rights activists, and (c) human rights activists generally. In doing so, please comment on the main groups that target such persons for harm.**

Homosexuals

Sources and statistics indicate that members of Lesbian Gay Bisexual and Transsexual (LGBT) communities in Colombia do experience incidents of serious harm.

The Bogota-based gay civil rights advocacy group *Colombia Diversa* recorded at least 50 killings due to sexual orientation in Colombia in 2010. Included in this number was the October 2010 murder of Raiza Valencia Cuero, a transgender person, in the El Rodeo neighbourhood of Cali.¹

On 6 March 2009, Álvaro Miguel Rivera, an activist with *Colombia Diversa*, was reportedly “found dead in his apartment in Cali... bound and gagged, with broken teeth and bruises on his body”.² The International Gay & Lesbian Human Rights Commission (IGLHRC) stated in a 2009 report that the violence against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in Cali “is constant”.³

Colombia Diversa reported that at least 57 LGBT persons were murdered in Colombia in 2008, and a further 39 LGBT persons were murdered in the year to September 2009. However, it possible that more LGBT killings go uncatalogued as such; the Medellín Municipal Ombudsman Office reported that at least 46 LGBT persons “could have been murdered in Medellín in between August 2007 and August 2009 (28 persons in 2008 and 18 in 2009)”.⁴ The 2006/2007 reporting period was one of the worst, with at least 67 LGBT

¹ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, Section 6

² Ripoll, J.L. 2009, ‘Love in the Time of Cholera: LGBT rights in Colombia’, *Sur International Journal on Human Rights*, Volume 6, Number 11, December, p.74 <http://www.surjournal.org/eng/conteudos/pdf/11/04.pdf> – Accessed 18 January 2012

³ ‘Colombia: Protest the Murder of LGBT Human Rights Defender’ 2009, International Gay & Lesbian Human Rights Commission, 17 March <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/875.html> – Accessed 20 January 2012

⁴ Colombia Diversa 2010, *Human Rights Situation of the LGBT Population: Shadow Report submitted to the United Nations Human Rights Committee*, May, pp.4-5 <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/421-1.pdf> – Accessed 20 January 2012

persons murdered in Colombia. According to *Colombia Diversa*, 29 of these murders occurred in the Valle del Cauca department (province), including 21 killings occurring in the department capital, Cali.⁵

No information was located on precisely which individuals or groups are perpetrating such crimes; however, sources suggest that a number of radical right-wing groups may be responsible. In Bogota, *Colombia Diversa* has documented harassment and threats of lesbians by right-wing “Skinhead” groups.⁶ The United Nations High Commission for Refugees (UNHCR) reported that in the past, ‘social cleansing’ campaigns were carried out against homosexuals and other ‘undesirable groups’ by paramilitary groups associated with the *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia or AUC).⁷ In 2000, Carlos Castaño, commander of the AUC stated in a television interview that ‘homosexuals were a malformation of nature’. According to the Washington-based U.S. Office on Colombia (USOC), Castaño “used this conviction to justify the violence inflicted by the AUC on homosexuals and transvestites in Necocli”. The USOC also states that:

[m]ultiple reports exist of social cleansing efforts of the AUC, such as a case in Barrancabermeja in which the AUC obliged AIDS and HIV positive residents to abandon the city within twenty-four hours. The Human Rights Ombudsman (Defensor del Pueblo) declared that at least eight homosexual minors had to leave the area due to fear of assassination by the AUC. The AUC has also forced local gay youth to undergo emotional abuse in regions under its control. For example, a young man was paraded around his neighbourhood nude with the sign “I am gay” around his neck. In addition, Colombians have reported cases of AUC members forcing known lesbians to have sex with them to demonstrate the virility of a “real man.” Gay rights activists assert that the AUC possess lists of locals suspected of homo-, bi- or trans-sexuality to be eliminated by execution or exile.⁸

In addition to evidence of targeted serious harm of LGBT persons, there is also evidence of harassment, on-going social discrimination, and inter-family violence. The US Department of State reported that a survey of Bogota’s LGBT population undertaken by the city’s Department of Sexual Diversity revealed that 98 percent of respondents complained of ongoing “discrimination, particularly in schools and workplaces.” Furthermore, 53 percent of respondents reported that they have been “physically attacked for their sexual orientation or gender identity”. In 61 percent of cases, the attacker was reportedly “closely related to the victim”.⁹

Despite targeted killings, ‘social cleansing’ campaigns, familial violence and discrimination, there is also evidence of some tolerance of LGBT communities by Colombian society, particularly in the country’s three largest cities. Gay pride parades are held annually in Bogota, Medellin, and Cali, with the 2009 Gay Pride parade in Cali described as held

⁵ Immigration & Refugee Board of Canada 2009, *COL103021.E – Colombia: Treatment of homosexuals; especially in Bogota and Cali, availability of state protection and support services*, UNHCR Refworld, 14 April <http://www.unhcr.org/refworld/docid/4a7040a8c.html> – Accessed 18 January 2012

⁶ Colombia Diversa 2010, *Human Rights Situation of the LGBT Population: Shadow Report submitted to the United Nations Human Rights Committee*, May, pp.4-5 <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/421-1.pdf> – Accessed 20 January 2012

⁷ UNHCR 2005, *International Protection considerations regarding Colombian asylum-seekers and refugees*, March, pp.8, 35 – Accessed 19 July 2010

⁸ U.S. Office on Colombia 2004, *The Impact of Conflict and Community Organizing on Colombian Lesbians, Gays, Bisexuals, Transvestites and Transgender Individuals*, 7 September <http://www.asylumlaw.org/docs/sexualminorities/ColombianLGBTorganizing0804.pdf> – Accessed 19 January 2012

⁹ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 6

“without any reported incidents.”¹⁰ In 2009, the Immigration & Refugee Board of Canada (IRBC) reported that “Bogota’s annual gay pride march has blossomed from a few dozen participants a decade ago to hundreds of thousands”. Furthermore, “[o]nce-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”.¹¹

There is also evidence of reform vis-à-vis LGBT legal rights; in January 2009, Colombia’s Constitutional Court apparently “granted equal civil, political, social and economic rights to gay couples”.¹² The government of Valle del Cauca has also “included sexual diversity in its Human Rights Action and Development Plan”. This involves the state government working with its ten municipal governments to develop “awareness and training program[s] for government employees, along with victim assistance and health-related programs”. The Cali city government formed a “consultative group regarding sexual diversity that includes representatives from NGOs like Santamaria” (see question 6d). However, reports the US Department of State, there was a degree of public backlash; a program designed to promote tolerance of sexual diversity within schools was suspended after the city’s Secretary of Education “received complaints from parents and other community members that the program would promote homosexuality or transgender activities”.¹³

Gay Rights Activists

According to the 2010 *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia*, “[m]embers of the civil society and human rights activists currently constitute one of the most vulnerable groups in Colombia. Threats and killings of human rights activists, including those who promote Lesbian Gay Bisexual and Transgender (LGBT) rights, have been reported.”¹⁴

As mentioned in the previous section, unidentified gunmen killed the LGBT human rights defender Álvaro Miguel Rivera in his home city of Cali in March 2009. According to the IGLHRC, Álvaro was a representative of an LGBT organisation called *Tínku*, as well as *Polo Rosa*, “the LGBTI section of a left wing political party”.¹⁵ The killing of Rivera was particularly vicious; according to the *Sur International Journal on Human Rights*, Rivera was “found dead... bound and gagged, with broken teeth and bruises on his body”.¹⁶

¹⁰ Alsema, A. 2009, ‘Thousands in Colombia march for gay rights’, *Colombia Report*, 28 June <http://colombiareports.com/colombia-news/news/4741-thouands-in-colombia-march-for-gay-rights.html> – Accessed 18 January 2012

¹¹ Immigration & Refugee Board of Canada 2009, *COL103021.E – Colombia: Treatment of homosexuals; especially in Bogota and Cali, availability of state protection and support services*, UNHCR Refworld, 14 April <http://www.unhcr.org/refworld/docid/4a7040a8c.html> – Accessed 18 January 2012

¹² Alsema, A. 2009, ‘Thousands in Colombia march for gay rights’, *Colombia Report*, 28 June <http://colombiareports.com/colombia-news/news/4741-thouands-in-colombia-march-for-gay-rights.html> – Accessed 18 January 2012

¹³ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 6

¹⁴ UN High Commissioner for Refugees 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia*, 27 May, pp.11-12

¹⁵ ‘Colombia: Protest the Murder of LGBT Human Rights Defender’ 2009, International Gay & Lesbian Human Rights Commission, 17 March <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/875.html> – Accessed 20 January 2012

¹⁶ Ripoll, J.L. 2009, ‘Love in the Time of Cholera: LGBT rights in Colombia’, *Sur International Journal on Human Rights*, Volume 6, Number 11, December, p.74 <http://www.surjournal.org/eng/conteudos/pdf/11/04.pdf> – Accessed 18 January 2012

LGBT organisations are also targeted by extremist groups. In April 2009, *Radio Diversa*, a station that reportedly promotes “inclusion for LGBT people”, released a statement stating that “unknown persons” had broken into their offices and “stole two computers, containing a database with information about 150 listeners and other documents with data about its programs and projects.” In May 2009, the station received an email from a group calling itself “La Organización” (The Organization), claiming responsibility for stealing the computers and threatening “to use the information it contained against the station’s personnel”. The group reportedly threatened “to place a bomb in Radio Diversa if its director, Mr. Carlos José Serrano Cares, did not leave the country within 8 days”.¹⁷

Human Rights Defenders

As mentioned previously, the May 2010 *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia* states that “[m]embers of the civil society and human rights activists currently constitute one of the most vulnerable groups in Colombia. Threats and killings of human rights activists... have been reported”. The UNHCR states that “many of the parties to the conflict, including the Government”, view human rights organisations and activists as having “left-wing sympathies”. Therefore, “many human rights activists are labelled ‘guerrilla associates’ and thus become targets of the paramilitaries”.¹⁸ The US Department of State reports that “journalists, local politicians, human rights activists, indigenous leaders, labour leaders, and others who threatened to interfere with their criminal activities, showed leftist sympathies, or were suspected of collaboration with the FARC [*Fuerzas Armadas Revolucionarias de Colombia*]” have all been murdered in Colombia.¹⁹

Threats of harm, attacks and targeted killings of human rights defenders continue to be recorded in Colombia. The International Federation for Human Rights has stated that in 2010 “the number of human rights defenders who continued to face murder, death threats, judicial harassment and other abuses, was overwhelming”. In 2010, *Programa Somos Defensores* (We Are Defenders Programme) recorded “174 individual attacks against human rights defenders – including 32 assassinations – and 168 attacks against human rights organisations. In addition, during the first quarter of 2011, there was an alarming increase in acts of aggression against defenders and social leaders in Colombia, with 96 attacks registered against defenders and 64 against social and human rights organisations, including 68 threats, nine murders, seven arbitrary arrests and four enforced disappearances”.²⁰

The UK Foreign and Commonwealth Office (FCO) reported in *Human Rights and Democracy 2010 – Colombia* that in 2010, “many human rights defenders, including trade unionists, indigenous and Afro-Colombian leaders, teachers, journalists and members of NGOs reported that they continued to face the risk of attack from illegal armed groups and

¹⁷ Colombia Diversa 2010, *Human Rights Situation of the LGBT Population: Shadow Report submitted to the United Nations Human Rights Committee*, May, p.15 <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/421-1.pdf> – Accessed 20 January 2012

¹⁸ UN High Commissioner for Refugees 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia*, 27 May, pp.11-12

¹⁹ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 1g.

²⁰ International Federation for Human Rights 2011, *Steadfast in Protest – Annual Report Colombia*, UNHCR Refworld, 25 October, pp.185-186 <http://www.unhcr.org/refworld/docid/4ea7b3f127.html> – Accessed 18 January 2012

criminals in 2010. At least 40 human rights defenders and community leaders were killed during 2010, as well as 25 trade unionists”.²¹

Amnesty International reports that at least some of these deaths can be attributed to the so-called Black Eagles Central Bloc paramilitary. In October 2010, the Black Eagles reportedly sent email death threats to “20 individuals and 69 human rights and social organizations, most of which were campaigning for reparation for victims of human rights violations, and for the return of stolen lands”. Trade Union representatives acting behalf of oil workers, peasant farmers, and displaced people, are particularly vulnerable.²²

²¹ UK Foreign and Commonwealth Office 2011, *Human Rights and Democracy 2010 – Colombia*, UNHCR Refworld, 31 March <http://www.unhcr.org/refworld/docid/4d99aa86a.html> – Accessed 18 January 2012

²² Amnesty International 2011, *Annual Report – Colombia*, 13 May, p.111

2. Please provide information relating to the availability of state protection for each of the following groups.

Homosexuals

Colombia Diversa argues that state protection for LGBT individuals remains poor in Colombia. Indeed, the organisation states that members of LGBT communities are commonly abused by the police themselves. While gay men are regular victims of police abuse, *Colombia Diversa* states that transsexuals are particularly vulnerable to police violence, including sexual violence, with police in the city of Cali having a particularly bad reputation. Consequently, *Colombia Diversa* and transsexual organisation the *Santamaría Fundación*, met with the Director General of the National Police in 2009 “to discuss the different complaints about police abuse and particularly the situation in Cali”. Following this meeting, the Police Director General issued “Transitory Directive 058/2009 that sets criteria to guarantee respect and special protection for the LGBT population”.²³

In 2010, the US Department of State also documented alleged abuse of homosexuals in Colombia by members of the police service. On 17 May 2010, police in the city of Bucaramanga reportedly “beat and pepper sprayed three LGBT youths while insulting them for their sexual orientation”. The State Department adds that LGBT NGOs claim that such attacks “frequently occurred, but victims did not pursue cases for fear of retaliation”.²⁴

Lesbian Gay Bisexual Transgender Rights Activists

In 2010, *Colombia Diversa* claimed that the killers of LGBT human rights defenders continued to act with ‘impunity’.²⁵ No other information was located on state protection available to LGBT human rights defenders.

Human Rights Defenders

Since the election of Juan Manuel Santos as President in June 2010, there appears to be a marked improvement in the government’s attitude towards human rights. Furthermore, the President has indicated that persons guilty of past violations of human rights abuses are no longer immune to prosecution, including members of government agencies. A report by the International Federation for Human Rights (IFHR) indicates that perpetrators of past crimes against human rights defenders in Colombia no longer act with impunity. In its 2011 Annual Report, the IFHR states that in 2010, “several officials” with the *Departamento Administrativo de Seguridad* (Department of Administrative Security or DAS) are under investigation “for committing crimes through intelligence activities such as illegal wiretapping, interception of emails, theft of computer files, harassment, unfounded judicial proceedings and even murders against human rights defenders, journalists, trade unionists, political opponents and even judges and members of international organisations”.²⁶

²³ Colombia Diversa 2010, *Human Rights Situation of the LGBT Population: Shadow Report submitted to the United Nations Human Rights Committee*, May, p.10 <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/421-1.pdf> – Accessed 20 January 2012

²⁴ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 6

²⁵ Colombia Diversa 2010, *Human Rights Situation of the LGBT Population: Shadow Report submitted to the United Nations Human Rights Committee*, May <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/421-1.pdf> – Accessed 20 January 2012

²⁶ International Federation for Human Rights 2011, *Steadfast in Protest: Annual Report Colombia*, UNHCR Refworld, 25 October <http://www.unhcr.org/refworld/docid/4ea7b3f127.html> – Accessed 18 January 2012

Amnesty International reported that the Office of the Attorney General charged the seven DAS officials in January 2011. Furthermore, investigations were launched into other government officials. Amnesty International asserts that since 2009, “the media [has] revealed that the DAS, which operates under the direct authority of the President, had been involved in a massive, long-standing, illegal ‘dirty tricks’ campaign against human rights defenders, politicians, judges and journalists”.²⁷

Colombia’s Ministry of the Interior does operate a protection program for members of a number of groups deemed to be at risk, including trade unionists, human rights defenders and leaders of human rights organisations, leaders of the Patriotic Union (UP) and the Communist Party of Colombia, mayors, municipal councillors, deputies, and municipal human rights procurators.^{28 29}

3. Please provide information relating to the capacity of a person to relocate from Cali to another part of Colombia to avoid persecution of the type discussed in question 1.

There are no legal impediments for persons wishing to relocate from Cali to most other parts of Colombia. The only exception being that the government restricts the movement of people into regions affected by armed conflict and military operations.³⁰

Relocation to escape targeted harm by members of paramilitaries may be problematic; as indicated in the response to section 1, right-wing paramilitaries have committed human rights abuses against LGBT individuals throughout Colombia. A 2009 report by the Immigration & Refugee Board of Canada (IRBC) includes correspondence from Human Rights Watch that states that groups, including “successor groups to the AUC”, have “the capacity to pursue victims throughout many regions of the country”.³¹

In 2010, the UNHCR stated that it “considers that an internal flight or relocation alternative (IFA/IRA) is generally not available in Colombia. Nevertheless, an IFA/IRA may be available in certain circumstances and in accordance with the framework of the relevance and reasonableness test and the guidance provided in these Guidelines... In relation to individuals fleeing persecution at the hands of non-State agents, an internal flight alternative is not relevant, in areas under State control, when State authorities tolerate or condone, including through corruption, the acts of persecution perpetrated by illegal armed groups”.³² State authorities have condoned or perpetrated harm against human rights activists in the past.

²⁷ Amnesty International 2011, *Annual Report – Colombia*, 13 May, p.110

²⁸ Immigration and Refugee Board of Canada 2004, *Issue Paper Colombia State Protection (January 2003-March 2004)*, May http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=270&cid=55 – Accessed 13 April 2007

²⁹ ‘Antecedents’ (undated), Ministry of Interior and Justice, Govt of Colombia website http://www.mij.gov.co/pagina_detalle.asp?doc=152&pag=591 – Accessed 5 February 2007

³⁰ US Department of State 2010, *Country Reports on Human Rights Practices 2009- Colombia*, 11 March, Section 2.d

³¹ Immigration & Refugee Board of Canada 2010, *COL103286.E – Colombia: Whether the Revolutionary Armed Forces of Colombia – People’s Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP), the National Liberation Army (Ejército de Liberación Nacional, ELN) and the former United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) pursue victims who relocate to another area; whether these groups track their victims over the long term, even if the latter return to Colombia after an extended period of time*, 23 February

³² UN High Commissioner for Refugees 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia*, 27 May, pp.6, 25

However, as indicated above, these agencies now face increased scrutiny since the election of President Santos in 2010.

Data reported in the response to section 1 suggests that a disproportionate number of violent hate crimes perpetrated against members of the LGBT community occur in Cali and Medellin. Bogota, Colombia's capital and largest city, has witnessed attacks and threats of harm against LGBT targets in the city; however it would appear that these have been in fewer numbers. Nevertheless, as discussed previously, a study by Bogota's Department of Sexual Diversity revealed that 98 percent of the city's LGBT community stated that they believed that they faced discrimination, "particularly in schools and workplaces". Furthermore, 53 percent of survey respondents state that they have been "physically attacked for their sexual orientation or gender identity". However, in a majority of cases, these attacks were perpetrated by persons "closely related to the victim".³³

4. Please provide information relating to the Liberal Party, particularly in relation to Cali during the period June 2009 – December 2010, including whether it was in power during this period and who its main leaders/figures were. Please also provide information relating to the relevant divisions of the Party relating to human rights and sexual diversity.

The *Partido Liberal Colombiano* (Colombian Liberal Party or PL) is one of two main political parties in Colombia. The PL is largely centrist and, according to the *Political Handbook of the World*, "has endorsed moderately paced economic and social reform and has observer status in the Socialist International". Despite its past successes, its support appears to be declining; the 2010 PL presidential candidate, Rafael Pardo Rueda, placed sixth in the first round of voting, with only 4.4 percent of ballots cast. In 2010 elections for the national legislature, the PL lost one seat each in both the Chamber of Representatives and the Senate, leaving it with a total of 35 and 17 seats respectively.³⁴

The PL was not in power in the city of Cali between June 2009 and December 2010. Rather, Jorge Ivan Ospina, a left-wing independent, was the mayor of Cali between January 2008 and December 2011. He has since been replaced by another independent, Rodrigo Guerrero.³⁵

In 2011, the Liberal Party lost the elections for the position of governor of Valle del Cauca by less than 1 percent of the votes, prompting the party to demand a recount and lodge formal complaints regarding the process.³⁶

The PL's 2011 candidate for mayor of Cali, Sigifredo Lopez, was accused of having links to both FARC and the narco-trafficking group *Los Rastrojos*, despite being a former FARC hostage for seven years.³⁷ Indeed, a number of PL politicians have long been accused of

³³ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 6

³⁴ Muller, T.C. et al (eds) 2011, 'Colombia', *Political Handbook of the World*, CQ Press, Washington DC
http://library.cqpress.com/phw/phw2011_Colombia – Accessed 24 January 2012

³⁵ Cast, S. 2011, 'Guerrero elected Cali mayor in landslide victory', *Colombia Reports*, 30 October
<http://colombiareports.com/colombia-news/news/20057-rodriigo-guerrero-elected-cali-mayor-in-landslide-victory.html> – Accessed 24 January 2012

³⁶ 'Liberal Party demands recount in Valle governor election' 2011, *Colombia Reports*, 31 October
<http://colombiareports.com/colombia-news/news/20073-liberal-party-demands-recount-in-valle-governor-election.html> – Accessed 18 January 2012

³⁷ Heyden, T. 2011, 'Ex-FARC hostage accused of guerrilla, narco links', *Colombia Reports*, 22 June
<http://colombiareports.com/colombia-news/news/17134-ex-farc-hostage-linked-to-farc-narco-traffickers.html> – Accessed 24 January 2012

having links to Cali's drug cartels. In the 1990s, the Liberal Party became embroiled in controversy when it was revealed that the President of Colombia and PL member, Ernesto Samper, had received millions of dollars in funds from the Cali drug cartel.³⁸

5. Please provide information relating to Senator Piedad Cordoba, described as a prominent proponent of gay rights, particularly during the period June 2009 – December 2010.

Piedad Córdoba is a former Senator in the Colombia Senate for the Liberal Party. Córdoba is well known in Colombia as a human rights advocate, particularly in relation to indigenous and gay rights. Following the legalisation of gay marriage in Argentina, Córdoba attempted to introduce a bill in July 2010 legalising gay marriage in Colombia. According to an article in *Colombia Reports*, “the Liberal Party senator is leading an effort to legalize same-sex marriage”.³⁹

Córdoba came to international prominence in 2007, when the then Colombian President Uribe authorised the Senator and Venezuelan President Chávez to “begin a dialogue” with FARC in the hope of securing the release of 45 hostages held since 2003.⁴⁰ Córdoba herself was taken hostage for two weeks in 1999 by right-wing AUC paramilitary group for supposed ties to the *Ejército de Liberación Nacional* (The National Liberation Army or ELN).^{41 42}

In September 2010, Colombia's Procurator General banned Senator Piedad Córdoba from public office for 18 years, arguing that she had “exceeded her role as a mediator in talks with the FARC”.⁴³ Despite her ban, Córdoba reportedly coordinated the release of six hostages held by FARC in February 2011.⁴⁴

A December 2011 profile in *Colombia Reports* describes Piedad Cordoba as “one of Colombia's least popular politicians”, due to “her friendly relations with Venezuelan President Hugo Chavez and ongoing accusations of ties to guerrilla group FARC”. It goes on to state that her ban from holding office stemmed from an investigation launched by the former Uribe government, following accusations that she was “aligning with the guerrillas for her own political gain”. In July 2010, Inspector General Alejandro Ordoñez ruled that Cordoba was guilty of “aiding and promoting illegal armed groups”.⁴⁵

6. Please provide information relating to each of the following individuals/groups: (a) Partido Rosa (Pink Party) which is possibly linked to the Green Party; (b) deleted; (c) Ricardo Montenegro (or perhaps Ricardo Montenegro-Vasquez), described as a

³⁸ Banks, A.S. et al. (eds.) 2010, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/phw2010_Colombia – Accessed 24 May 2011

³⁹ Davenport, T. 2010, ‘Colombian senator hopes to revive gay marriage bill’, *Colombia Reports*, 15 July <http://colombiareports.com/colombia-news/news/10837-colombian-senator-hopes-to-revive-gay-marriage-proposal.html> – Accessed 24 January 2012

⁴⁰ Beittel, J.S. 2011, *Colombia: Issues for Congress*, Congressional Research Service, 18 March, p.11 http://assets.opencrs.com/rpts/RL32250_20110318.pdf – Accessed 19 January 2012

⁴¹ Alsema, A. 2011, ‘Piedad Cordoba’, *Colombia Reports*, 31 December <http://colombiareports.com/colombia-news/profiles/21306-piedad-cordoba.html> – Accessed 25 January 2012

⁴² Minority Rights Group International 2009, *State of the World's Minorities and Indigenous Peoples*, July, p.138

⁴³ Amnesty International 2011, *Annual Report – Colombia*, 13 May, p.110

⁴⁴ Beittel, J.S. 2011, *Colombia: Issues for Congress*, Congressional Research Service, 18 March, p.12 http://assets.opencrs.com/rpts/RL32250_20110318.pdf – Accessed 19 January 2012

⁴⁵ Alsema, A. 2011, ‘Piedad Cordoba’, *Colombia Reports*, 31 December <http://colombiareports.com/colombia-news/profiles/21306-piedad-cordoba.html> – Accessed 25 January 2012

prominent gay rights activist who was also the director of Piedad Cordoba and a former candidate himself; (d) Pedro Santamaria, who ran a transsexual rights organisations called Santamaria; and (e) a transsexual rights activist known as ‘La Madre’ from Jamundi (just outside Cali).

Pink Party

No information was located on a Colombian political party or organisation by the name of *Partido Rosa* (Pink Party).

A number of references were located to an LGBT political faction within the *Polo Democratico Alternativo* called the *Polo de Rosa* or simply *Polo Rosa* (Pink Pole).⁴⁶ The International Gay & Lesbian Human Rights Commission describes *Polo Rosa* as “the LGBTI section of a left wing political party”. Álvaro Miguel Rivera, a gay activist in the city of Cali mentioned in the response to question 1, was reportedly a member of *Polo Rosa*.⁴⁷

Green Party

Formed in 2007, the Colombian Green Party (*Partido Verde Colombiano* or VC) is described by the *Political Handbook of the World* as a moderate left party. Its platform includes “sustainable development, government transparency, and responsible cultural and environmental stewardship”. Soon after forming, the VC contested departmental (state or provincial), as well as local (municipal) elections, winning 2 departmental governorships, 27 mayoral races, and 10 deputy and 307 council seats.⁴⁸

In 2010, the VC’s presidential candidate, Antanas Mockus, the mayor of Bogota, was placed second in the first-round of voting. Mockus unsuccessfully contested the second round, gaining 21.5 percent of the vote. However, the VC did win 5 Senate and 3 Chamber of Representatives seats in the 2010 legislative elections.⁴⁹ Freedom House attributes the VC’s failure to win the presidency due to “Mockus’s rhetorical missteps during televised political debates and the Greens’ lack of electoral machinery”.⁵⁰

According to *Colombia Reports*, the VC and Antanas Mockus have attracted the support of the LGBT vote in Colombia away from the *Polo Democratico Alternativo*.⁵¹ However, in 2011 it was reported that Mockus resigned from the VC, in protest at the acceptance by

⁴⁶ Theintz, G. 2010, ‘Colombia: Liberal in theory, homophobic in practice’, *Colombia Reports*, 30 April <http://colombiareports.com/opinion/157-guests/9273-colombia-liberal-in-theory-homophobic-in-practice.html> – Accessed 25 January 2012

⁴⁷ ‘Colombia: Protest the Murder of LGBT Human Rights Defender’ 2009, International Gay & Lesbian Human Rights Commission, 17 March <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/875.html> – Accessed 20 January 2012

⁴⁸ Muller, T.C. et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC http://library.cqpress.com/phw/phw2011_Colombia – Accessed 24 January 2012

⁴⁹ Muller, T.C. et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC http://library.cqpress.com/phw/phw2011_Colombia – Accessed 24 January 2012

⁵⁰ Freedom House 2011, *Countries at the Crossroads – Colombia*, UNHCR Refworld, 10 November <http://www.unhcr.org/refworld/docid/4ecba650c.html> – Accessed 18 January 2012

⁵¹ Theintz, G. 2010, ‘Colombia: Liberal in theory, homophobic in practice’, *Colombia Reports*, 30 April <http://colombiareports.com/opinion/157-guests/9273-colombia-liberal-in-theory-homophobic-in-practice.html> – Accessed 25 January 2012

Enrique Peñalosa, the Green Party's candidate for mayor of Bogota, of political support from Colombia's former President Uribe.⁵²

According to *Colombia Reports*, the VC supported the successful mayoral candidacy of Rodrigo Guerrero in the city of Cali in 2011.⁵³

Ricardo Montenegro-Vasquez

References were located to a Bogota-based lawyer by the name of Ricardo Montenegro-Vasquez. An open letter to Heisler Vaamonde, National Director of the Revolutionary Gay Movement of Venezuela, indicates that Ricardo Montenegro-Vasquez is both the 'International Secretariat of the Colombian Liberal Party' and a leader of an LGBT group within the Liberal Party. The letter, in Spanish, is an open letter of expression of solidarity with the Revolutionary Gay Movement of Venezuela and other leftist organisations in Latin America, by the Liberal Party of Colombia.⁵⁴

The GayLawNet website lists Mr Ricardo Montenegro-Vásquez as a partner in a gay-friendly law firm that specialises in family law.⁵⁵ A 2004 source describes Montenegro-Vásquez as a "Lawyer, Founder Faces of Strength – Barranquilla, participant Planet Peace Project, Process Member Party Sexual Minorities Liberal Colombiano".⁵⁶

Pedro Santamaria & Fundación Santamaria

A 2010 Colombia country profile by Aids Alliance describes the Cali-based *Fundación Santamaría* as one of two Colombian organisations attempting "to raise awareness of and condemn the continuing occurrence of murders of transgender women in Cali". According to the report, as part of its strategy, members of *Santamaría Fundación* paint "a fuchsia star on the road, at the site of each violent death of a transgender woman in Cali".⁵⁷

In addition to its campaign against the targeted harm of transsexuals, *Fundación Santamaría* has undertaken health initiatives within Cali's transsexual community. In 2007, it undertook a survey of transgender health on behalf of municipal health authorities, interviewing some 272 transgender people in the city. The survey examined, among other things, access to

⁵² Heyden, T. 'Mockus quits Green Party over Uribe support', *Colombia Reports*, 10 June <http://colombiareports.com/colombia-news/news/16880-mockus-quits-green-party-over-uribe-support.html> – Accessed 25 January 2012

⁵³ Cast, S. 2011, 'Guerrero elected Cali mayor in landslide victory', *Colombia Reports*, 30 October <http://colombiareports.com/colombia-news/news/20057-rodriigo-guerrero-elected-cali-mayor-in-landslide-victory.html> – Accessed 24 January 2012

⁵⁴ 'Open letter from Ricardo Montenegro-Vasquez to Heisler Vaamonde, National Director of the Revolutionary Gay Movement', Caracas' 2004, Bloq Socialista Unido de Liberacion Homosexual, 3 November <http://www.network54.com/Forum/233683/thread/1099505495/last-1107543569/Untitled> – Accessed 19 January 2012

⁵⁵ 'Attorneys, Barristers, Solicitors – Colombia' 2009, GayLawNet, 18 April <http://www.gaylawnet.com/attorneys/cosolc.html> – Accessed 25 January 2012

⁵⁶ Montenegro-Vasquez, R. 2004, 'Boletina de Medios LGBT en América Latina y Estados Unidos', Yahoo Groups website, 4 November <http://groups.yahoo.com/group/centerlatinos/message/2298> – Accessed 25 January 2012

⁵⁷ Aids Alliance 2010, 'Country Study – Colombia', 1 December <http://www.aidsalliance.org/includes/document/ColombiaCS.pdf> – Accessed 19 January 2012

HIV/AIDS information, social security, intra-familial violence, and human rights abuses by authorities.⁵⁸

According to *Fundación Santamaría*, a common pretext for the arrest of transsexuals in Cali is their failure to carry national identity cards with their original gender. The organisation subsequently “developed an alternate ID card for transgender sex workers which include the transgender person’s chosen name and no mention of gender”. While the ID card is not legally recognised, the foundation conducted “sensitisation activities with police authorities so that they may recognise the document and not use lack of national ID as an excuse to arrest a transgender sex worker”. *Fundación Santamaría* also succeeded in having the departmental hospital allow transgender sex workers to use the alternate ID in order to register with the departmental health authority and gain access to free HIV testing.⁵⁹

No information was located on a Mr Pedro Santamaria. One source names a Mr Pedro Julio Pardo as “*al frente de la Fundación Santamaría*”, the head of *Fundación Santamaría*.⁶⁰ Two sources produced by *Fundación Santamaría* quoted in this section list a P.J. Pardo as a co-author.^{61 62}

La Madre

No information was located on a transsexual activist from Jamundi or elsewhere known as ‘*La Madre*’ (Mother).

There is a prison located in Jamundi, where lesbians and transsexuals are reportedly incarcerated and discriminated against due to the sexuality. The US Department of State reported that in 2010, “NGOs in Colombia claimed that violence in prisons against persons due to their sexual orientation remained a problem, and they reported confinement and isolation of incarcerated lesbians resulted in the suicide of Dayana Perez on October 25, in the Jamundi Prison. In addition, there have been instances where medical services for transgender men have been denied”.⁶³

7. Deleted.

⁵⁸ Riascos Sanchez , V, et al 2008, ‘Peer-led assessment of transgender sex workers in Cali, Colombia’, Santamaria Fundacion , XVII International AIDS Conference website <http://www.aids2008.org/Pag/Abstracts.aspx?AID=5430> – Accessed 25 January 2012

⁵⁹ Riascos Sanchez, V. et al 2008, ‘MOAD0305 – ID cards that reflect gender identity can play role in reducing vulnerability of transgender sex workers’, Fundacion Aporyarte website <http://fundapoyarte.org/sitio-vih/fun-noticia/sm-5/not-3-colombia-presente-en-aids-2008-n.html> – Accessed 25 January 2012

⁶⁰ ‘Viaje a Colombia: putas o peluqueras’ 2011, Los mundos de Hachero, 12 November http://losmundosdehachero.blogspot.com/2011_11_12_archive.html – Accessed 25 January 2012

⁶¹ Riascos Sanchez , V, et al 2008, ‘Peer-led assessment of transgender sex workers in Cali, Colombia’, Santamaria Fundacion , XVII International AIDS Conference website <http://www.aids2008.org/Pag/Abstracts.aspx?AID=5430> – Accessed 25 January 2012

⁶² Riascos Sanchez, V. et al 2008, ‘MOAD0305 – ID cards that reflect gender identity can play role in reducing vulnerability of transgender sex workers’, Fundacion Aporyarte website <http://fundapoyarte.org/sitio-vih/fun-noticia/sm-5/not-3-colombia-presente-en-aids-2008-n.html> – Accessed 25 January 2012

⁶³ US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 6

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