



Colombia

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Colombia, officially known as the Republic of Colombia, is the fourth largest country in South America, and the second most populous (after Brazil), with a population of approximately 44.6 million people. It has an ethnically diverse populace, a result of the intermingling of original native inhabitants, imported African slaves, Spanish colonists, and other European and Middle Eastern immigrants.

The majority of Colombians speak Spanish, and Colombia has the third largest Spanish-speaking population in the world, after Mexico and Spain.

The country is bordered on the east by Venezuela and Brazil; the west by the Pacific Ocean; the north by the Caribbean Sea and the northwest by Panama; and the south by Ecuador and Peru.

Bogotá, the country's capital and largest city, is Colombia's main commercial and cultural center. Bogotá is also the hub of Colombia's gay and lesbian life and the nucleus of the country's glbtq political rights movement.

The resort town of Cartagena, on the northern coast of Colombia, is one of the country's most visited destinations by tourists because of its ancient walled city, vibrant cultural life, and public beaches. As such, it also has a small but sociable gay presence catering to the needs of glbtq travelers.

While some civil rights progress has been achieved in recent years, glbtq persons in Colombia continue to be the victims of discrimination and violent hate crimes because of their sexual orientation.

As noted in the 2005 *Report of the High Commissioner of the United Nations for Human Rights in Colombia*, "Lesbians, gays, bisexuals, and transgendered persons were victims of murders and threats in acts of 'social cleansing.' This population was also often victim of arbitrary detentions and cruel, inhuman or degrading treatment by members of the national police force. At the same time, there have been complaints of harassment against gay persons by members of illegal armed groups."

Although Colombia has no laws providing for either civil unions or same-sex marriage, between February 2007 and April 2008 three significant rulings of the Colombian Constitutional Court extended common-law inheritance, health care, and social security rights to registered same-sex couples who have cohabitated two or more years. These rulings marked an historic recognition of gay couples under Colombian law, departing from the country's conservative past.

History

The territory comprising what is now known as Colombia was originally inhabited by indigenous tribes including the Muisca, Quimbaya, and Tairona.

A period of conquest and colonization began with the arrival of Spanish explorers in 1499, which ultimately

led to the creation of the Viceroyalty of New Granada (comprising modern-day Colombia, Venezuela, Ecuador, and Panama). Santa Fe de Bogotá, one of the first permanent Spanish settlements, was founded in 1538 and was later made the capital of the Viceroyalty.

On July 20, 1810, citizens of Bogotá created the first representative council to defy Spanish authority. Full independence from Spain was proclaimed in 1813, and in 1819 the Republic of Greater Colombia (also known by historians as "Gran Colombia" to distinguish the nation from that of the present-day Republic of Colombia) was formed to include all the territory of the former Viceroyalty. Simón Bolívar was elected its first president, with Francisco de Paula Santander as vice president.

In 1830, internal political and territorial disputes led to the succession of Venezuela and Ecuador and the collapse of "Gran Colombia." In the aftermath, Colombia and Panama merged as the Republic of New Granada. Nine different governments followed, each rewriting the constitution. What is now known as the Republic of Colombia was declared in 1886.

Tensions between two of Colombia's oldest political parties--the Conservatives, who believe in a strong central government and a powerful church, and the Liberals, who believe in a decentralized government and a less influential church--have frequently erupted into violence. In 1899, a civil war broke out, commonly known as *La Guerra de los Mil Días* (The War of a Thousand Days), which lasted until 1902. Panama declared its independence from the Republic a year later.

In 1948, the country was again engulfed in another civil conflict, known as *La Violencia*, which ended in 1958 when an alliance with former Conservative and Liberal leaders led to the creation of a bipartisan coalition known as *El Frente Nacional* (The National Front). This parity system between the two parties was terminated in 1978.

Over the past several decades, government forces, left-wing guerillas, and right-wing paramilitaries have been engaged in the country's longest-running armed conflict, fuelled by the lucrative cocaine trade and violent drug cartels.

In 1991, a new Colombian Constitution was ratified, which included key provisions on political, ethnic, human, and gender rights. In recent years the country has experienced economic growth, improved tourism, and a reduction in paramilitary violence.

"Social Cleansing" in Colombia

Since at least the early 1980s, sexual minorities in Colombia have been the target of "social cleansing," or the systematic process of removing undesirable social groups from an area. These *desechables* ("disposable people"), which include homosexuals and transvestites, as well as street children, vagrants, petty criminals, and prostitutes, have been the victims of assault, extortion, torture, and murder.

Such "cleansing" is typically carried out by a coalition of police, soldiers, paramilitary squads, merchants, politicians, and civic leaders, who often cite corrupt and ineffectual police and judicial systems, as well as widespread fears about public safety, as a means to justify their actions for "protecting" society.

A 1994 report by Colombian human-rights lawyer and activist Juan Pablo Ordóñez alleged that "around 7,000 of the 40,000 murders in Colombia [in 1993] were right-wing death-squad 'cleansings' of gays, transvestites and prostitutes."

According to Ordóñez, HIV/AIDS-related violence also informs "social cleansing" in Colombia. In December 1993, a bomb was detonated at a Catholic-run shelter in Bogotá for indigent people living with HIV/AIDS.

Less than a month later, a group of heavily armed men attacked the shelter, threatening to kill the residents if they did not leave. In his report, Ordoñez stated that "police did not intervene to protect the shelter, nor did the Catholic hierarchy condemn the violence."

As recently as 2007, the *Washington Post* quoted Colombian gay-rights activists as saying that "violence against gays is not uncommon and discrimination remains a recurring problem."

Anti-Discrimination Legislation in Colombia

In 1980, the Colombian Criminal Code was amended to decriminalize consensual homosexual activity. Prior to this, homosexual activity was punishable by up to 15 years in prison. The age of consent in Colombia was also equalized at 14 regardless of gender and/or sexual orientation.

Article 13 of the Colombian Constitution of 1991, the country's current governing document that replaced the Constitution of 1886, declares, "The State will promote the conditions necessary in order that equality may be real and effective, and will adopt measures in favor of groups which are discriminated against or marginalized."

Despite this plain language, the document has not generally been held to guarantee protection against discrimination on the basis of sexual orientation. However, some recent interpretations of the constitution have expanded glbtq rights.

In 1998, Colombia's Constitutional Court ruled that private religious schools could not ban gay students from enrolling. The court declared "homosexuality is a condition of the human person that implies the choice of a life option equally as respectable and valid as any other."

That same year the Constitutional Court ruled that public school teachers could not be fired for revealing their sexual orientation, overturning as discriminatory a 1979 law that made a teacher's homosexuality grounds for dismissal. "Homosexuality is not contagious," said Germán Humberto Rincón, the lawyer who brought the suit before the court.

In 1999, the court unanimously ruled that the country's armed forces could not ban homosexuals from serving. The court stated that the previous ban violated a soldier's "constitutional rights to intimacy, free development of one's personality, and defense of one's family." The new ruling allows military personnel to reveal their sexual orientation and live on base with their same-sex partner. Even so, harassment and mistreatment of gays in the military continue to be reported.

Same-Sex Partnership Recognition In Colombia

In a 1996 court case brought by glbtq-rights activists seeking same-sex partnership rights in such areas as inheritance and medical care, Colombia's Supreme Court ruled against any marriage rights for gay couples, declaring that "the family is the only social unit and it is formed when a man and a woman freely decide to marry."

Three years later, on September 8, 1999, Margarita Londono, a member of the Colombian Senate, introduced a bill to add sexual orientation to the existing list of bias crimes categories, and to create legal partnerships for same-sex couples that would extend social security benefits and health care coverage for gay couples. The bill was rejected almost immediately by the Colombian Senate.

However, between February 2007 and April 2008, three historic rulings of the Constitutional Court extended several common-law marriage rights to registered same-sex couples, granting them many of the benefits enjoyed by heterosexual couples.

On February 7, 2007, the Colombian Constitutional Court determined that same-sex couples registered by a public notary must be granted the same property and inheritance rights as common-law heterosexual couples who have lived together for two or more years.

The decision, however, did not include pension or health insurance rights. In a second ruling on October 5, 2007, the Constitutional Court extended health insurance benefits, and on April 17, 2008 a third decision granted pension rights.

On June 19, 2007, an unprecedented gay-rights bill, which would have provided unregistered same-sex partners the same rights and benefits as opposite-sex partners, was defeated. The bill was introduced to address what the country's top court identified as a legislative "deficit of protection" for same-sex couples.

While the bill had passed in the lower house of Congress, and had been endorsed by Colombian President Álvaro Uribe, it was opposed by the Roman Catholic Church and defeated by a bloc of conservative legislators in the Colombian Senate.

Had it passed, the bill would have made Colombia the first nation in Latin America to grant unregistered gay couples in long-term relationships the same rights as heterosexual couples, with the exception of adoption rights.

Nevertheless, supporters of the measure have vowed to continue to push for basic legal and economic rights for Colombia's gay couples.

Significant Colombian GLBTQ Cultural Figures

Significant Colombian-born glbtq individuals include the poet Miguel Ángel Osorio (1883-1942), better known as Porfirio Barba-Jacob, the third and definitive of the pen names under which he published his works. He lived openly as a homosexual, even in provincial or intolerant societies, and traveled widely, residing in Mexico, Guatemala, Honduras, New Orleans, and Cuba, among other places, while publishing his poems in literary reviews, journals, and newspapers.

Fernando Vallejo Rendón (b. 1942) is a writer and filmmaker, whose best-known work is the 1994 semi-autobiographical novel *La virgen de los sicarios* (*Our Lady of the Assassins*), about a middle-aged gay writer who returns to his hometown of Medellín after an absence of 30 years only to find himself trapped in an atmosphere of violence and murder. The novel was made into a feature-length film in 2000, based on the author's own screenplay and directed by Barbet Schroeder.

Luis Caballero Holguín (1943-1995) is one of the most significant Latin American painters. He considered his homosexuality a fundamental component of his artistic expression, and during the last twenty-five years of his life, the nude male figure was his only subject matter.

Caballero died of complications from AIDS in 1995. The following year, the city of Bogotá established in his memory the *Premio Luis Caballero*, a major artistic prize for Latin American artists thirty-five years and older.

Writer, politician, and literary critic Gustavo Álvarez Gardeazábal (b. 1945) has published nineteen novels, beginning with *Piedra Pintada* (*The Painted Rock*) in 1965. One of his most regarded novels is *Cóndores no entierran todos los días* (1971; *Condors Are Not Buried Every Day*), about the political violence in Colombia during the 1950s.

He is also Colombia's first openly gay elected official, first as the mayor of the small town of Tuluá, from

1988 until 1990, and then in 1997 as the governor of the Colombian province of Valle del Cauca, a position he held until 2000.

The writer Jaime Manrique (b. 1949), who currently resides in New York City, is the award-winning author of the memoir *Eminent Maricones: Arenas, Lorca, Puig, and Me* (1999), and the novels *Colombian Gold: A Novel of Power and Corruption* (1983), *Latin Moon in Manhattan* (1992), *Twilight at the Equator* (1997), and *Our Lives Are the Rivers* (2006).

Alonso Sánchez Baute (b. 1964) is the author of the 2002 novel *Al diablo la maldita primavera (To Hell with the Damned Spring)*, about a mild-mannered bureaucrat who gradually transforms himself into a drag queen. It was awarded the 2002 *Premio Nacional de Novela Ciudad de Bogotá*. The novel was later adapted for the theater by Colombian director Jorge Ali Triana and presented at the Teatro Nacional de Bogotá in 2004.

Colombia's GLBTQ Organizations and Pride Events

There are several glbtq organizations in Colombia, including Colombia Diversa, a human rights organization founded in 2004 to work for the recognition, promotion, defense, and development of glbtq rights in Colombia.

Stonewall Javeriano is a student-run glbtq organization associated with the Pontificia Universidad Javeriana in Bogotá.

Social and support groups for Colombian lesbians and bisexual women include DeGeneres-E and Triangular Negro.

Colombia's first gay pride parade was celebrated in Bogotá in 1982. Approximately thirty-two gay men and lesbians marched in the parade, with a contingent of nearly one hundred police officers dispatched for crowd control. Since then, Colombia has celebrated Gay Pride Day annually on June 28, marked by parades and other activities in most of the major cities in the country.

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