

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

COLOMBIA



Population: 48 million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Colombia is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 13, 16, 20, 37 and 38 of the Constitution protect the rights to **freedom of expression, assembly and association**.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 14 years** for sexual acts regardless of gender under Article 209 of the Criminal Code.

The Constitutional Court ruled that **same-sex marriage is legal** in its judgement SU-214 in 2016.

All couples, including same-sex couples, can **enter civil unions and have de facto unions declared** as per the Constitutional Court judgement C-075, 2007.

Same-sex parents have **equal rights to adoption** as per the Constitutional Court judgement C-683, 2015.

Trans parents have their relationship to their child recorded based on their **legally registered gender**.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation and gender identity** is **prohibited** through Constitutional Court judgments T-1122/2002, T-804/2014 and T-141/2017.

Discrimination on the grounds of **sexual orientation and gender identity** is **prohibited** under Article 1 of Law 1752/2015, amending Law 1482/2011.

All people are **equal before the law** under Article 13 of the Constitution and Article 10 of the Labour Code. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are considered an **aggravating circumstance** in sentencing under Article 134c of Law 1482, 2011, amending the Criminal Code.

Decree 762/2018 established a group of **governmental bodies to monitor the rights of LGBT people in public and private organisations**.

Articles 33, 40 and 53 of Law 1801/2016, the National Police Code, sets out **explicit protections for the LGBT community** and establishes penalties for acts of discrimination.

GENDER IDENTITY

Trans people over the **age of 18 can change their legal gender on all identification documents** including the birth certificate under Decree 1227, 2015 and Constitutional Court Judgement T-063, 2015.

Legal gender can **only be changed to male or female**. There is no option for a third gender under Article 2.2.6.12.4.3 of Decree 1227, 2015.

Legal gender change is **subject to a request before a notary** under oath of a voluntary gender change under Article 2.2.6.12.4.3 of Decree 1227, 2015.

Trans people **can change their legal name** by submitting a request before a notary under Article 6 of Decree 999, 1998.

IMMIGRATION

Dependent visas can be granted to any economically dependent family member of the visa titleholder, **including same-sex spouses or partners** under Article 26 of Resolution 7045 of 2017, issued by the Ministry of Foreign Affairs. (Cfr. C-577 of 2011).



A VIEW FROM COLOMBIA

Stonewall spoke to **Juan Felipe Rivera**, a Constitutional Litigation Lawyer with **Colombia Diversa**. Colombia Diversa works to promote the human rights of LGBT people in Colombia and advocate for legal change. It also focuses on positively transforming perceptions of LGBT people in Colombia and encouraging greater levels of organisation and political impact in the Colombian LGBT community.



Everyday life

Juan: “In the last 25 years, a significant number of legal rights have been won, mostly through landmark cases of the Constitutional Court of Colombia, and an improvement in visibility has led to greater acceptance. However, discrimination still exists, and many challenges remain. In Latin America, there’s a fringe but growing faith-based movement combatting ‘gender ideology’, a term used to describe LGBT rights and women’s rights. The movement is attempting to roll back social and legal gains for LGBT people.

Factors such as disability, race, class, and location shape LGBT people’s experiences. For example, LGBT people with disabilities are often told they can’t know if they’re LGBT due to their disability, and we’ve seen LGBT people being expelled from indigenous communities. Small and medium cities and rural areas are more conservative, so LGBT people there are more likely to face everyday discrimination.

LGBT people are visible in Colombia, but lesbians, gay men, and trans women are much more visible than other groups. LGBT news articles appear regularly in the media and TV shows have begun to feature more LGBT characters. There were also LGBT ministers in the last two governments. However, trans men are not visible at all and there are very few references to bi people in the media.

Anyone travelling to Colombia should be aware that public displays of affection can result in verbal harassment and, in rare cases, physical violence. Non-stereotypical gender expression is also a factor which may lead to harassment or discriminatory treatment. In Bogota, a very liberal city, the chance of this occurring in tourist areas is generally low. However, the risk may be higher elsewhere, especially in small towns and rural areas.”

LGBT groups

Juan: “In Colombia, LGBT groups tend to be small and informal, without any legal status, and tend to focus their efforts on promoting the social and cultural contributions of LGBT people. There are only a few large organisations which work on a wider array of topics. In principle, LGBT groups can operate freely. However, several regions are still affected by criminal factions as a result of armed conflict, and this can stop LGBT groups from working or severely limit their scope of work. These factions are sometimes anti-LGBT and will enact ‘social cleansing’ campaigns where they threaten or carry out violence against LGBT groups, activists, and people. The prevalence of anti-LGBT campaigns has led to a growing stigma and distrust of LGBT activists.

While Colombia has made several significant legal gains regarding LGBT rights in recent years, often these rights only exist on paper. Making these gains a reality is one of the biggest priorities here. LGBT groups also work on specific issues including the experiences of trans men in the military; the construction of memory and justice involving crimes against LGBT persons within the Colombian armed conflict and peace process implementation; and improving healthcare and legislation around HIV/AIDS.”

Workplaces

Juan: “While workplace discrimination and harassment laws exist, implementation in daily life is low. Most trans people are denied access to education, family support, and healthcare, meaning very few trans people can apply for formal employment. Even if they do, when employers learn a potential employee is trans, they often immediately exclude them from the application process. For LGBT people, the ability to access employment is often related to the extent to which they conform to stereotypical ideas of masculinity and femininity. Feminine men and masculine women who are LGBT often face barriers to accessing employment.

Homophobic, biphobic, or transphobic remarks are common at work. This forces LGBT people to stay closeted and makes workplaces oppressive. In Colombia, LGBT people often face hostility, including within faith communities. This can affect someone’s experience of coming out at work and Colombia Diversa have heard of LGBT people feeling unable to stay in their job because of discrimination they faced after coming out.

In terms of supporting employees, it’s important that businesses have a clear policy setting out their support for LGBT people, and that discrimination and harassment will not be tolerated. There should be mandatory training for all employees about conduct inside and outside the workplace. Additionally, businesses can support local LGBT organisations in a range of ways, for example sharing knowledge or making donations.

Businesses should also engage in lobbying and discuss LGBT rights with the government whenever possible: this can be really impactful. Employers can publicly signal their commitment to LGBT rights, which not only helps combat prejudice and stigma, it also makes LGBT people feel supported. When advocating for LGBT rights, businesses should be aware of the diversity of LGBT people’s lives, LGBT people’s experiences, and the impact their activities will have on the community.”

Healthcare

Juan: “Trans people can face barriers when it comes to healthcare. Those looking to medically transition must go through a lengthy and complicated referrals process where they have to ‘prove’ they are trans. Trans people with poor relationships with their psychiatrists may have their treatment suspended. People from rural areas often have a much harder time accessing trans-inclusive healthcare. Often, healthcare providers try to deny services to which people are legally entitled. LGBT people also experience discrimination from healthcare professionals. Their bias can lead to misdiagnoses of health issues based on the sexual orientation or gender identity of the patient.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Colombia employers can:

1. Implement explicitly LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Colombia with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture

In Colombia, sexual orientation and gender identity are expressly included in Accenture's anti-discrimination policy and equal benefits are provided for same-sex partners. Accenture's policies are brought to life through all-staff training sessions on LGBT inclusion in the workplace. Staff are provided with a range of ways to engage with LGBT inclusion and Accenture has both an LGBT network chapter and ally programme in Colombia. The ally programme promotes a 'walk the talk' ethos, providing staff with ways to visibly signify their support for LGBT people and encouraging them to role model respect and inclusion.

Increasing awareness is an essential part of Accenture's LGBT inclusion initiatives. An LGBT committee runs a range of events and activities throughout the year, including training sessions, ally events and updates on LGBT initiatives, as well as celebrating international days focused on the LGBT community. To advance LGBT equality in the wider community, Accenture is a founding member of Pride Connection in Colombia and has a direct relationship with the LGBT Chamber of Commerce, in which they post vacancies to increase LGBT recruitment and share best practice. All staff are also invited to take part in the LGBT national Pride parade to visibly promote equality and support the Colombian LGBT community.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

July – Bogota Pride March, organised by Mesa de Trabajo LGBTI Bogotá www.facebook.com/mesaLGBTI

Check the event websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

Cámara de Comerciantes LGBT de Colombia – an advisory service for businesses serving the LGBT population www.cclgbt.co

GAAT Foundation – a national organisation providing support to LGBT people in Colombia and working to advance LGBT equality. www.fundaciongaat.com

Colombia Diversa – a non-governmental organisation working to promote LGBT people's rights, transform people's attitudes about the LGBT community and increase its political impact. www.colombiadiversa.org

Liberarte – counselling for lesbian, gay, bisexual and transgender people. www.liberarte.co

Red Somos – an organisation promoting the rights of young people, women and the LGBT community. www.redsomos.org



GET LOCAL LGBT NEWS

Guia Gay Colombia – an LGBT guide to Colombia. www.guiagaycolombia.com

Sentiido – a website providing analysis and opinions relating to sexual diversity. www.sentiido.com



NATIONAL HUMAN RIGHTS INSTITUTION

Defensoria del Pueblo (Ombudsman's Office of Colombia) – www.defensoria.gov.co

The Ombudsman's Office of Columbia is the Colombian National Human Rights Institution, where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 44 ORGANISATIONS OPERATING IN COLOMBIA.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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