

Report for the pre-session of committee against torture (CAT)

The Colombian State contributes to the torture of Trans people when it doesn't enforce their rights as full citizens and grant access to safe body transformations. The two areas of main concern, where torture is experienced by Trans people are:

1. **The unequal relation with police forces:** it has been widely documented that, in Colombian urban areas, police forces harass, persecute, torture and exercise physical and sexual violence against Trans men and women. Where victims are sex workers or are unwillingly translated to police headquarters, the situation aggravates and can lead to the killing of the victims for hate reasons. The State forces in charge of enforcing law and safeguarding people's lives, continue committing systematic violation of Trans people's human rights. The Colombian state is mainly silent about systematic violent treatments against Trans people, what is known comes from civil society organisations who pressure State institutions to answer and work on corrective and preventive measures. Two distinctive cases are: 1) May 2016: the torture of Bogotá police officials against three Trans women sex workers and community leaders, and the partner of one of them. They were beaten, electroshocked with taser guns, spat at, insulted, kept against their will in police offices where they were forced to undress themselves and their sexual body parts where beaten. Later, they were translated against their will to a police headquarters and the vehicle they were trapped in caught fire. So far, the National Police has ignored this incident and the demands for reparation. 2) December 2015: a Trans man, Carlos Torres, is presumably killed by police officers while being translated against his will to police headquarters. Before his death, Carlos called his parents and told them he was being harassed and beaten by police officers who detained him for apparently arguing with a cab driver. There are official reports that mention that, after arriving to the police headquarters, Carlos was moved to the San José Hospital because he lacked vital signs. The police speakers said that he committed suicide by hanging himself in the police cell but the evidence so far shows that he stayed in the police headquarters for only 30 minutes, during that time he was severely beaten on his face and abdomen. It was documented by the Colombian NGO, Colombia Diversa, that in 2015 there were 61 registered cases of police violence against LGBT people, 57 of which were against Trans people. It is believed that numbers of police violence are higher but undocumented¹.
2. **Pathologization and forced psychiatry constitute cases of torture and can lead to unequal and violent treatment against Trans people:** different international organisms on the defense of human rights have urged to change the current medical classifications used to evaluate LGBT population, in particular Trans people. The pathologization of Trans people, which leads to consider Trans gender identity as a mental illness and requires

¹ Colombia Diversa (2016) “Cuerpos excluidos, rostros de impunidad. Informe de violencia hacia personas LGBT en Colombia”

them to hold medical certificates as a requisite to access body transformations, is considered widely as

one of the main causes of human rights violations against Trans people². This means an obstacle for a Trans person to access safe, state regulated, body transformations, leading to premature death, unsafe and clandestine procedures. This is linked to their low life expectancy in the region of only 35 years. According to the ICHR press release: “Forced, coercive and otherwise involuntary treatments and procedures can lead to severe and life-long physical and mental pain and suffering and can violate the right to be free from torture and other cruel, inhuman or degrading treatment or punishment”³. According to the Special Rapporteur on Torture and other cruel, inhumane and degrading treatment or punishment, 2013: “There is an abundance of accounts and testimonies of persons being denied medical treatment, subjected to verbal abuse and public humiliation, psychiatric evaluation, a variety of forced procedures such as sterilization, State-sponsored forcible anal examinations for the prosecution of suspected homosexual activities, and invasive virginity examinations conducted by health-care providers, hormone therapy and genital normalizing surgeries under the guise of so called ‘reparative therapies’. These procedures are rarely medically necessary, can cause scarring, loss of sexual sensation, pain, incontinence and lifelong depression and have also been criticized as being unscientific, potentially harmful and contributing to stigma.”⁴

Questions to be included in the list of issues for the Government:

1. What is the national government doing to counteract and educate the National Police against transphobia and hate crimes? What policies have been implemented so far? Has following to those policies been carried out? What have been the results?
2. What is the government doing to ensure the release of information regarding torture and inhumane treatment against Trans people committed by police forces, such as the case of Carlos Torres?
3. In the new postconflict era, how is the government planning to work with police and military institutions to prevent hate crime against LGBT population, in special against Trans people? Is the government cooperating with civil society organizations, international

² ICHR, Pathologization: being lesbian, gay, bisexual and/or trans is not an illness: International day against homophobia, biphobia and Transphobia”, press release May 12, 2016

<http://www.achpr.org/press/2016/05/d299/>

³ Ibídem

⁴ Human Rights Council, twenty-second session: “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez”

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

organizations, social leaders to prevent hate crimes against Trans people and strengthen local leaderships? Are the National Police and Army also involved in this work?

4. What measures will be enforced to punish police officials who violated Trans people's human rights and prevent future crimes? What measures have the police implemented to attend those cases?
5. What is the national government to change the pathologizing view of Trans gender identities? Is the government planning to include body transformations within the POS (Compulsory Health Plan)? If not, why? If so, what measures have been carried so far?
6. Is the government intending to implement judiciary measures to safeguard and sanction acts of discrimination within the health system, in accordance to the 1428 Antidiscrimination Law?