

# **WE WHO FEEL DIFFERENTLY**

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***Initially, the Christian opposition discourse established the following: “God created Adam and Eve and not Adam and Ivan, I vote against the bill.” But at a later stage there have been mutations, because they have realized that they can’t have a religious discourse in opposition to the Constitution, in opposition to a welfare State, in opposition to a secular State. So now they say “it is unconstitutional,” “it is inconvenient,” “family.” They no longer base their arguments on the Bible; now they base them on the Civil Code.***

### **An Interview with Germán Rincón**

March 22, 2010  
Germán Rincón’s house, Bogotá, Colombia

**Germán Rincón:** My name is Germán Rincón, I am a lawyer, a graduate of the Nueva Granada Military University. A curious piece of information: if they had known at the university that I would graduate there, they would not have admitted me in the first place; it’s crazy, it’s the antithesis. I have been working on social issues since I was at school, on several subjects related to religion. My activism began after I left college. I began to search, I approached the Catholic Church and they sent me to the association devoted to the eradication of slums, but it didn’t work and later I contacted the Colombian League for the Fight against AIDS. Oddly enough, the gay issue and AIDS opened an important door for my activism. I have carried out activism from the juridical sphere, without neglecting the social issue. In a parallel way, I organized study groups and the question of the march arose. Actually, I was the person who raised this issue in Colombia. It was inspired not by a foreign experience but by the experience of handicapped persons. I took the model from the Week of Culture and Sports they organized, and around 28 June, what we now call the Citizen’s Parade – which was formerly the Gay Pride parade – came into being. I am connected with many groups; I am one of the founders of *Colombia Diversa*, of the *Polo de Rosa*, which was how we really inserted ourselves within the only left-wing party that exists at present.

**Carlos Motta:** I would like to talk about each of these subjects more in depth. Could you start by referring to the work you carry out in Colombia in relation to AIDS?

**GR:** I am permanently grateful to AIDS for two reasons: firstly, because if all the people in the world were diagnosed with HIV, the world would change; I have been able to verify this. And secondly, because the best that has happened to us gay persons is AIDS. I have seen people diagnosed with AIDS who have begun to really live. This also happens with people who have been diagnosed with cancer, for instance, with serious pathologies that bring them very close to death. But in my world it was AIDS. AIDS makes people change their attitude, their life, their eating habits, everything; it is like starting over, and I think few people are afforded the luxury of being born again during their lifetime. If we observe gay activism, it is a very “low-profile” activism, and AIDS triggered it because our friends were dying, our partners were dying, we were all dying and we had to demand more immediate public policies, more resources, include the issue in the public health agenda, in the prevention agenda, etc. It was something similar to what is currently happening in Africa; the gay movement in Africa is relying

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strongly on AIDS for funding, for its discourse. Asia as well, so I think that in the Western World it was a very important door that opened up a vital space.

**CM:** How do the epidemics and the politization of the epidemics manifest themselves in Colombia?

**GR:** Colombia had its first cases around the 1980s, and it had many more in the 1990s. It was a gay issue, and every time one found support groups, there were gay persons working in them. Within that context, there were also many self-support groups and NGOs, which were of vital importance because they were the hotbeds from which the persons with whom we have done everything at the national level emerged. The question was to find where the population was organized with respect to the AIDS issue, initially on account of the medicines. Thanks to the security system in Colombia and the agile constitutional mechanism whereby the issue of the violation of a fundamental right is resolved in 10 days – the Tutelage action – people were able to obtain medicines if the public health entities did not provide them. Currently all antiviral drugs are handed out without any kind of legal action. The genotype, the phenotype and some state of the art treatments are not available. However, the system also led to the end of the prevention and promotion aspects, since all the effort was focused on the delivery of medication, and activism at the national level ceased to focus on prevention and fundraising and devoted itself to the presentation of legal actions. At a later stage, the issue of AIDS shifted to the background, the national AIDS program was terminated, and funding ceased to exist, also at the international level. Before, we used to work “against” the State and the State “against” us, but now all of the persons who form part of the global fund, and who are the activists themselves, or at least many of them, have been hired by the State and they have mutated: from representatives of the social forces they have become representatives of the State.

**CM:** What has been the reaction of the Government and of the health authorities in relation to the first cases and when did it become consolidated as a political organization in which activism became fundamental?

**GR:** I would say that happened in the 1990s. The famous tutelage action (or amparo) was instituted in 1991, and the issue began to gain weight; the mutation of the social movement is linked to placing the focus on the juridical aspect, because there is really an efficient and swift response, and people are only interested in their medicines; as for the rest, every man for himself.

**CM:** Did you hold conversations with groups of activists at the international level, for example with *Act Up*, which was so influential in the United States and Europe?

**GR:** No, here *Act Up* did not work, it had no influence with respect to the actions, the logic or the discourse. Activism developed taking into account the local social culture. The Tutelage action is clearly a local mechanism, and in ten days it solves the problem; that is why activism was aimed in that direction and not at considering the national program or the local funds. At present the Colombian network of persons living with HIV does some work, but most activists are devoted to the juridical aspects.

**CM:** How does the HIV AIDS activism connect with the activism of the preceding decades in relation to the LGBT agenda?

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**GR:** In Colombia, the civil war gave rise to an organization called *Planeta Paz*, which included different social movements and which, financed by Norway, sought to articulate the different social movements for them to present a peace proposal and a post-peace agenda. That was the best thing that could have happened to us in the country, since gays and lesbians with AIDS who had already been identified and mapped came from all over the country and that allowed us to meet and see one another, in the first place, and then to undertake a peace process. We gathered together with *campesinos* and indigenous people, but with other languages, other kinds of logic, and we developed a discourse: the body, first territory of peace, the body's food security, the body's space, the body's inviolability, and we made it crosscut the rest of the social movements. That gave us a lot of strength. Meeting, seeing each other, having a discourse, allowed us to find other things in public agendas, in the media, in the marches that began to be generated in other cities as part of the visibility process.

The Planeta Paz process coincided with the bills, six bills that Margarita Londoño and Piedad Córdoba submitted to Congress. We wrote Piedad Córdoba's project, and it sought a solution for the problems of gays and lesbians in Colombia. It included a thousand things, a very big bill, and Piedad Córdoba, despite the fact that she took advantage of us from an electoral point of view, and that she continues to do so, placed us in the agenda of Congress. Then many other political parties and congressmen appropriated the issue and in the end the project was not accepted. The bills were very good because they took the discourse away from the bed and introduced it in other scenarios, and not because the discourse should be inadequate for the bed, but because this is also a political issue.

**CM:** How do you see this issue reflected in the imaginaries at the social level?

**GR:** I think there are three links: one is the question of Congress, another is that of the Court, and another is the subject of political parties. In what sense have imaginaries changed? If you ask young people, coming out of the closet is no longer an issue. This year, *El Tiempo* newspaper published a survey on young people that shows that they feel more at ease at home, at school, that their friends know they are gay, there is less resistance; they are people who have begun to glean the fruits of all the work that has been done and who have to face a less adverse world, even though exclusion has not, obviously, ceased to exist. At present there are couples in small places, in villages, in the jungle, who are legalizing their unions. They are persons who, living in these environments, are presenting themselves at the notary's office to become public and legalize their unions. The other issue was the political one: in Colombia there were many political parties and a law sought to consolidate large political parties, which led the left wing to unite. We were included within that process of leftist unity, we are part of the Alternative Democratic Pole (Polo Democrático Alternativo), we are the Pink Pole (Polo de Rosa). In addition, this generated the discourse that other social movements already had: that of the Quota Law; women demanded quotas; indigenous people, young people and we, too, demanded quotas. The Quota Law has enabled us to have representatives in the National Assembly and in the party's board of directors. But that is not all. Since it was a moment of unity, statutes had to be drafted and, technically speaking, it became the duty of all the people in the left-wing party to defend us. As for gay politicians, there is an interesting case in which a person who aspired to be mayor of Barranquilla was asked during the electoral campaign what he had to say about gays and lesbians, and he replied: "I defend their position because my party defends their position." This would not have happened three years before the existence of *Polo*

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*de Rosa*. Besides, the party has undertaken the commitment to vote the bill en bloc, which implied internal discussions and demands of explanations from congressmen who voted against it. It seems to me this has been a very important pedagogical process, but also one of political contagion, since as we have become so visible, many parties want to have us in their lists because they feel that behind this there are many votes. The ultra-Catholic rector of a university, who hates us, declared they have to pay millions of pesos to be in the media and speak about us, while on the other hand, the media gives us everything for free. We have done so much! I don't think there is any social movement that has done so many things in such little time. It's incredible, in ten years we have the inclusion of homosexuals in the armed forces, in schools, legalized. A country in the global south flogging the global north and saying: here we have visas, nationality, pensions, health services. My partner is Canadian and I have him affiliated to the health service.

**CM:** What are the social and cultural conditions Colombia has experienced in the past ten years which made such change possible?

**GR:** I don't know what to answer. How could this happen in a country that is at war and has an authoritarian government? It's the logic of the illogical, I could not really explain it. Besides, now heterosexuals work for us for free and without the need for our being present. For example, a policy to subsidize housing is being devised in Bogotá; there is a lot of money because people need funding to have access to a house, and they decide they are going to grant these subsidies to gays and lesbians, and we learn about this through the press. There wasn't a single gay, there was no activism behind this. Heterosexual persons say: these people also need things. A short time ago we learned there had been a restructuring at the Ministry of Foreign Affairs and the Ministry of Justice and, by decree, they introduced a substantial change; there is an Undersecretary's Office for Indigenous Affairs, for Afro-Colombian peoples, and now they have created one for sexual minorities, only lesbians, gays, bisexuals and transgenders. When Luis Eduardo Garzón, a syndicalist, decided to enter the presidential race, we decided to support him; he did not win, but he decided to run for mayor of Bogotá, and he won, and he knew he had an agreement with us. So we met with him: What do you want? A community center? We already have a community center, we need training to become a public force, and we got it; we need public policies, and we got them; the mayor participated in our march, he did so every year. However, the Mayor presented a bill on public policies before the City Council and the Christian congressmen with their bibles and their discourses, which became knives, stabbed us and it sank, but three days before leaving office, Mayor Garzón said: if the City Council was not capable of doing it, I will sign this of my own accord and sanction a public policy that no politician, no matter how very Christian, can ignore. After that everything was approved and the new authorities decided to include two million dollars for the four year administration. All this was done by heterosexuals, sensible persons with whom we had already worked before. There was also an administrative restructuring and in that case we showed a lack of vision because we did not move a finger and we could have had a much higher level of representation.

**CM:** Tell me a little about the march.

**GR:** The first march we organized in Bogotá was very informal. In the framework of the Week of Culture and Sports, on a Sunday we went out into the cycle path. Bogotá has more than 120 kilometers of cycle paths. On Sundays we toured the cycle path in our shorts and on bicycle. Later it was more organized; we did it within the logic of the

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cycle path. That was 14 years ago; then we decided to stop, because storekeepers asked if they could take vehicles, chariots, and that could not be done in the context of a cycle path, so we walked back and forth inside the Chapinero ghetto.

Then, with Lucho Garzón and the support of the Mayor's office, we decided to go to Bolívar square, a symbolic place for all social movements; we changed the logic of the ghetto to become included within the dynamics of the country, with the participation of women and syndicalists, and this changed the name of the march; it was no longer the gay pride parade but the citizen's parade; to situate it in the context of rights has also been a key move.

**CM:** Initially, when it was the gay pride parade and it was smaller, and less official, it was aimed at gaining visibility.

**GR:** Initially the objective was visibility. We were forty persons when we started, and now the movement comprises 45,000 people. This includes the people who attend the march as onlookers, and this has been extremely important, because if you take a look at the context of the marches, we have never had an external aggression. There have been groups that have announced things; the Christian groups have been there with their crosses and their classic, stupid posters of religious contamination, and only on one occasion the *skin heads* gathered together to sabotage the march, but the police escorted us, they did intelligence work, we had support from police officers dressed as civilians. Last year, the Director of the National Police issued an order that there should be a police liaison officer with us in every city in the country. The National Federation of Municipal Attorneys (Federación Nacional de Personerías) also has a project to assess how the State fulfills its obligations.

**CM:** Where and what is the current opposition to the movement?

**GR:** As everywhere in the world, opposition lies in religion. With the Koran, the Torah, Buddhism or the bible, the issue is religious contamination, and this is increasingly well organized, for religious movements used to work from their temples, but nowadays they are also in politics. Christian congressmen have a high level of representation, they have quota seats in parliament and this has allowed them to have a wider field of action to harm us.

Initially, the Cristian opposition discourse established that: "God created Adam and Eve and not Adam and Ivan, I vote against the bill." But at a later stage there have been mutations, because they have realized that they can't have a religious discourse in opposition to the Constitution, in opposition to a secular State. So now they say "it is unconstitutional", "it is inconvenient", "family". They no longer base their arguments on the Bible; now they base them on the Civil Code. An investigation was carried out partially in Lima regarding the advances of conservative and religious movements, who finances them; now they have ceased to work visibly against us and they are working more in the shadows, positioning officials or carrying out efficacious actions in places of power in order to limit our rights. They obtain considerable funding to build schools at the regional level, to train activists who will work against us, not by attending our marches and cursing us, but through political lobbying. The same happens in the case of sexual and reproductive rights.

**CM:** Is there any possibility that the achievements you have attained be reverted?

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**GR:** Yes, there is. After we attained nothing at Congress we went back to the Court, we made an alliance between the social movement and the academy, and as a result of this in one faculty of law, the students worked for six months to elaborate a lawsuit to present before the Court, a lawsuit which was technically perfect and soundly based; then a high-impact litigation strategy was devised, and through it people became involved at the national and international level to make it an ironclad case and, for the first time, some rights could be achieved. Other lawsuits were filed successively, and at present we have, I believe, 95% of rights as compared to the rights of non-married man-woman couples. But by comparison with married couples, the difference is between 5% and 8%. Every successful result came through the Constitutional Court. The Court is composed of 9 magistrates, 9 persons that serve for 8 years, and at this moment they have been replaced and new magistrates that eat out of the hand of the current president, very right-wing, have arrived and we are afraid that everything we have achieved may be undone. As a matter of fact, there have already been some rulings which have included subtle obstacles for the recognition of rights, as for example, in matters of pensions.

**CM:** Have you any possibilities of measuring hate crimes, open discrimination in the street, people who continue to exert violence and exclusion against the community?

**GR:** I could say that the issue of visibility has had two consequences: the reduction of the violation of human rights because the issue has already reached everyday life and people feel more at ease, they come out of the closet, and visibility has also led to an increase of hate crimes because the greater the visibility, the more numerous the crimes, and this has occurred all over the world. The social movement did not have this issue in its agenda, we did not talk about hate crimes, which did not mean there weren't any. A year ago, Álvaro Miguel Rivera was killed; he was an activist, a person living with HIV, and at some time he said: "I don't work any more with HIV, there is a lot of money, there are many people working with HIV, I work with gays and lesbians," and he started to work on public policies in the Valley Department, and that led to his being killed in front of his own house.

**CM:** What were the circumstances of his death.?

**GR:** In his own house, three people arrived and spent some time with him, there was activist material scattered all over the room; he was gagged with a piece of adhesive tape and beaten. We have lodged an international lawsuit and here in Colombia, at the high government table, we need to clarify the crime of Álvaro Miguel Rivera and of Fredy, who is a boy also connected with Planeta Paz, and we have a war crime in the Coast and we still have no person responsible for this or for many other crimes.

**CM:** Does the group of transvestites and prostitutes continue to be the main target?

**GR:** Basically, it's the trans issue. In Cali there have been serial killings and in the context of the war, there have been paramilitary groups or guerrilla, but not in every region; there are regions where transvestites are friends of the paramilitaries and they live with them. I cannot generalize, but I can state that both left and right-wing groups have the same way of acting when social exclusion is concerned. The crime of homosexual men is mainly an urban issue; these crimes occur in most cases in the men's homes, they are a bedroom issue and later they appear as hate crimes. They are crimes of passion, for a hate crime does not occur in bed. The authorities do not

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understand, that is why we have demanded training for the authorities to be able to read what is happening behind these crimes in order to handle them in a different way.

**CM:** Something that interests me is that historically speaking, for example in the 1970s, when the international movement was consolidating, the leftist ideologies very much disagreed. Did the same thing happen in Colombia?

**GR:** Yes, at a given time the left wing considered that homosexuality was a class problem and for that reason they did not involve it in their discourse. But here in Colombia the alliance of the left-wing parties made it possible for many gays and lesbians who were still working as members of the radical left-wing to become visible. Since we have become visible, the *Polo de Rosa* now exists. In Colombia the left wing has been a central axis for the change in the social imaginaries. But we also have allies in the right wing. Last year a conservative congressman who supported the authoritarian president, included an article in a political reform that said that political parties that included homosexuals would get more money. The Christian congressmen spoke to the President and said to him: Mr. President, if you allow this article to get through, we will not support you, and so the article was not included.

**CM:** Although nothing is more important than equality among citizens, from a theoretical point of view I am interested in investigating what happens with the articulation of the constitutive difference of the LGBT identity. If I am equal in terms of citizenship, but I am different in my attitudes, the places I frequent, my sexual practices, how can the difference be marked?

**GR:** In legal terms we have a second-class citizenship, not a fifth-class any longer, but a second-class one. We have made a lot of progress, but from a social perspective we are far behind and at this moment there is a wave of conservatism. Our homosexual life was undercover; now that we have entered the public life, so legitimized as individuals and as couples, we have become part of the heterosexual antiseptic, antibacterial little model. Only couples, only with one person, in what conditions yes, in what conditions no, all that regulated model. People say "now we can't be promiscuous because we are legal" and I think that is a terrible loss; there are people who wonder: who got us into this? There are gay persons who disagree, especially with regard to the property rights issue, because they believe that if they take a young boy in, in a week he will take away from them half of their patrimony. This has generated a terrible impact. In Colombia, same sex couples were violently pulled out of the closet, whether they liked it or not. I have worked in favor of this model because it seems to me that it is more fair, but that hegemonic model has made us lose our underground status, which has wonderful advantages. We have to begin talking about discourses other than the hegemonic model; I have strongly positioned the question of triples, not of couples but of triples, the relationships between three persons on the affective, the erotic, the genital, the family plane. It is the issue of the social family and not the biological one; the construction of family based on the social family. From an academic point of view, we have to start delivering the discourse, in the social movement we have to deliver the discourse. In Colombia we have made progress; in the issue of pensions, jurisprudence has established that if for instance, a man dies, two women receive pensions. We are waiting for the same to happen when a gay dies, that the two lovers receive pensions and extend this further, move along those lines.

**CM:** How do you envision the possibility of subverting this and of introducing in the public agenda an acceptance of plural identities, of sexual plurality, a broader understanding of family and relationships?

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**GR:** I would say that discourse needs to be reinforced internally in the first place, because we cannot go out and speak about things that have not been discussed beforehand. We speak about these issues with a few people, in what are still very restrained, closed spaces; I think that with time we must speak about it, even if it is inadequate, because the inadequate will always continue to be inadequate until it turns public.

**CM:** Where do we stand regarding the personal and the sexual from the political point of view? For example, *cruising*, or the leather pubs. When there is a micro-cosmic political transgression of sexuality, what happens in Colombia? I remember a place in Bogotá that changed my perspective of public sexuality: *Streets of San Francisco*.

**GR:** I would say there is a conservatization and I feel there is no construction of a political group in our social movement. I feel that we have done things, that for some people what is happening in the public sphere is very clear, this question of being a political group, but in the new generation this does not actually exist, that is why one says: where is the social movement in the presence of this issue. There is not even a philosophical construction on the issue of transgression, on the issue of an underground status, for most people this subject is not clear yet.

**CM:** It would be absurd to think that the secrecy does not exist; perhaps it has been displaced to a virtual sphere, as points of virtual encounters.

**GR:** Yes, I was going to comment on this too. The issue of the pick-up zones has changed significantly at world level; for instance, parks have always belonged to men, but now there is the issue of bears, “Colombia Bear” and bear parties, bear pubs, or a small pub called Dark, all imported, but it is worth having them, having sex live among customers and the question of leather. But visibility is really lacking.

**CM:** What is the current agenda and in what direction is the movement heading?

**GR:** We are focused on ensuring that legal decisions are observed, we are still in a pedagogical process; there are notaries public that refuse to validate the unions, we need all this to be closer to actual reality. To really know what a political group is and organize it. At this moment we have more fragmentations, before we all used to be friends, but that is not so now. There is also the issue of the political party; more than 8 years ago some of these persons ran for positions resulting from popular election, and their work is being questioned because they seem to be working in terms of their election rather than in terms of the social movement. In Bogotá, for instance, the march has split up. The establishments from the south of the city left because they argued that the poor people implement the march in the poor sector, because the other one does not represent them and this year there will be three marches. All these fragmentations do not displease me, I think we are not equal, we don't have to act the same, but we do have to have some minimum co-existence construction, which we have not sat down to implement, either.