

# 5 things you should know about criminal detention in COLOMBIA in 2023

## 1 Prison system

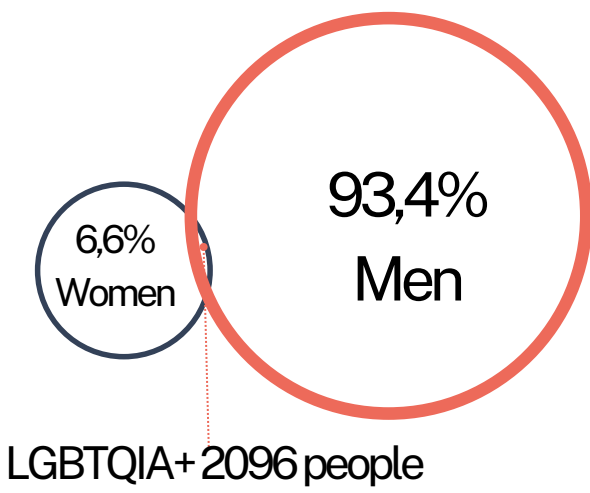
INPEC: The National Penitentiary and Jail Institute

- Founded in 1992
- Head of the prison system
- It follows policy instructions of Ministry of Justice and Law



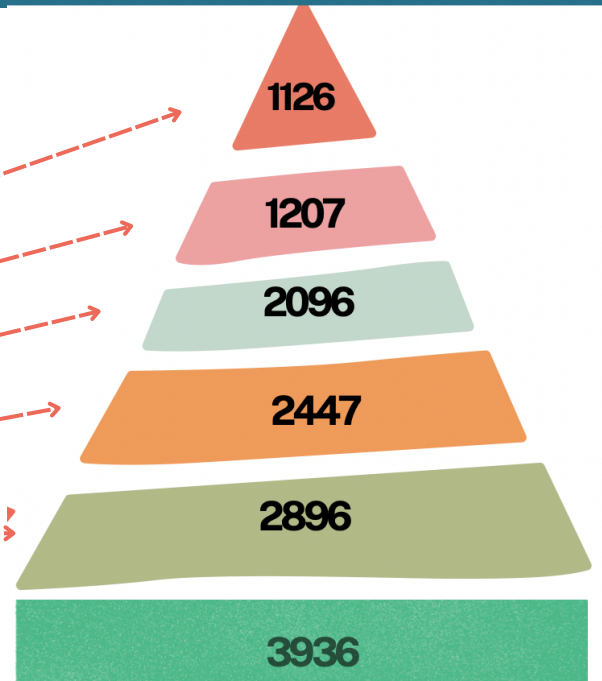
## 2 Prison population

- Total of 99 264 detainees in 127 prisons
- 194 detainees/ 100 000 people of the national population
- Overcrowding level 121%
- Predominantly masculine and young (18-45 years)
- Women represent 6,6% of the total prison population



## 3 Groups and individuals in situation of higher vulnerability in detention

- Members of Indigenous communities
- Persons with disabilities
- LGBTQI+
- Foreigners
- Elderly
- Afro Colombians



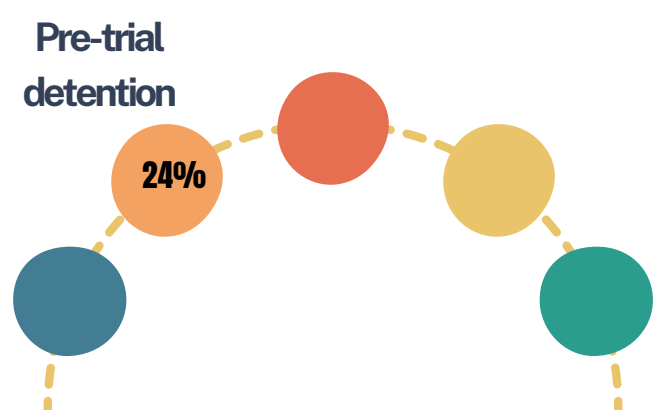
## 4 The perspective of the constitutional court since 1998

- Prison overcrowding, precarious infrastructure and lack of health, education and vocational programs, violate the rights of dignity and integrity of detainees
- The Court gave orders to Colombia to improve prison conditions and reform criminal policies according to human rights standards



## 5 Pre-trial detention

In relation to criminal process, 24% of detainees are on pre-trial detention



# MARTA LUCÍA ÁLVAREZ GIRALDO VS COLOMBIA



*The case that opened the pathway to equality in Colombian prisons*

## FACTS

- Marta, a Lesbian woman from Colombia, was deprived of liberty for almost 10 years (1994-2003)
- Marta was denied access to conjugal visits because of her sexual orientation
  - The prison system argued that same sex relationships were not allowed and that such visits would affect discipline and morality
- Marta was transferred from one prison to another as a way to restrict her conjugal visits
- After 8 years of requesting conjugal visits, she was finally authorised to have it, in her last year of detention

## Commission

- In 1996, the Inter-American Commission of Human Rights (IACHR) received a petition from Marta
- In 1999, the IACHR held that the prison system violated Marta's rights to personal integrity, equality, privacy and judicial protection
- The IACHR recommended Colombia to:
  - Fully redress Marta, adopt a protocol to ensure conjugal visits for women and lesbians, reform prisoner internal procedures to guarantee non-discrimination based on sexual orientation, train prison officials and disseminate among detainees the IACHR's decision and legal framework on right to conjugal visits

## Colombia

- Colombia implemented IACHR's recommendations
- Colombia made a public recognition of responsibility
- Colombia made an apology to Marta in the prison El Buen Pastor in Bogota, Colombia in 2017

**Want to know more about  
Marta's story?**

Take a look at the book she wrote, a story told from her own perspective



Interested in more? [Click here](#) for references