

Places of detention

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Implementation of recommendations from the previous period

Turkey, Peru, Algeria, Thailand, and the Bolivarian Republic of Venezuela urged Colombia to establish alternative penal procedures in order to control prison overcrowding, strengthen prison policies, and improve conditions for persons deprived of their liberty. However, overcrowding and poor conditions continue in Colombian prisons and international standards such as the Nelson Mandela Rules (1) and the Bangkok Rules (2) have not been applied.

Despite Law 2292 of 2023, which adopts affirmative actions for female heads of household in relation to penitentiary policy, some of these measures have not yet been implemented as they are currently being incorporated into existing regulations.

Current status

Despite the efforts of civil society and some entities, in recent years there have been significant setbacks with the Colombian prison system.

Places of detention have become even more hermetic and serious deficiencies in the provision of health and food services are increasingly frequent.

The State's responsibility has been diluted, in part due to an outsourcing of services to private entities by the Penitentiary and Prison Services Unit (USPEC). In addition, part of the overcrowding problem in National Ordinary Prison Establishments (ERON) has been transferred to Transitory Detention Centers (CDT), where the situation worsens each month. For example, in November 2022 there were 27 CDTs with an occupancy rate of over 1000%.

By April 2023 that number had increased to 34 CDTs. Almost 25% of people detained in CDTs have been in pretrial detention for more than 12 months, suggesting that many could be unjustly deprived of their liberty.

(1) United Nations Standard Minimum Rules for the Treatment of Prisoners. Adopted by the United Nations General Assembly in 1955.

(2) United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. Adopted by the United Nations General Assembly in 2010.

Without a conviction, these people spend over a year locked up in cells with a level of overcrowding that has never been seen before. In many cases, cells lack windows and natural light. In addition, the CDTs do not have enough cells to cope with demand, which leads to people being handcuffed in yards and exposed to inclement weather.

There is a significant underreporting of detainee deaths. Police have stated that there are no standards on how to treat the population deprived of liberty in CDTs. This legal vacuum has permitted the excessive use of force, prolonged isolation, torture, and cruel, inhuman, and degrading treatment.

Additionally, solitary confinement continues to be abused as a disciplinary measure in Special Treatment Units (STU), even in cases involving people with psychosocial or intellectual disabilities. In Colombia, solitary confinement is prolonged, arbitrary, lacks in due process, and involves inhumane and degrading conditions.

Between 2019 and 2023 there were a total of 374 complaints against prison guards and police officers for excessive use of force, 11 for sexual violence and 4,453 related to inter-prisoner violence in EROs, evidencing possible negligence by public employees. This data reflects a concerning situation regarding human rights violations in the prison system in Colombia.

Recommendations

1. Adopt urgent measures to eliminate overcrowding in prisons and detention centers, prioritizing the use of alternatives to custodial sentences.
2. Transfer all persons deprived of their liberty to penitentiary and prison facilities when dignified conditions are not available in the CDTs. Ensure that pretrial detention is not used or excessively prolonged.
3. Increase investment in prison infrastructure, especially the maintenance and improvement of detention sites.
4. Guarantee the provision of specialized health services and timely access to medicine for persons deprived of their liberty.
5. Ensure the prompt and impartial investigation of cases of violence and deaths in detention sites through an independent body.
6. Incorporate the Nelson Mandela Rules that prohibit solitary confinement for people with disabilities.