



PRINCIPLES AND GOOD PRACTICES ON THE PROTECTION OF THE RIGHTS OF WOMEN RELATIVES OF PERSONS DEPRIVED OF THEIR LIBERTY (Bogotá Principles)

The International Network of Women Relatives of Persons Deprived of their Liberty (RIMUF), formed by organizations of relatives of persons deprived of their liberty in the Latin American, Spain and Caribbean region, as a result of the International Meeting of Women Relatives of Persons Deprived of their Liberty held in Bogotá, Colombia in October 2022, establishes the following principles and good practices identified based on our experience and experiential knowledge, which are the product of the daily exchange among women relatives.

As a manifesto, we maintain that deprivation of liberty directly affects the person living in confinement, along with the violation of the rest of their rights, which should be guaranteed, such as food, health care, and education. However, when a person remains deprived of his or her liberty, the effects of prison have a direct impact on the lives of families. In particular, those who systematically confront the prison apparatus are the female relatives, who visit, deliver food and advocate for the well-being of their incarcerated family member. Children and adolescents, who also experience the impact of prison, visit with them.

While the entire family is affected by the deprivation of their loved one's liberty, female family members suffer a disproportionate and differentiated impact on their lives, since they are the ones who support the person deprived of liberty inside the prison and the rest of the family on the outside, working twice as hard to earn more money, relegating their activities, neglecting their health and being physically and psychologically abused by the prison, judicial and state administrations. Women family members provide their relatives deprived of liberty with all the necessary goods for subsistence, which the State should guarantee but which are denied.

One of the main objectives of RIMUF's work is to make visible the impact of prison on women's lives, not as something limited to a particular country, but as a phenomenon that is repeated and experienced in very similar ways in all the countries of the region. The purpose of these principles is to highlight the experiences of women relatives and children and adolescents who are relatives of persons deprived of their liberty, in order to guarantee their human rights and promote substantial changes that will lead States to adopt measures for the effective protection of this group.





CONSIDERING the value of human dignity and of the fundamental rights and freedoms recognized by the inter-American system and by other systems for the international protection of human rights;

RECOGNIZING the fundamental right of all family members of persons deprived of their liberty to be treated humanely and to have their dignity, life and physical, psychological, and moral integrity respected and guaranteed;

EMPHASIZING the importance of the production of information as a fundamental factor for the visibility and recognition of the relatives of persons deprived of liberty in government agendas and the importance of the organization of relatives as a mechanism for the prevention and denunciation of violations of the human rights of persons deprived of liberty;

EMPHASIZING the importance of due process of law and its fundamental principles and guarantees in the effective protection of the rights of family members of persons deprived of liberty, given their particular situation of vulnerability;

BEARING IN MIND the right of persons deprived of liberty to preserve their family ties as well as the principle of non-transcendence of the sentence;

RECOGNIZING that the family members of persons deprived of liberty suffer the effects of imprisonment, directly impacting their lives, especially women;

TAKING INTO ACCOUNT the principles and provisions contained in the following international instruments: American Convention on Human Rights; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights; Inter-American Convention to Prevent and Punish Torture; Inter-American Convention on Forced Disappearance of Persons; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; American Declaration of the Rights and Duties of Man; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; International Convention for the Protection of All Persons from Enforced Disappearance; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of Persons with Disabilities;



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Convention Relating to the Status of Refugees; Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries; Geneva Conventions of August 12, 1949, and their Additional Protocols of 1977; Universal Declaration of Human Rights; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; Basic Principles for the Treatment of Prisoners; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care; Standard Minimum Rules for the Treatment of Prisoners; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); United Nations Rules for the Protection of Juveniles Deprived of their Liberty; United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules); and in other international human rights instruments applicable in the Americas;

NOTING WITH CONCERN the failure of the American States to adopt comprehensive protection measures for family members of persons deprived of liberty, as well as the lack of public policies that recognize the magnitude of the effects of deprivation of liberty on the lives of family members, especially female family members and children and adolescents who are family members of persons deprived of liberty;

WITH THE OBJECTIVE of contributing from the experiences, challenges, and advances in the matter from the organizations and collectives of family members of RIMUF through minimum rules for the treatment of the effects of prison on the relatives of persons deprived of liberty;

The following PRINCIPLES AND GOOD PRACTICES ON THE PROTECTION OF THE RIGHTS OF WOMEN FAMILY MEMBERS OF PRISONERS OF PERSONS DEPRIVED OF LIBERTY ARE ESTABLISHED.





Comité de
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PRINCIPLES AND GOOD PRACTICES ON THE PROTECTION OF THE RIGHTS OF WOMEN RELATIVES OF PERSONS DEPRIVED OF THEIR LIBERTY (Bogotá Principles)

General Provision

For the purposes of this document, the following definitions shall apply:

I. Relatives of a person deprived of liberty:

"Any person who maintains a bond of consanguinity, affinity, adoption or other diverse reasons that make him/her related to the person deprived of liberty without distinction of ethnic origin, nationality, color, sex, age, language, religion, political or other opinions, national or social origin, economic position, birth, physical, mental or sensory disability, gender identity, sexual orientation, manner of speaking or dressing or any other social condition.

II. Administrative authorities:

"Any authority in charge of operating centers of deprivation of liberty, co-responsible authorities that by their nature must intervene in the fulfillment of the human rights of persons deprived of liberty and their relatives as well as companies or private agents that the States have delegated to them the provision of services within the centers of deprivation of liberty."

III. Center for deprivation of liberty:

"Any center of the State destined for the fulfillment of custodial sentences, precautionary measures and personal constraints that penalize the deprivation of liberty."



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GENERAL PRINCIPLES

PRINCIPLE I

Equality and non-discrimination

Family members of persons deprived of liberty must be treated equally.

Under no circumstances shall family members of persons deprived of liberty be discriminated against on the grounds of their, ethnic origin, nationality, color, sex, age, language, religion, political or other opinion, national or social origin, economic status, birth, physical, mental or sensory disability, gender, sexual orientation, manner of speaking or dressing or any other social condition. Consequently, any distinction, exclusion or restriction that has the purpose or result of impairing or nullifying the recognition, enjoyment, or exercise of the internationally recognized rights of family members of persons deprived of their liberty shall be prohibited.

PRINCIPLE II

Health

States must guarantee family members of persons deprived of liberty access to services that guarantee comprehensive health and psychological support in response to the effects of human rights violations in contexts of deprivation of liberty on them and their families, given that in addition to their physical health being affected, they also experience mental health problems due to the detention of their family member because they are constantly worried about the state of health and physical integrity of their family member deprived of liberty, which generates high levels of stress, anxiety and anguish.

Likewise, family members of persons deprived of liberty should be guaranteed basic check-ups, regular controls and methods of prevention and protection of sexual and reproductive health, from a perspective of rights and guarantees and not as demands for visitation and control.

In no case may family members of persons deprived of liberty be required to undergo examinations for sexually transmitted, infectious or other diseases. In the event of a health emergency in which it is necessary to request specific examinations for the entry and exit of persons deprived of liberty in order to protect their rights, as well as to





inform their relatives of the state and registration of their health, the State must provide the adequate means to carry them out without the costs falling on the relatives.

Physical and mental health care are fundamental to the life process of every person. Women family members, as economic and emotional supporters of persons deprived of liberty, assume excessive responsibilities that are detrimental to their own health and general wellbeing. States need to assume their responsibilities in caring for all the needs of persons deprived of their liberty without transferring these obligations to their families.

PRINCIPLE III

The right to the protection of family ties

Family members of persons deprived of liberty play a fundamental role in the process of maintaining social ties between the person deprived of liberty and the members of the rest of the family, especially children and adolescents.

States must guarantee the implementation of effective communication channels that allow for maintaining family relationships and ties, highlighting the role that corresponds to persons deprived of liberty within a family, which functions as a support for the improvement of the quality of life of these and their families.

There must be clear guidelines that guarantee the protection and strengthening of family relationships and the protection of the best interests of children and adolescents. General visits and couple visits should be guaranteed on a regular basis, in safe and dignified conditions and especially with children and adolescents.

The delivery of food, hygiene products, clothing and other items for persons deprived of liberty should not be subject to controls beyond reasonable and formally established limits, protecting the dignity of persons deprived of liberty and their families.

The right of persons deprived of liberty to participate in cultural, sporting, social, and healthy and constructive recreational activities with their families should not be denied because of their condition of deprivation of liberty. States should develop initiatives to promote them as part of their obligations to protect families. The participation of the family, the community and non-governmental organizations in such activities should be encouraged in order to promote family bonding.





Transfers of persons deprived of their liberty that distance or alienate them from their families, as well as those that seriously affect the families, generate uncertainty and greater difficulties in communication. Hence, priority should be given to the right of persons to be deprived of their liberty in places close or near their family and their community. In the event that the transfer is justified according to rules and procedures, as well as criteria of proportionality and objectivity, States must provide the means to guarantee contact with family members. States shall implement follow-up mechanisms to avoid arbitrary and corrupt acts in transfers.

Transfers should not be carried out with the intention of punishing, repressing or discriminating against persons deprived of liberty and their relatives for filing judicial or administrative appeals or complaints.

Priority should be given to alternative or substitute measures to deprivation of liberty, and the participation of society and the family should be promoted.

States should guarantee protection measures against excessive and arbitrary charges by the administrative personnel of detention centers. Under no circumstances may charges be made for visits, intimate visits to family members of persons deprived of liberty, food, medicines and other necessary materials for persons deprived of liberty.

States must guarantee their obligation to provide access to transitory release processes, pre-release programs, and programs for serving the sentence to persons deprived of liberty, as well as to provide comprehensive and psychological support to the family in relation to the person deprived of liberty.

PRINCIPLE IV

Access to information

The administrative authorities of the centers of deprivation of liberty have the duty to provide truthful, clear and timely information to family members about the health condition and human rights of persons deprived of liberty, especially in situations that may affect internal coexistence. The duty to provide reliable and trustworthy information on the status and location of the family member deprived of liberty, within the center of deprivation of liberty itself and in cases of transfers to other centers or hospitals, must be carried out from the time of detention until the end of the sentence or measure of deprivation of liberty through a national registry of location of public access.





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There should be clear, public, and homogeneous regulations on the restrictions for the entry of family members to detention centers, which should be proportional. The regulations should be available digitally and physically in the place of deprivation of liberty and should be available for consultation at all times.

PRINCIPLE V

Access to justice

The State must guarantee to the relatives of persons deprived of liberty the possibility of filing appeals in matters of criminal execution before administrative and judicial authorities -whether the person deprived of liberty is under a precautionary measure or sentenced-, regarding conditions of internment, pre-release benefits, torture and ill-treatment of persons deprived of liberty; involuntary or exceptional transfers must be established in the laws on the matter.

States have the obligation to protect family members who file appeals before the corresponding authorities on behalf of persons deprived of liberty, so that neither the persons deprived of liberty, nor their family members are victims of reprisals.

The State must guarantee, through its obligation to investigate, the effectiveness of the remedies presented by family members.

PRINCIPLES RELATING TO VIOLENCE AGAINST WOMEN RELATIVES OF PERSONS DEPRIVED OF THEIR LIBERTY

PRINCIPLE VI

Right to privacy, searches and other measures

Priority should be given to alternative means that take into consideration procedures and technological equipment or other appropriate methods for searching relatives of persons deprived of liberty who visit places of deprivation of liberty.

The administrative authorities should have and use appropriate technical means for searches in accordance with the principle of progressivity, ensuring that their use does not cause harm to human health. These technical means should be prioritized over other types of admission practices. Officers must be trained with technical knowledge to use them, and it is recommended that protocols and resources be guaranteed for the





adequate maintenance of the equipment. Body searches may not be carried out arbitrarily. They must obey the criteria of necessity, reasonableness and proportionality and must be carried out using non-invasive methods and technologies. Such searches must be carried out in adequate sanitary conditions, by qualified personnel of the same sex, and must be compatible with human dignity and respect for human rights.

Intrusive vaginal and anal searches are incompatible with dignity and violate the right to intimacy and personal physical and personal integrity, as well as the privacy of family members of persons deprived of liberty. These searches constitute sexual, gender-based and institutional violence against women relatives who visit the centers of deprivation of liberty. Furthermore, although these searches have a direct impact on the women's bodies, they also affect the mental health of the women, who experience humiliation, mistreatment and fear every time they visit. Furthermore, these violent practices often occur in the presence of minors. Women relatives are seen as suspects and culprits because they are mothers, partners or sisters of a person deprived of liberty. Therefore, States should train administrative authorities to eliminate these stereotypes and practices that threaten women relatives.

States should include special protection measures for children and adolescents who are family members of persons deprived of liberty during body searches, which should always be carried out with the accompaniment of an adult family member. These measures must recognize the importance of the cognitive and social development of children and adolescents who are relatives of persons deprived of liberty.

Under no circumstances can canine animals be used as a means of body search, or any other instrument used as a means of intimidation against the relatives of persons deprived of liberty during visitation.

All women, children and adolescents have the right to live a life free of violence, this being a fundamental principle of international human rights law, established by the universal and regional human rights system, with legal duties related to the eradication of violence and discrimination. These duties are based on the human rights to equality, non-discrimination, life, and personal integrity.





PRINCIPLE VII

Gender and diversity perspective

The administrative and judicial authorities should incorporate the gender and diversity perspective - LGBTQ+ population - in the legal and bureaucratic processes related to the relatives of persons deprived of liberty, in such a way that they cease to reproduce practices based on androcentrism and heteronormativity.

States should train their authorities at all levels on the importance of recognizing the gender and diversity perspective from an intersectional perspective.

Women family members experience multiple violations of their fundamental rights as women and as family members. On the one hand, they are violated because they are women, and on the other, they are violated because of their social status and place of origin, among others. Thus, in all legal and bureaucratic processes, the State must be committed to protecting the rights to non-discrimination of these populations, thus ceasing to reproduce gender stereotypes. States should sanction authorities who do not agree to participate in training and this should be considered as a serious misconduct.

Administrative decisions reinforce the overload of responsibilities in the lives of women in the family, leaving them helpless, every time they do not make room for requests to be related to important dates or also do not favor communication with their sons and daughters. For this reason, the States must recognize and incorporate women relatives in the gender agenda of the Latin American and Caribbean region, as well as at the level of international organizations, not only with respect to governmental agencies, but also civil society organizations and feminist movements.

States must ensure that unpaid care work performed by women family members is recognized as productive work.

States should take measures to address the health problems and mistreatment of family members of persons deprived of liberty in hospitals when they are required to undergo studies in order to visit the person deprived of liberty, so that the human rights of family members are respected, especially those of women and the LGBTQ+ population.





PRINCIPLES RELATING TO THE DIFFERENTIAL IMPACT OF THE SOCIAL AND ETHNIC STATUS OF FAMILY MEMBERS OF PERSONS DEPRIVED OF THEIR LIBERTY

PRINCIPLE VIII

The authorities should take measures to prevent and combat structural racism in the region, as well as the criminalization of family members of persons deprived of liberty due to physical, social, ethnic, religious or economic characteristics, considering family members belonging to Afro-descendant communities, indigenous and native populations, and other ethnic and family members. In particular, ombudsmen's offices and public ministries should incorporate mechanisms or spaces for complaints regarding structural racism in cases of discrimination and violation of the human rights of family members of persons deprived of their liberty, which should incorporate the participation of family members. States must respect their religion, cultural practices and traditions.

Abusive searches and criminalization of family members of persons deprived of liberty for these characteristics should be prohibited by law, and public policies that recognize and provide solutions to cases of discrimination against these populations should be prioritized.

PRINCIPLES RELATING TO CHILDREN AND ADOLESCENTS WHO ARE RELATIVES OF PERSONS DEPRIVED OF THEIR LIBERTY

PRINCIPLE IX

Children and adolescents with a parent or caregiver deprived of liberty have the right to be provided with information on their relatives in order to assert their right to family ties.

Children and adolescents must be protected from situations that affect their dignity and integrity.

The negative effects of imprisonment on the children of persons deprived of their liberty should be recognized and mitigated through special measures and support and protection mechanisms and training for the corresponding authorities. Children and adolescents who are family members of persons deprived of liberty are in more vulnerable conditions, so it is necessary to recognize the effects of imprisonment on this population and to guarantee adequate entry and coexistence between persons deprived of liberty and their children. States must incorporate services for the





protection of children and adolescents in this situation and guarantee psychosocial care for children and youth.

Finally, visits by family members of persons deprived of liberty, particularly children and adolescents, should be guaranteed, respecting the schedules established for this purpose. There should be a special section for children and adolescents who are relatives of persons deprived of liberty, prioritizing the best interests of children and adolescents as well as the right to health and physical integrity.

PRINCIPLES RELATING TO DEATH IN CUSTODY CASES

PRINCIPLE X

The administrative authorities of places of deprivation of liberty should create a "Death in Custody Protocol" that includes: Complete and truthful information on the causes of death in custody, as well as the investigation and punishment of those responsible, where appropriate, the hearing of the competent authorities - such as Human Rights Commissions, Prosecutor's Offices, and torture prevention mechanisms - consular assistance (where appropriate), support with regards to procedures in the penitentiary center and funeral procedures, forms of communication with the relatives, care in the treatment of the body of the deceased, as well as legal and psychological accompaniment for the relatives, and economic support to ensure funeral expenses and the transfer of the body of the person deprived of liberty.

States must guarantee measures of integral reparation and non-repetition to the relatives of persons deprived of liberty, in the event of any death caused by the action or omission of authorities in contexts of human rights violations, in accordance with the standards of international human rights law.

PRINCIPLES RELATING TO THE RIGHTS TO ORGANIZATION AND PARTICIPATION OF FAMILY MEMBERS

PRINCIPLE XI

The state shall recognize and promote the processes of organization and participation of family members in the defense of human rights and shall guarantee that their actions, requests and recommendations are heard, responded to and implemented by the competent authorities.





The institutions responsible for the promotion and protection of the rights of women, gender non-conforming individuals, and of children and adolescents must articulate programs for the promotion, protection and encouragement of these populations and their organizations.

In no case shall the participation and complaints made by relatives of persons deprived of liberty have reprisals against persons deprived of liberty and their relatives.



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Sign these "PRINCIPLES AND GOOD PRACTICES ON THE PROTECTION OF THE RIGHTS OF FAMILIES OF DETAINED PERSONS" (Bogotá Principles) on October 20, 2022, in the city of Bogotá, Colombia:

Asociación Civil de Familiares Detenidos (ACiFaD).

Azul Originario

Asociación de Familiares de amigos y amigas presas (Amparar)

Centro de Atención Integral a Familiares de Personas Privadas de la Libertad (CAIFAM) - Documenta, Análisis y Acción para la Justicia Social A.C. (Documenta, Analysis and Action for Social Justice)

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