

## **Intervention**

### **Minorities in the Penal Justice System of Colombia**

Colombia counts with an important institutional framework to guarantee the “right to equality” for the whole population inhabiting the Colombian territory. Since the Political Constitution of 1991, the country is recognized as pluriethnic and multilingual. Equally, it adopts a multidimensional focus on equality; it emphasizes formal equality, but it also demands the realization of material equality, it adopts the concept of equal opportunities; it incorporates the principle of equity; it includes the criteria of difference and orders the adoption of affirmative action in favor of discriminated or marginalized groups and the special protection of individuals in circumstances of manifested vulnerability.

One of the distinctive features of the State is, therefore, its openness to pluralism. Such opening is connected to at least three dimensions: To become a society that reflects that (i) it admits and promotes in an expressive manner the fact of diversity (Superior Article 7); (ii) it appreciates in a positive manner the distinct aspirations and existent valuations to the point of protecting in a special manner religious freedom, freedom of conscience and thought, as well as the freedom of expression; and (iii) it establishes the judicial, political, and social directions that will serve to diminish the possible conflicts that may be present by virtue of the existing differences in a determined moment.

It is important to highlight advances in the matter of justice through the adoption of Law 1482 of 2011, which codifies crimes of acts of racism or discrimination and the harassment for motives of race, religion, political ideology, or national, ethnic, or cultural origin. The objective is to guarantee the protection of the rights of a person, a group of people, community or peoples that could be victimized.

At the same time, Colombia counts on the “National System of Public Defense”, which functions as a public service which organizes, directs, and controls the Public Defender, in favor of people who require assistance and judicial representation, and guarantees the full and equal access to the administration of justice in penal matters. This is a free service destined to permit the access to justice to people who lack the economic resources to attend to their judicial defence. In the case of people linked to a penal process who are not dominant in the Spanish language, a translation service is provided since it concerns a proper guarantee to the right of defence.

Additionally, for the administration of penal justice, the national government adopted the “National Program Houses of Justice,” which are inter institutional centers of information, orientation, reference, and provision of services for conflict resolution, where the formal and informal mechanisms of justice are applied and executed. With them, it is envisioned to bring justice closer to citizens and informing them of their rights, preventing crime, fighting against impunity, facilitating their use of formal justice services and promoting the use of alternative mechanisms of conflict resolution. During the last 20 years of existence

of the Houses of Justice it has been possible to form 104 Houses of Justice in 87 municipalities throughout the country.

The program “Houses of Justice” is the response of the National Government and the territorial governments to attend to the necessities of justice, to effectively overcome barriers to justice in the economic, geographic, ethnic, cultural and political realms that have limited access to justice, especially for the great majority of Colombian society.

Finally, I would like to reiterate the compromise of the Colombian State in advancing the consolidation of an inclusive society respectful of the rights of Minorities, particularly in guaranteeing the right to the access of justice on conditions of equality and nondiscrimination.