

DECISION C- 772/08 THE WALLS OF INFAMY

A group of people sentenced to prison for rape against minors and sex crimes, filed a writ of tutela on the grounds that the Agreement No. 280 of 2007 violates their right to privacy, equality and due process. The Agreement No. 280 of the City Council of Bogotá ordered to publish the names and faces of those who have committed this type of crime on billboards and city walls.

The Constitutional Court, applying the principle of proportionality, accepted the action for protection and reiterated its judgment T-111 of 2008 by noting that (i) the contested measure affects the fundamental rights of the abuser, his family and the victims; (ii) although this measure is aimed at protecting children and teenagers and preventing sexual offenses against them, there is no evidence to show that the measure is appropriate for this purpose; (iii) nor has it been shown that before taking such measure, other similar measures with less impact on the fundamental rights had been examined, which also does not make it possible to affirm its need.