



Thank you once again for your precious support during our meeting with the Task Force on Guatemala. We remain concerned about:

- Poor detention conditions that undermine the dignity and the rights of detained adolescents, including the denial of essential services such as medical care;
- Lack of sustainable programs for the social reintegration of adolescents deprived of their liberty. Most of the socio educative programs have been removed for security reasons according to Authorities;
- Limited access to drinking water as there is no water supply in the four detention centres of the country;
- Isolation of adolescents in cells, especially when they are members of gangs;
- Reprisals against adolescents who dare to protest against their conditions of detention whilst there is no complain mechanism at the detention centres;
- Prison overcrowding that reached 161.33%, due, inter alia, to the long term pre-trial detentions and the limited programs of substitutions to the deprivation of liberty;
- Violence in detention centres, especially in the Centro Juvenil de Privación de Libertad para Varones (CEJUPLIV) where acts of violence led to the death of four penitentiary guards and in Centro Juvenil de Detención Provisional para Varones (CEJUDEP) where three adolescents and several injured penitentiary guards died.
- The regular turnover of the Social Welfare Secretariat (Secretaría de Bienestar Social) managers as well as the technical and multidisciplinary teams jeopardizes the delivery of steady, secured and sustainable social educative services to children and adolescents in conflict with the law;
- The transfer of adolescents and children from the countryside to the capital city due to the lack of availability of appropriate infrastructures and services which impedes the rights of adolescents in conflict with the law to maintain contact with their families, including visits and correspondence;
- Non-compliance with the principle of deprivation of liberty as a measure of last resort for the shortest period possible and the limited use/recourse of alternatives to incarceration, even though the majority of juvenile offenses do not systematically require detention measures;
- Despite Guatemala has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 9 June 2008, ten years ago, it has not yet established the National Prevention Mechanism (MNP) to allow visit, advise and evaluation of the needs and means to strengthen the protection of adolescents deprived of their liberty;

- The repressive judicial approach applied to gang members deprived of liberty is not accompanied by prevention, protection and integration programs for adolescents recruited and tempted to join gangs like “maras”;

- The lack of a capacity building unit or department within the Social Welfare Secretariat that prevents from training the staff on child-friendly procedures and run socio-educative programs.

We, therefore, recommend:

- Identify or create, without further delay, through a transparent process, the National Prevention Mechanism which enjoys full access to children detention centres for regular inspections;

- Take all necessary steps to ensure a sturdy and sustainable management leadership of the Social Welfare Secretariat capable to train its staff and provide adequate socio-educative services to adolescents in conflict with the law;

- Tackle the overcrowding challenge through a restorative approach to juvenile justice, and limit pre-trial detentions by giving priority to alternative measures, including indigenous community practices fostering non-custodial measures, and socio-educative programs;

- Enhance existing training programmes and ensure that all public servants, particularly police, prison officers, legal officials responsible for representing the judiciary in indigenous areas, and the Public Prosecution Service, attend regular, suitable, specific and compulsory training courses on strategies dealing with violence against children and on the administration of juvenile;

- Develop a comprehensive decentralized policies and programs focusing, inter alia, on prevention strategies integrated in municipal development plans to address at the local level the rampant violence exacerbated by gangs, including “maras”, so as to add prevention and protection dimension to judicial efforts;

- Establish in all detention centres for children and adolescents complain mechanisms that allow detainees to report physical or psychological ill-treatments or torture acts without any fear for reprisals;

- Take all necessary measures to improve detention conditions and provide adolescents detained with drinking water, medical care and enjoy their right to rest, leisure, play and recreational activities.