



**25th session of the UN Human Rights Council
Geneva, 3-28 March 2014**

Item 2: including other SG/HC country reports (Colombia and Guatemala)

26 March 2014

Mr. President,

The International Catholic Child Bureau (BICE), the Tertiary Capuchins of Colombia, the Institute of Comparative Studies in Criminal Sciences in Guatemala (ICCPG), would like to address the administration of juvenile system challenges in Colombia and Guatemala.

Colombia

In a written statement submitted to this session of the Council, BICE and the Tertiary Capuchins of Colombia pointed out the shortcomings of the juvenile justice system in the country. We referred to the weaknesses of the 2006 Act n°1098 on Children and Adolescents revealed by a 6-year evaluation process conducted by the Ministry of Interior, the Colombian Institute of Family Welfare (ICBF), the Criminal Responsibility System (SRPA) operators, the Attorney General's Office, the Ombudsman, the General Prosecutor's Office, and many other stakeholders, including UNICEF and NGOs. Besides incoherencies within the child legal framework and the lack of technical programming orientations to ICBF, the outcomes addressed the lack of justice decisions implementation and monitoring tools as well as the pressing need to strengthen the capacities of State justice actors. As highlighted in the OHCHR-Colombia's report, the administration of juvenile justice is suffering from the absence of case mapping; overburdened prosecutors and lack of investigators; insufficient prosecutor protection capacity; gaps in legal knowledge, especially to provide legal assistance to adolescents in conflict with the law. Whilst an adolescent is in conflict with the law, the criminal system tends to prioritize punishment and deprivation of liberty rather than prevention, rehabilitation and restoration due to the lack of deviation, alternatives measures to the deprivation of liberty and reintegration mechanisms. As a result, detention centres are overcrowded.

The co-signing organisations call on the government of Colombia:

- **To reform the 2006 Act based of the assessment made;**
- **To adopt a rights-based approach and implement child-sensitive programmes so as to achieve non-recidivism and to attain the objectives of the Children and Adolescent Integral Protection Doctrine.**

Mr. President,

Guatemala

Criminal proceedings concerning adolescents are unreasonably long and can reach one year and half in contradiction to the statutory 2 months maximum. Therefore, juvenile detention centres are overcrowded due to long-lasting pre-trial detentions as mentioned in the OHCHR-Guatemala's report.

Nevertheless, significant efforts have been made by the government to establish 19 courts that have jurisdiction in juvenile criminal justice as well as one *juzgado pluripersonal* that controls the implementation of judicial decisions. However,

- i) adolescents performing custodial measures are chained and transferred to the capital by the police and have to go under police control in each municipality, which endanger their health and physical integrity;
- ii) access to justice, including visits to adolescents in custody, for remote communities, especially indigenous communities implies transportation, food and housing costs, since both detention centres and the *juzgado pluripersonal* for sanction review hearings are located in the capital Guatemala;
- iii) absence or insufficiency of interpretation for indigenous communities impedes effective access to justice.

The co-signing organisations recommend that the government of Guatemala:

- **To focus on non custodial measures so that adolescents can perform substitution to deprivation of liberty measures in their own region and enjoy visits and support of their family without undue cost;**
- **To set up a child-friendly videoconferencing system for sanction review hearings in order to avoid discrimination to access to justice based on economic resources.**