

**37<sup>th</sup> session of the Human Rights Council**

**Geneva, 26 February – 23 March 2018**

**Item 2: General debate – High-Commissioner/Secretary general country reports and oral briefings (Burundi, Colombia, Cyprus, Guatemala, Honduras, Iran and Sri Lanka)**

**Mr. President,**

The International Catholic Child Bureau, the *Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG)* and xxx welcome the OHCHR Guatemala's report on the human rights situation in Guatemala, including on the administration of juvenile justice.

As the report rightly underlined, incarceration continued to be the prioritized response to insecurity and the situation of children in conflict with the law, as was pretrial detention which increased the penitentiary population. In August 2017, during its *in loco* mission, the Inter-American Commission on Human Rights (IACHR) visited many juvenile detention centers such as the "Aleluya" Children's Home, "Etapa II" (for boys and young men) and "Los Gorriones" (girls and women from 13 to 22). The monitoring concluded that the conditions in juvenile detention places amount to inhuman and degrading treatment, and children and adolescents are not separated from adults. In Etapa II, the penitentiary services subjected family members who pay visit to inmates in detention to humiliations and are forced to strip naked and perform debasing acts, which is in contradiction with international norms and standards.

In January 2018, the CRC expressed concerns over the "systematic use of detention, including pretrial detention, and the [difficult] conditions of detention"<sup>1</sup> of children and adolescents. The tragedy in the Virgen de la Asunción children's home, a year ago, revealed the imperative necessity "to combat overcrowding in prisons through alternatives to incarceration"<sup>2</sup> as stated by the Guatemalan delegation in November 2017 during the UPR review.

BICE, ICCPG and xxxx recommend to Guatemala to:

- 1. Implement in practice a juvenile justice model, including restorative criminal justice that establishes deprivation of liberty as a measure of last resort and for the shortest time possible;**
- 2. Avoid long transfers of adolescents in conflict with the law from remote areas to Guatemala city<sup>3</sup> by implementing "jail hearings" in which judicial authorities go to detention centers to hold certain proceedings;**
- 3. Ensure that detention, including pretrial detention, is used as a measure of last resort and for the shortest possible period of time, and review it on a regular basis with a view to its withdrawal<sup>4</sup>;**
- 4. Give priority to rehabilitation over retaliation, with adequate premises and specialized professionals who can implement socio-educational and rehabilitation programs that represent an effective opportunity for the positive, constructive reintegration of adolescents and that prevent recidivism;**
- 5. Make reasonable use of incarceration through the promotion, regulation, and implementation of alternatives to deprivation of liberty and take steps to encourage social reintegration by strengthening measures such as reduced penalties and eligibility for alternatives to prison.**

**Thank you Mr. President.**

---

<sup>1</sup> CRC/C/GTM/CO/5-6 (2018), § 46.

<sup>2</sup> A/HRC/37/9 (2017), § 102.

<sup>3</sup> CRC/C/GTM/CO/5-6 (2018), § 46 c)

<sup>4</sup> *Ibid.* § 46 a).