



**37<sup>th</sup> session of the Human Rights Council  
Geneva, 26 February – 23 March 2018  
Item 6: UPR Outcomes – Guatemala**

**Mr President,**

The International Catholic Child Bureau (BICE), the *Instituto de Estudios Comparados en Ciencias Penales de Guatemala* (ICCPG), the Congregation of our Lady of Charity of the Good Shepherd, the International Confederation of the Society of Saint Vincent de Paul, the International Movement of Apostolate in the Independent Social Milieus (MIAMSI) and the Company of the Daughters of Charity of Vincent de Paul, appreciate the engagement of Guatemala in the UPR process. However, our organizations regret that during the 28th session of the 3rd cycle, a high number of recommendations (55) out of 205, including recommendations related to the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure formulated by Uruguay and Azerbaijan, were noted.

Two months ago (January 2018), the Committee on the Rights of the Child (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 review. The ongoing legislative and child-friendly procedures’ reforms should:

- 1. promote non-judicial measures for children and adolescents in conflict with the law, including mediation, diversion or non-custodial sanctions, such as probation, counseling or community service, and intensify its efforts to implement alternative measures at sentencing<sup>3</sup>;**
- 2. 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>;**
- 3. prevent long pretrial transfers of children in conflict with the law from remote areas to Guatemala City<sup>5</sup>;**
- 4. establish specialized juvenile court facilities across the country, in particular in remote and rural areas<sup>6</sup>.**

In addition, our organisations encourage Guatemala to develop a national implementation action plan and ensure a strong enforcement leadership with the participation of civil society organisations.

As announced by the Government, our organisations encourage Guatemala to finalise without further delay, the SIMORE system in order to guarantee a coordinated monitoring effort of the UPR recommendations.

**Thank you Mr. President.**

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<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 d).

<sup>4</sup> *Ibid*, § 46 a).

<sup>5</sup> *Ibid*, § 46 c)

<sup>6</sup> *Ibid*, § 46 b).