

## 31st session of the Human Rights Council

29 February – 24 March 2016

### Item 2: High Commissioner's Country Reports – Guatemala

#### Thank you Mr. President,

The International Catholic Child Bureau (BICE) and the *Instituto de Estudios Comparados en Ciencias Penales de Guatemala* (Institute of Comparative Studies in Criminal Sciences in Guatemala (ICCPG)) thank the High Commissioner for his report on progress and challenges in the human rights situation in Guatemala, including on the administration of juvenile justice.

The 2014 OHCHR-Guatemala report mentioned that 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.

In 2015, the report underlined the situation of overcrowded detention centres, poor detention conditions, the lack of interpretation to facilitate access to justice to indigenous children, the high incarceration rate of children and adolescents in conflict with the law detained together with adults, and the gender-based violence at the time of arrest, transfer and imprisonment.

In the current 2016 report, it doesn't appear that the situation has significantly changed. Despite Guatemala's endeavours, the High Commissioner pointed out that juvenile detention centres exceeded their capacity by 54.9% and children and adolescents in conflict with the law continue to experience violence and ill-treatment in detention as well as difficult detention conditions, including lack of ventilation and water in their cells. It confirms the 2013 Committee against Torture's concerns expressed over "the poor conditions, including overcrowding, in juvenile detention centres" and the "ill-treatment of minors in detention, including corporal punishment and locking them up for long periods"<sup>1</sup>.

Based on the UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, and other relevant norms and standards, our organisations recommend to Guatemala to:

- **Limit pre-trial detention, improve detention conditions of juveniles, prohibit violence in detention and establish independent internal and external controls on juvenile detention centres.**
- **Prioritise restorative justice measures, including indigenous community practices fostering non custodial measures and alternatives to the deprivation of liberty.**
- **Ensure that all public servants and technical teams, particularly police, prison officers, the Social Welfare Secretariat, the Office of Indigenous Peoples and the Public Prosecution Service, as well as members of the judiciary, including legal officials responsible for representing the judiciary in indigenous areas, attend regular, suitable, specific and compulsory training courses on strategies dealing with violence against children and on the administration of juvenile justice.**
- **Implement the institutional model adopted in September 2014 for attention to children and adolescents with parents and/or legal guardians deprived of liberty.**

Thank You Mr. President

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<sup>1</sup> CAT/C/GTM/CO/5-6, § 19.