

**39th session of the Human Rights Council  
Geneva, 10-28 September 2018  
Item 6: UPR Outcomes Colombia**

**Mr. President,**

The International Catholic Child Bureau (BICE) and the Tertiary Capuchins of Colombia (TCC) appreciate the participation of Colombia in the UPR process. We regret that recommendations of the Third Cycle related to the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure<sup>1</sup> have been noted.

Accepted recommendations on the administration of justice include the improvement of prison policies and conditions of detention<sup>2</sup>, the introduction of alternatives to detention in order to reduce prison occupancy rates<sup>3</sup> as well as the adoption of measures that ensure the effective implementation of the Children and Adolescent's Code<sup>4</sup>.

This Code states that the deprivation of liberty is a measure of last resort and provides for substitutions of the deprivation of liberty of young offenders but the System of Criminal Responsibility for Adolescents continues to disproportionately use the punishment of deprivation of liberty for adolescents and avails insufficient resources to improve the conditions in juvenile detention centres and prevent violence against children in detention. Our organisations call on Colombia to:

- **Give priority and allocate adequate resources to the promotion, implementation and follow-up of alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible.**
- **Ensure, in cases where detention is unavoidable, that children are separated from adults, that detention conditions are improved, in particular with regard to access to education and health services including drug detoxification and mental health programmes, and that they are kept as near as possible to their places of origin.**

The lack of community-based reintegration mechanism leads to recidivism as many children and adolescents are not properly followed after their release. The **Colombian Family Welfare Institute (ICBF)** should therefore **work closely with municipalities, mayors and community leaders to include the reintegration and follow-up of children in conflict with the law in municipal development plans.** Alongside, Colombia should **promptly and vigorously combat the use of children by adults to commit crimes.**

Following the advanced question of Portugal<sup>5</sup> and the recommendation of Paraguay<sup>6</sup>, among others, on a national follow-up mechanism of the UPR recommendations, our organisations call on Colombia to:

- **Provide adequate resources to the National Human Rights and International Humanitarian Law System to appropriately fulfil its implementation mandate of the UPR and other relevant human rights recommendations and voluntary pledges;**
- **Revise and integrate in the National Strategy for the Guarantee of Human Rights the newly accepted recommendations of the Third Cycle, including those related to the administration of juvenile justice;**
- **Submit, in a near future, a mid-term report.**

**Thank you Mr. President.**

---

<sup>1</sup> 121.7 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Germany). 121.13 Ratify other international human rights treaties to which it is not yet a party (Philippines);

<sup>2</sup> 120.28 Strengthen prison policies and conditions of detention (Peru).

<sup>3</sup> 120.47 Introduce alternative methods to detention to reduce prison occupancy rates and step up efforts to implement the Nelson Mandela Rules and the Bangkok Rules (Thailand).

<sup>4</sup> 120.159 Continue to adopt all measures to ensure that the Children and Adolescent's Code is effectively implemented (Portugal).

<sup>5</sup> Portugal: Has the State-under-review established a dedicated 'national mechanism for implementation, reporting and follow-up' (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

<sup>6</sup> 120.6 Strengthen the follow-up mechanism in the national human rights framework in order to follow up on the implementation of the recommendations from the universal periodic review and other mechanisms (Paraguay).