



Country session: Guatemala

Date of session: 77th Session - 16th and 17th January 2018

Context

The Committee was pleased to see the progress in the implementation of the Convention into legislative, institutional and policy measures, namely on child marriage, child labour, child malnutrition and discrimination of indigenous people. Nevertheless, the Committee showed concern over the situation in the country on the right to life, survival and development, torture and other cruel or degrading treatment or punishment, children deprived of a family environment, children with disabilities, standard of living and discrimination against indigenous children.

Background information

[OHCHR press release](#)

Webcasts [here](#) and [here](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	2 nd February 2012

CRC:		OPAC:		OPSC:	
No. of report	5 th -6 th	No. of report	-	No. of report	-
Due date	1 st October 2015	Due date	-	Due date	-
Submission	27 th September 2016	Submission	-	Submission	-

Written replies to LOIs and Annexes	
Submission	16 th October 2017
Due date	<u>15th October 2017</u>

Public reports from children's rights defenders

[Alternative reports](#)

NGOs

- Adolescentes de la delegación de Sociedad Civil
- Child Helpline International
- Child Soldiers International
- Cultural Survival
- Disability Rights International
- FIAN
- Global Initiative
- Global Initiative to End All Corporal Punishment of Children
- IBFAN
- Incide Joven
- International Disability Alliance
- ISS
- Red Niña Niño Alberto Vásquez

State delegation

The delegation was led by Jorge Luis Borrayo Reyes, President of *La Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (COPREDEH)*. He was accompanied by twenty members of various governmental institutions, although none were representing an agency with a child specific only focus.

Committee's Task Force members

Name & Last Name	Country
Ms. Amal ALDORESI	Bahrain
Mr. Luis Ernesto PDERNERA REYNA	Uruguay
Ms. Kristen SANDBERG	Sweden
Ms. Renate WINTER	Austria

Dialogue description

i. Character of the dialogue

The dialogue between the Committee and the delegation was generally open and cooperative, save for some more delicate issues. The discussion was mainly focused on technical aspects of implementation and legal reform.

ii. General assessment made by the Committee

The Committee acknowledged the advances made since the last session yet called attention to the fact that more coordination mechanisms and clear mandates are needed, alongside reform of current national legislation on matters like corporal punishment, in order to comply with the CRC. The Committee revealed great concern over the recruitment of children into the *maras*, the case of the orphanage fire which victimised 41 girls and the general state of alternative care in Guatemala.

iii. Main issues discussed:

- **Non-discrimination:** The Committee showed concern over discrimination on the basis of economic class, against indigenous people, namely girls, who have harder access to healthcare and are more prone to mental health issues, and children with disabilities. The Committee highlighted that the discrimination against LGBTI persons has been increased by the government, after the approval of a law protecting traditional family. Also, they mentioned that the poverty rates of the indigenous community has increased despite the measures put in place by the government to tackle it. The delegation replied by saying that discrimination against indigenous children in school has stopped since the peace accords and the subsequent efforts to implement bilingual and multicultural education.
- **Violence Against Children:** The Committee expressed concern over the murdering of children due to widespread violence in the country by the *maras*, with 45.5% of children being tackled by organised crime and facing bullying and sexual violence within and outside the home. Regarding the question of recruitment into the *maras*, the delegation replied that there is a safe school programme in place to address this issue and a youth programme for vulnerable children. On the topic related to the fire on an orphanage, the delegation replied that the government has provided shelter and food for the victims and their families, as well as psychosocial support for their relatives of those who were killed. Additionally, the delegation said those involved in the death of those children were being persecuted.
- **Juvenile Justice:** The delegation admitted the overcrowding of centres for juveniles and said there is a plan in place to remodel the existing ones and to improve living conditions in those facilities. Among the measures being taken they added that ill treatment cases had been properly reported and staff members deemed not qualified by government had been removed. Likewise, they mentioned the existence of special chambers to deal with juvenile cases. The delegation added that efforts of reintegration into society have been conducted with the support of multisectoral teams. As for children deprived of liberty, the delegation highlighted that the government had provided access of those children to tools for distance learning education, leisure time and work centres to prepare children for reintegration into society and workforce.
- **Children Deprived of a Family Environment:** The Committee showed concern over the levels of institutionalisation, particularly for children with disabilities and its relationship to high levels of poverty and lack of adequate state support. The delegation said that there is a strategy being

developed for protection mechanisms, family reunification, restriction of the use of foster care and public campaigns to sensitise for the negative effects of institutionalisation.

- **Children with Disabilities:** The Committee showed concern over the lack of measures and support to families to avoid institutionalisation of children with disabilities due to the current situation of financial aid provided to families, which is conditional and limited by the lack of services to ensure rehabilitation and reintegration of children with disabilities .

Recommendations of the Committee

- **Right to life, survival and development:** The Committee urged the State Party to adopt and implement measures to investigate, prosecute and sanction cases of death and extrajudicial killings of children, including the monitoring of the performance of the police and judicial institutions; adopt a strategy to address structural poverty and inequality relating to chronic malnutrition and mortality affecting indigenous children. Prioritise the adoption of an inter-institutional administrative protocol on children suffering from chronic malnutrition; implement the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age.
- **Violence Against Children:** The Committee recommended Guatemala to adopt a comprehensive strategy to end all abuses of children in institutionalised care with regular monitoring and investigations that ensure the identification and immediate removal of liable staff; carry out an independent and impartial investigation into previous allegations and the events that took place in “*Hogar Seguro Virgen de la Asuncion*” on March 2017 while providing victims and their families with psychosocial recovery and monitoring the situation of transferred children. The Committee advised the State party to fight impunity through investigations and convictions of perpetrators of violence against children and establish a complaints procedure and appropriate remedy for all children in alternative care and detention facilities
- **Juvenile Justice:** The Committee recommended the state adopts a comprehensive strategy to reduce overcrowding and improve living conditions in juvenile detention centres.
- **Children Deprived of a Family Environment:** Recalling previous recommendations, the Committee advises that a strategy to promote family-based care for children in all circumstances and enough budget allocations for foster families are adopted; adopt a strategy for the deinstitutionalisation of children and avoid building new large care institutions; adopt criteria based on the needs and best interests of the child for placement in alternative care as a last resort and impose a moratorium on new institutionalisation as well as a timetable for closure of care institutions.
- **Children with Disabilities:** The Committee recommended Guatemala to adopt a rights-based model of disability and implement a comprehensive strategy for the inclusion of children with disabilities in society, considering the accessibility to services. It also suggested to ensure anti-discrimination measures are intersectional; adopt strategies to prevent abuse, neglect and violence against children with disabilities; ensure children with disabilities are able to live in a family setting and adequately train foster parents and, finally, to draft a comprehensive strategy and guidelines for the full access of children with disabilities to inclusive education.
- **Standard of Living:** The Committee advises the State to legislate the duty of public authorities to consider the impacts of forced evictions on children and ensure resettlement plans and humanitarian assistance for evicted communities; provide assistance for families with children



under the K'atun National Development Plan 2032 and adopt a legal policy framework ensuring the right to drinking water and sanitation.

- **Indigenous Children:** The Committee recommends Guatemala to introduce into law the duty of all public authorities to consult with indigenous people to obtain their consent on measures which may affect them and provide remedies in cases of violations; set up a system for data collection on the situation of indigenous children, allocate sufficient resources to ensure the full implementation of bilingual education; eliminate barriers that prevent access to healthcare by indigenous people.

Sustainable Development Goals

In its Concluding Observations, the Committee made recommendations referencing the following Sustainable Development Goals:

- Target 1.3 on implementing nationally appropriate social protection systems and measures for all;
- Target 2.2 on ending all forms of malnutrition;
- Target 3.2 on ending preventable deaths of new-borns and children under 5 years of age;
- Target 4.a to build and upgrade education facilities;
- Target 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management;
- Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against children;
- Target 16.9 on providing legal identity for all, including birth registration.

Next State report

CRC	
No. of report	7 th
Due date	1 st September 2022

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