



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined fifth and sixth periodic reports of States parties due in 2015

Guatemala^{*}, ^{**}

[Date received: 27 September 2016]

* The present document is being issued without formal editing.

** The annexes and appendices to the present document may be consulted in the secretariat files and on the Committee on the Rights of the Child webpage.

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Acronyms and abbreviations

ICRC International Committee of the Red Cross

ILO International Labour Organization

UNICEF United Nations Children's Fund

I. Background

1. The Committee on the Rights of the Child considered Guatemala's combined third and fourth periodic reports (CRC/C/GTM/3-4) at its 1544th and 1546th meetings, held on 14 September 2010, and adopted its concluding observations at its 1583rd meeting.¹
2. Guatemala hereby submits its combined fifth and sixth periodic reports under the Convention on the Rights of the Child, which describe progress in implementing the recommendations made on the third and fourth reports, as well as those concerning the Optional Protocols to the Convention,² at the suggestion of and in accordance with experts of the United Nations Children's Fund (UNICEF) in Guatemala.
3. Guatemala's combined fifth and sixth reports to the Committee were due on 1 October 2015. However, the reporting methodology provided for consultations with children and adolescents, in addition to information from State institutions, and the consultation process lasted until 9 October 2015. An extension of the reporting deadline to 13 November 2015 was therefore requested, but the technical requirements of preparing the report meant that its finalization was postponed to January 2016.

II. Methodology

4. In preparing the report, the Presidential Human Rights Commission took into account the recommendations made on the third and fourth reports and asked the institutions concerned to report on actions, plans and programmes undertaken between 2010 and 2015.
5. Four internal meetings were held with the Commission team to draw up and adopt an action plan for consulting children and adolescents and finding out their views on how their rights are being implemented. This action plan was presented to UNICEF experts, who made suggestions and supported the process from the outset.
6. As part of institutional consultations, three meetings were held with representatives of the Inter-institutional Forum,³ plus one workshop, at which representatives were given the background to the Convention and an analysis was made of the action taken by institutions to fulfil the commitments arising from the Committee's recommendations.
7. Pursuant to the action plan, five consultations were held with groups of vulnerable children and adolescents, namely:
 - (i) The Children's and Adolescents' Parliament (made up of the four Maya peoples and the Garifuna people);
 - (ii) Children and adolescents from the Resplandece Association and from El Prado school in Amatitlán (in two groups);
 - (iii) Children and adolescents from Pacacay mixed rural official school in Chimaltenango;
 - (iv) Children and adolescents from the Pancita Llena, Corazón Contento Association and from Colonia El Amparo, zone 7, Guatemala City.

¹ Held on 1 October 2010.

² Attached.

³ For further details, see paragraph 10 on follow-up and dissemination.

8. This process was supported by and carried out jointly with UNICEF, the Research, Development and Comprehensive Education Association, the Children's and Adolescents' Parliament and the Presidential Human Rights Commission.

9. Guatemala's fifth and sixth periodic reports on the Convention on the Rights of the Child thus consist of information provided by State institutions and the views expressed by children and adolescents.

10. The Research, Development and Comprehensive Education Association also developed a play methodology to ascertain children's and adolescents' views and produced a report on its perception of the process and the views gathered.⁴

According to the Children's and Adolescents' Parliament, children and adolescents want their views to be taken into account and do not want what they said in the consultation to stop there. They want the Government to take their views into account, because the issues raised affect them directly.

III. Sociopolitical context

11. Between 2010 and 2015, Guatemala had three successive governments.⁵ The 2008-2012 Government oversaw the creation of social programmes. Under the 2012-2016 Government, these programmes were renamed and were institutionalized through the creation of the Ministry of Social Development. The Government came to power with an open-door policy based on three pledges: (a) zero hunger; (b) security, justice and peace; and (c) economic development. Because of corruption allegations, it did not complete its term and was replaced by a transition Government from September 2015 to January 2016.

12. In the past, young people's participation was channelled through teachers, parents or authorities, but with the passage of time, children and adolescents have become actively involved in the formulation of public policies, programmes and activities related to the adoption of decisions that have a direct impact on them and the enjoyment of their rights.

13. Young people's active response on issues such as early pregnancy, cultural identity, health, education and recreation has resulted in the opening of channels of communication. For instance, the National Plan to Prevent Teenage Pregnancy 2013-2017 was the outcome of participation by the State, young people, civil society and the international community.

IV. Follow-up to recommendations

1. General measures of implementation (paragraph 12, CRC/C/GTM/CO/3-4)

1.1 Weak implementation of the Comprehensive Protection System

14. The comprehensive protection of children and adolescents must extend to the social, economic and legal spheres in order to ensure the effective exercise of their rights.

15. In the social sphere, the Ministry of Public Health and Social Welfare has taken steps to ensure comprehensive, specialized support for adolescents, such as:

⁴ Attached.

⁵ Governments of President Álvaro Colom (2008-2012), President Otto Pérez Molina (2012-2016) and President Alejandro Maldonado (September 2015-January 2016).

- (i) Comprehensive health-care standards, covering prevention, health promotion, comprehensive care and community rehabilitation of the health of adolescents and young people;
- (ii) Promotion of the health of adolescents and young people, with adolescent-friendly spaces in 338 municipalities, thereby promoting all-round development and healthy lifestyles;
- (iii) Comprehensive health-care clinics in the San Juan de Dios, Antigua, Escuintla, San Benito Petén, Zacapa, Coatepeque and San Marcos hospitals.

16. The National Commission on Children and Adolescents and the National Commission for the Prevention and Eradication of Child Labour participate in multisectoral panels on the comprehensive protection of children and adolescents. The National Commission on Children and Adolescents and the Ministry of Public Health and Social Welfare also participate in the National Urban and Rural Development Council, as well as in the technical group for the implementation of general comment No. 15 on article 24 of the Convention.

17. The National Registry Office has improved the birth registration system, especially in rural areas, by piloting a system for the early notification of births and signing inter-institutional cooperation agreements with the Ministry of Public Health and the Guatemalan Social Security Institute, as well as letters of understanding with private hospitals.

18. The Ministry of Culture and Sports has national cultural and sports policies, one of its policy areas being support for sports and recreation, seen as cultural activities that contribute to the all-round development of Guatemala's population.

19. The Ministry meets the needs of both the general population and vulnerable groups, with programmes targeting children and adolescents, young people, older persons and persons with disabilities.

20. The National Council of Sport, Physical Education and Recreation coordinates federated and non-federated sports and school and non-school sports, based on a long-term sports development plan, and promotes games and recreation specific to the country's peoples and nationalities.

21. In the economic sphere, the National Transparency System is used for the social auditing of programmes and projects and for ensuring that financial resources are used for their intended purpose in the financial year for which they were allocated. The State budget increased from Q5,955,716,376.70 in 2010 to Q11,283,833,396.70 in 2015.

22. In the legal sphere, the necessary legal measures are being taken to harmonize the provisions of the Convention and domestic legislation:

- (i) Governmental Agreement No. 25-2011⁶ of the Supreme Court of Justice created juvenile courts of first instance. The Agreement stipulates that children and adolescents must be heard directly, with audiovisual aids and the support of a multidisciplinary team, and that use of the court management system is mandatory;
- (ii) Supreme Court Agreement No. 3-2013⁷ gave lower courts jurisdiction to apply the Convention on the Civil Aspects of International Child Abduction;

⁶ Agreement, annex II.

⁷ Agreement, annex II.

(iii) Supreme Court Agreement No. 34-2015⁸ of 12 October 2015 amended the general rules governing juvenile courts with regard to protection processes. Before taking any decision, the judge must consider the views, studies and findings presented by a multidisciplinary team. The term *res judicata* was eliminated and the following principles were established: proceedings must be prompt, straightforward, oral, immediate and adversarial;

(iv) Decree-Law No. 8-2015⁹ set the age of marriage for men and women at 18 years.

2.2 High levels of child malnutrition in the country

23. According to Ministry of Public Finance data, the Government has a specific budget for tackling child malnutrition and acute malnutrition. This budget, allocated to the Ministry of Public Health and Social Welfare, is used for, inter alia, combating acute malnutrition, growth monitoring, micronutrient supplementation and the care of children and nursing mothers. These components were not covered in 2010 but have since been incorporated in the Ministry's budget, which was Q537,750,716.40 in 2013 and increased to Q1,558,710,631.30 in 2015.¹⁰

24. Under the Food and Nutrition Security Programme of the Ministry of Public Health and Social Welfare, human milk banks are being set up to address and promote breastfeeding as part of a strategy for reducing maternal and neonatal mortality.

25. The creation of the Ministry of Social Development¹¹ in 2012 institutionalized social programmes, some of them aimed at combating child malnutrition. These programmes are in addition to the "zero hunger" plan, which has two goals: combating hunger and reducing chronic malnutrition. The Ministry also teaches families that participate in its programmes how to prepare food correctly for consumption, while promoting breastfeeding and healthy lifestyles.

26. The "1,000-day window" programme created by Decree No. 235-2013 is designed to ensure adequate nutrition for children aged under 2 years and pregnant and nursing women by promoting appropriate nutrition, food and health practices.

27. In the context of the Comprehensive Protection Policy and the National Plan of Action for Children and Adolescents, the General Secretariat for Planning ensures that the necessary measures are taken to improve nutritional and health status, with priority given to children aged under 5 years and pregnant and nursing mothers.

28. The Food and Nutrition Security Secretariat has strengthened departmental, municipal and regional offices and "zero hunger" offices throughout the country to meet the needs of people at risk of food and nutrition insecurity.

29. To help predict the risk of food and nutrition insecurity, the National Food and Nutrition Security Information System has been strengthened so that it can provide an early response to the problem by enabling institutions to record actions at the local and national level and by monitoring, planning and evaluating programmes and activities for the timely provision of food aid to affected families.

⁸ Agreement, annex II.

⁹ Agreement, annex II.

¹⁰ Data from the Government's Integrated Accounting System, reported by the Ministry of Public Finance.

¹¹ Decree No. 1-2012.

30. In 2014, the Government adopted the following strategies for reducing malnutrition:
- (i) An intersectoral, multi-action platform that promotes nutrition;
 - (ii) A legislative and political framework that facilitates the Government's leadership role;
 - (iii) A common framework of outcomes agreed by a number of sectors and the Government to support the promotion of nutrition;
 - (iv) Resources aligned and/or mobilized in support of relevant actions or programmes to improve nutrition.

31. The Comprehensive Early Childhood Development Policy 2010–2020 also ensures that children from conception up to the age of 6 years enjoy basic rights and promotes their comprehensive care while observing and respecting cultural diversity. It promotes quality education, giving priority to primary and pre-primary education, encourages children's participation in decision-making on issues affecting them in the social development, family and institutional spheres and involves the public in policy evaluation and monitoring.

2.3 Development of strategies for eliminating discrimination, including in the health sector

32. The Ministry of Public Health, in coordination with the Special Cabinet for Women, is participating in the team for the promotion of gender equity, which ensures that women and children have equitable, non-discriminatory access to health. It is also developing online diploma courses on the right of children and adolescents to comprehensive health care.

33. At the same time, the Government adopted Agreement No. 102-2015 on the National Midwives Policy 2015–2025, which provides for actions such as respect for and recognition and revitalization of the work done by midwives in the community and implementation of culturally relevant training and certification programmes at the different levels of care in order to improve midwives' relationship with the Ministry of Health.

34. The Ministry of Education is engaged in a process of educational reform aimed at transforming the basic national curriculum and ensuring that education helps shape a pluralist, inclusive, caring, participatory and intercultural society, leading to a society that is free from discrimination.

2.4 Reduction of poverty among children and increase in spending on children

35. The Constitution establishes that the State is organized to protect the individual and the family, its ultimate goal being the common good. Through the Ministry of Social Development, the Government promotes the population's social rights through public policies aimed at enhancing the well-being of vulnerable social groups living in extreme poverty, by developing their skills and creating opportunities for improving their living conditions. The relevant social programmes are described below.

36. The "My Secure Bond" programme aimed at reducing rural poverty, which targets households living in poverty and/or extreme poverty.

37. The "Health Bond" and the "Education Bond" which are paid to families on condition that they fulfil their shared responsibility for ensuring that their children stay healthy and remain in school.

38. The "My Secure Shopping Bag" programme, under which a bag of food is distributed regularly to affected families, including persons with disabilities, older persons with no social protection and families with limited means.

39. The “My Secure Dining Room” programme, which provides low-cost nutritious, balanced and healthy food to vulnerable individuals and families.

40. The “Young Protagonists” programme, which offers alternative, extracurricular education, on community or school premises, designed to promote young people’s artistic, sport, social and cultural talents.

41. The “Secure Scholarship”, which is paid, on a temporary basis and subject to conditions, to families that lack the financial resources for their children to have access to education.

42. Children and adolescents recommend that social programmes should have wide coverage and should benefit families that really need them, especially in rural areas where help does not reach some poor families. They say that social programmes are good but do not reach the people who need them.

3. Deinstitutionalization of children using alternative care arrangements

43. In accordance with the principle of the best interests of the child, quality standards have been introduced for the care of children and adolescents in temporary shelters.¹² Their purpose is to ensure that officials and staff act in a manner that respects the dignity, safety and views of children and adolescents.

44. Likewise with a view to guaranteeing protection of the rights of children and adolescents, the Office of the Counsel General has a multidisciplinary team¹³ that is responsible, in legal proceedings involving children and adolescents, for investigating the best family solution so that, in cases where institutionalization has been ordered, the judge can be asked to amend the measure or the possibility of recourse to the extended family can be requested. In the first three months of this year, 58 children and adolescents were deinstitutionalized.

4. Reform of the law and practices regarding the juvenile justice system

45. Between 2010 and 2013, the judiciary’s new management model helped improve the settlement of cases in criminal courts of first instance by 48 per cent and in criminal trial courts by 62 per cent.

46. The judiciary has made progress in proposing legal or statutory amendments, for instance to the Code of Civil and Commercial Procedure, in an attempt to reduce the judicial backlog in the civil, family, labour, and juvenile courts.

47. Supreme Court Agreement No. 25-2011 created juvenile courts of first instance and established principles and criteria to be observed by judges, based on the principle of respect for the child’s views. Supreme Court Agreement No. 3-2015 established the jurisdiction of these courts.

48. Supreme Court Agreement No. 34-2015 amended the provisions relating to proceedings involving children and adolescents in order to avoid departures from and misinterpretations of the law. It also established that each judge in cases involving children and adolescents in conflict with the law must apply, interpret and incorporate the law more accurately, thereby amending the general rules applicable to courts with jurisdiction over cases involving children and adolescents whose human rights are threatened or have been violated and adolescents in conflict with the law.

¹² Hereinafter referred to as “standards”.

¹³ Made up of specialists in psychology, pedagogy, social work, research and medicine.

49. Paragraphs have also been added that stipulate respect for and acceptance of the views of the child and consideration of the multidisciplinary team's findings, which must take precedence when decisions are made. Provision has also been made for amending interim measures where circumstances have changed, as long as sentence has not been passed. Likewise, it has been established that there is no *res judicata* in proceedings for the protection of children and adolescents.

(a) *Legislation (paras. 14 and 16, CRC/C/GTM/CO/3-4)*

50. In the financial sphere, the allocation of resources is established by article 30 of Congressional Decree No. 101-97 and by the Budget Act, based on seasonal revenue flows, as well as on the real spending capacity of each institution and the funds they require for the timely and efficient attainment of their programme and project goals.

51. The 2014 budget was projected on the basis of the 2013 budget. In the latter year, the Government allocated Q9,031,264,930.60 to direct spending on children and adolescents, an 8.7 per-cent-increase over 2012.

52. For the 2015 financial year, the budget allocation for the execution of programmes in support of children totalled Q11,283,833,396.70, as detailed in paragraph 65 below.

53. With regard to structural measures, the Ministry of Finance requires each entity to draw up its budget as stipulated by budgetary and results-based management rules, defining outcomes and sub-outcomes that result in genuine changes in living conditions.

54. With regard to the fight against impunity, the International Commission against Impunity in Guatemala¹⁴ was established in Guatemala to assist the Public Prosecutor's Office, the National Civil Police and other State institutions. The Commission is an independent international body, with a two-year renewable mandate, charged with investigating and prosecuting criminal acts.

55. The Commission's activities are helping to strengthen the administration of justice and in April 2015 it was decided to extend its mandate to 3 September 2017.

56. Amendments are contained in Supreme Court Agreement No. 34-2015, the content of which was described in earlier paragraphs.

57. Article 449*bis* of the Criminal Code defines and criminalizes influence peddling, thereby guaranteeing transparency and objectivity in decision-making.

58. The Supreme Court has also established juvenile courts of first instance in the metropolitan area,¹⁵ thereby guaranteeing the administration of justice through courts specializing in children and adolescents.

(b) *Coordination (para. 18, CRC/C/GTM/CO/3-4)*

59. The Social Welfare Secretariat uses prevention, protection and social reintegration to ensure the proper care of children. It works on programmes that ensure the well-being and all-round development of children and adolescents, in the framework of the human rights conventions ratified by Guatemala.

60. The National Youth Council coordinates youth strategies and positions and, by working jointly with State institutions, international organizations and NGOs, ensures the development of young people through ongoing programmes and actions. The recently

¹⁴ See Decree No. 35-2007 attached.

¹⁵ Agreement No. 25-2011.

adopted National Youth Policy 2012–2020 is based on the recognition of young people as subjects of law and creates a framework for action to develop opportunities that will help young people fulfil their potential.

61. The National Commission on Children and Adolescents was set up by the Act on the Comprehensive Protection of Children and Adolescents and its rules of procedure were established by Governmental Agreement No. 512-2007. It is responsible for formulating and monitoring plans, policies and projects for the comprehensive protection of children and adolescents.

62. With regard to the Optional Protocols, two institutions are active in this sphere:

- The Secretariat on Sexual Violence, Exploitation and Trafficking in Persons, which is responsible for eradicating violence, exploitation and trafficking in persons and abuse of minors and for reducing the levels of impunity associated with these phenomena;
- The National Commission for the Prevention and Eradication of Child Labour, under the authority of the Ministry of Labour, which has developed a road map for the elimination of the worst forms of child labour in Guatemala.

63. To support inter-institutional efforts in the area of human rights and international commitments, the Presidential Human Rights Commission has created a national system for following up the human rights recommendations made to Guatemala. One of the main components of this system is an Inter-institutional Forum made up of representatives of each institution of the executive branch, which acts as a direct channel of communication with institutions and serves to educate their staff and the public at large about the State's international commitments.

(c) *National Plan of Action (paras. 20 and 22, CRC/C/GTM/CO/3-4)*

64. The Ministry of Finance, as an entity of the central State administration, grants budget allocations to the various institutions to enable them to carry out programmes, projects and action plans for Guatemalan children and guarantee their well-being and all-round development, in accordance with domestic law and the human rights commitments made by Guatemala.

65. The National Transparency System, a social auditing mechanism, is used to monitor these programmes and projects. Fiscal accountability measures have been adopted to ensure the rational prioritized use of such programmes and projects, thereby promoting efficient public spending, and to prevent funding pressures from exceeding the State's real capacity. The budget for the 2015 financial year is Q11,283,833,396.70,¹⁶ compared with Q10,271,688,464.80 in 2014.

66. In 2004, the Public Policy for the Comprehensive Protection of Children and Adolescents 2004–2015 was drawn up with the participation of civil society organizations, State bodies and international organizations. The National Plan of Action for Children and Adolescents was established that same year.

67. In 2011, the Social Welfare Secretariat drew up the Public Policy for Comprehensive Early Childhood Development. The policy is in force and guides the activities of day-care centres throughout the country. It seeks to reduce chronic malnutrition in early childhood and impart education on the importance of breastfeeding and nutritious foods.

¹⁶ Annex I, Tables and graphs, table 1.

68. For 2015, through Governmental Agreement No. 101-2015 adopting its rules of procedure and containing 18 updated programmes specialized in the care and comprehensive protection of children and adolescents, the Secretariat created an administrative structure designed to ensure that children enjoy their rights from the moment of conception up to the age of 6 years. It is drafting a policy that recognizes and respects the country's cultural diversity and that will guarantee the nationwide implementation of preventive programmes and services for the protection of children and adolescents that support and strengthen the family.

69. The Government is currently working on the evaluation and expansion of the National Policy on Children and Adolescents 2016–2024 in the light of the K'atun National Development Plan, so that the sustainability of action to guarantee children's and adolescents' human rights is paramount in the execution and monitoring of the Public Policy and the Plan of Action at the national and municipal levels.

70. The Children's and Adolescents' Parliament recommends the creation of child- and adolescent-friendly spaces with pleasant staff and the involvement of municipalities in extending youth club services to rural areas.

(d) *Permanent monitoring (para. 24, CRC/C/GTM/CO/3-4)*

71. The Office of the Human Rights Advocate has a budget allocated through the legislative branch's current transfers system. Agreement No. 03-2015 on the budget for the 2015 financial year¹⁷ approved an allocation of Q4,302,707.00 for the Office, of which Q2,132,406.00 were for core activities, Q972,264.00 for the human rights education and promotion programme and Q1,198,037.00 for the defence and protection of human rights.

72. Through the Department for Human Rights Education and Promotion in the Ombudsman's Office, the Office of the Human Rights Advocate is implementing an ongoing programme of human rights education aimed at all institutional sectors and citizens, comprising two areas of work: educational processes and possible training.

73. To strengthen local services, in 2013 the Office of the Human Rights Advocate analysed the situation of human rights education and promotion in all municipalities of the department of Guatemala and in its departmental, regional, municipal and mobile offices.

(e) *Allocation of resources (para. 26, CRC/C/GTM/CO/3-4)*

74. Two relevant laws were adopted in 2012:

- (i) Decree No. 4-2012 containing provisions for strengthening the tax system and combating fraud and smuggling;
- (ii) Decree No. 10-2012 containing the Act updating the tax system.

75. However, challenges from different social sectors forced the Government to backtrack on what it had achieved.

76. Despite the growth in tax revenues, Guatemala has one of the lowest tax burdens in Latin America, making it difficult for it to fund the full provision of goods and services demanded by the population.

¹⁷ See Agreement in annex II.

77. The Budget Department of the Ministry of Finance, as stipulated in article 17quater of Decree No. 101-97, has incorporated thematic classifiers, including the child-rights approach, to track the budget allocations that each public institution requests for meeting the needs of the most vulnerable sectors.

78. Accordingly, institutions are responsible for spending their budget allocation and reporting the programme categories that respond to the above classifiers.

79. The State budget is geared towards improving the living conditions of the entire population, without neglecting any department in the country.

80. Congressional Decree No. 3-2014 approved the expansion of the General Budget of State Revenues and Expenditures for the 2014 financial year.

(f) *Data collection (para. 28, CRC/C/GTM/CO/3-4)*

81. The National Statistical Institute has developed systems for collecting data through indicators, such as human development indicators,¹⁸ and gathering information in order to obtain an up-to-date picture of the population's social situation. The following surveys have been conducted:

- (i) National Survey of Living Conditions, 2011 and 2014;
- (ii) National Employment and Income Survey, 2014 (child labour in the metropolitan urban area, other urban areas and rural areas);
- (iii) Statistical Compendium on the situation of adolescent girls, 2013. Information on boys is available for constructing indicators;
- (iv) Statistical Profile of Indigenous Peoples, 2013.

82. To obtain updated statistics on the situation of children, the National Adoption Council has surveyed children and adolescents housed in private shelters. In 2010, it conducted a census for inclusion in the system created for the national registry of children housed in shelters.

(g) *Dissemination and awareness-raising (para. 29, C RC/C/GTM/CO/3-4)*

83. State institutions have concluded inter-institutional cooperation agreements for the promotion of human rights, working in conjunction with government agencies and NGOs to uphold and safeguard citizens' rights.

84. Through the Department for Education and a Culture of Peace, the Presidential Human Rights Commission is teaching diploma courses and leading workshops for members of the judiciary on the promotion of human rights, covering such topics as human rights, interculturality, culture of peace and gender.

85. Through the Directorate of Intercultural Bilingual Education, the Ministry of Education has prepared and printed Mayan language educational materials on sex education and prevention of violence. For primary schools, it has produced texts on women's human rights, sexual and reproductive health, especially HIV/AIDS, environment, gender and ethnic equality, self-esteem, racism and discrimination, and complementarity or harmony between men and women.

86. The teacher's guide advises teachers on how to teach the topics described in primary education textbooks and in the K'iche', Kaqchikel, Mam and Q'eqchi' languages.

¹⁸ www.ine.gob.gt.

87. In coordination with the Constitutional Court and the United Nations Educational, Scientific and Cultural Organization, workshops were held in 2015 at which copies of an illustrated children's version of the Constitution were distributed by means of play activities.

88. The adoption of the Mayan Languages Act by Congressional Decree No. 19-2003 was a major advance in knowledge of the use of indigenous languages.

89. The Children's and Adolescents' Parliament recommends that the content of the Convention should be disseminated through spots on community radio stations and in people's mother tongues and that adults (authorities, parents, teachers) should also know about it.

During the consultation, children and adolescents said that people in the regions always listen to the radio, because not everyone has a television and there is no access to newspapers and magazines. That is why it is important to transmit information on community radio.

(h) *Training (para. 31, CRC//C/GTM/CO/3-4)*

90. The Ministry of Education conducts public awareness, information and education campaigns to ensure that children are protected against grave violations of their rights. The following activities have been carried out:

- (i) Diploma course on "Human rights, culture of peace and interculturality for an all-round education in Guatemala", in cooperation with the Presidential Human Rights Commission;¹⁹
- (ii) Technical and pedagogical support for intercultural bilingual teacher training colleges;
- (iii) "Education for Peace and a Full Life" programme, which ran from 2010 to 2015.

91. Based on the Central American Peace Agreements, the curriculum is being transformed by updating and overhauling technical and pedagogical aspects of teaching approaches, methods, frameworks, contents and procedures, leading to changes in teaching and learning processes. The new curriculum is conceived as the State's educational project to ensure the all-round development of the individual as a social being that is transformed and valued more highly when he or she puts him/herself forward and participates in creating well-being.

92. The different areas of educational reform address issues arising from society's principal needs and problems:

- Reform areas: life, democracy and culture of peace;
- Curriculum areas: family life;
- Components of reform: household organization and economy, rights and duties of children and adolescents, health education, prevention and eradication of domestic violence, intergenerational relations (care and respect for older persons).

93. Training processes are detailed in the following paragraphs.

¹⁹ From 1 July to 19 August 2015.

94. The National Adoption Council conducts inter-institutional processes with a community impact, in which representatives of government agencies and NGOs address the issue of children and adoptions:

(i) In 2013, seven workshops were held in the judiciary's indigenous affairs units in the departments of Quetzaltenango, San Marco, Quiché and Chimaltenango, the Huehuetenango juvenile court and the offices of the NGO World Vision in the municipalities of San Raymundo and Palencia;

(ii) In 2014, eight workshops were conducted for courts of the peace in Tactic, Alta Verapaz; the Truth for Life Evangelical Church in Chimaltenango; the municipal inter-institutional network for children and adolescents of Escuintla, Santa Lucia Cotzumalguapa and Puerto de San José; directors of the departmental offices of the First Lady's Social Work Secretariat; staff of the public prosecutor's office in Santa Eulalia Huehuetenango; students on the Master's degree in Child and Adolescent Development at Rafael Landívar University; students in the School of Social Work of San Carlos University; and the Christian Association of Guatemala;

(iii) From January to April 2015, six workshops were held for the Seed of Blessings Evangelical Church in Villa Nueva, the Land of Blessing Church in Mixco, the Children's Rights Observatory/inter-institutional network for children and adolescents in Guatemala City, the municipal network for children and adolescents in Chiquimula, the Truth for Life Evangelical Church in Chimaltenango and the Ebenezer Evangelical Church.

95. In the judiciary, training and instruction are provided by the Judicial Training School:

(i) Online course on "The Child's Right to Health in the Context of International Human Rights Standards" aimed at judicial personnel and judges and taught in 2014 at judicial headquarters in the departments of Guatemala, Chiquimula and Quetzaltenango;

(ii) Workshop on "Compliance with International Human Rights Standards to Avoid the Secondary Victimization of Children and Adolescents", held in October 2015 for lower court judges and justices of the peace in the departments of Alta and Baja Verapaz, Guatemala, Chimaltenango and Escuintla;

(iii) Workshop for judicial personnel on "Strengthening the Family. Guidelines and Alternative Care and Adoption" to familiarize them with the rights recognized in the Convention and the Act on Sexual Violence, Exploitation and Trafficking in Persons. Held in November 2015 for judges dealing with children and adolescents and adolescents in conflict with Guatemala's criminal law in the departments of Guatemala, Sacatepéquez, Chimaltenango and Escuintla, as well as justices of the peace with special jurisdiction for the protection of children and adolescents threatened by or victims of domestic abuse;

(iv) First regional workshop on "Challenges of Juvenile Criminal Justice and the Rule of Law in Central America" held in November 2015 and addressing the importance of specialized training for juvenile justice personnel and of training for judicial bodies.

96. The National Civil Police has a Police Academy and a Human Rights Division, which are responsible for training police according to a human rights-based approach and through which assistance is obtained for teaching diploma courses and workshops. For

instance, diploma courses on human rights with a focus on gender, women and children have been organized through the Department for Education and a Culture of Peace.²⁰

(i) *Cooperation with civil society (para. 33, CRC/C/GTM/CO/3-4)*

97. The Secretariat on Sexual Violence, Exploitation and Trafficking in Persons has carried out various activities and programmes in technical and financial coordination and/or cooperation with various organizations, such as UNICEF, the United Nations Population Fund, the International Organization for Migration and the United States Agency for International Development, which assisted with the printing of the Act on Sexual Violence, Exploitation and Trafficking in Persons and with advocacy on behalf of children.

98. As a result, with help from the Secretariat and the Archdiocesan Human Rights Office, copies of the Act were distributed to children and adolescents attending the consultation that formed part of the process of preparing this report, as well as child-appropriate human rights materials for teachers and directors from participating schools and associations.

99. The Ministry of Education establishes inter-institutional partnerships through the Santiago Development Project in order to pool efforts and strengthen the development of bilingualism, interculturality, a culture of peace, human rights and gender equity. This is done by ceding to the Ministry's Directorate of Intercultural Bilingual Education the right to publish intercultural bilingual educational materials such as guides, workbooks and textbooks in the KemonChab'al series in different national languages.

(j) *Child rights and the business sector (para. 35, CRC/C/GTM/CO/3-4)*

100. The Government establishes a regulatory framework through the Guatemalan System of Protected Areas. As part of its functions, the Ministry of Environment and Natural Resources also works on oversight, monitoring and environmental assessment.

101. The National Forests Institute monitors industries, sawmills and forest product storage areas, identifying firms that are in breach of environmental regulations.

102. The Ministry of Energy and Mines, as the institution responsible for promoting a socio-environmental approach, has taken action to help safeguard the rights of children and adolescents. This includes the creation of a Vice-Ministry of Sustainable Development, responsible for making sustainable development a cross-cutting element of the energy and mining sectors. Its objectives include the following:

- (i) Developing the technical and institutional capacity needed to draw up and implement policies, procedures, good practices and public-private partnerships for the socio-environmental management of projects regulated by the Ministry;
- (ii) Establishing timely and efficient coordination with the Directorates of Mining, Energy and Hydrocarbons to ensure the proper socio-environmental management of projects within the Ministry's jurisdiction;
- (iii) Helping reduce and prevent conflict and prevent the emergence of conflicts in the medium term by distributing information and creating forums for dialogue with communities affected by projects, so that environmental and social issues are better understood and addressed.

103. To ensure proper oversight of natural resources, a national working committee was set up to implement the Extractive Industries Transparency Initiative.²¹ Under Act

²⁰ Annex I, Tables and graphs. Training activities.

No. 04-2012 of July 2012, the Ministry of Energy and Mines is responsible for the executive coordination of the committee. The Initiative involves a global coalition of governments, corporations and civil society that are working to ensure more open and accountable management of revenues from natural resources. In the context of the policies of the different States, it functions as a mechanism that can enhance governance in the extractive sector.

104. The Initiative is based on a dialogue among the State, corporations and civil society and on publication of the payments made by corporations. Taxes collected by the Tax Administration Superintendency are transferred to the National Treasury. The Ministry of Finance distributes the non-tax payments received from corporations in the hydrocarbons sector to departmental development councils and the National Council of Protected Areas for the benefit of communities and protected areas, in accordance with the Act setting up the Fund for the Economic Development of the Nation.

105. The Centre for Socially Responsible Business Practices in Guatemala was founded in 2003, bringing together over 100 partner companies belonging to more than 20 business sectors in the country and employing around 150,000 families. The idea of socially responsible business practices means making the business sector socially conscious and a proactive contributor to the development of individuals and families, based on values and adherence to the law.

106. Accordingly, business sectors such as the Coffee Growers Rural Development Foundation, Montana Exploradora, Minera San Rafael, Fundación Telefónica, the AYUVI Foundation and the Guatemala Sugar Producers Association are carrying out important projects that have an impact on the development and care of children and adolescents, through schools, in-house health centres, scholarships, and food, education and housing programmes.

107. One of the commitments made by the business sector is the active participation in the National Commission for the Prevention and Eradication of Child Labour of a representative of the Chamber of Agriculture, to ensure that no children or adolescents are working in the different activities carried out by members of the Chamber or that any such child or adolescent workers are placed in schools. To support this process and in view of the fact that families migrate within the country in search of work, the Ministry of Education facilitates school enrolment at any time, as well as the enrolment of children who are over school age.

108. Children and adolescents from the Izabal area say that mining waste affects children's health (Children's and Adolescents' Parliament).

(k) *International cooperation (para. 37, CRC/C/GTM/CO/3-4)*

109. During the period from January 2010 to April 2015, the General Secretariat for Planning helped manage non-reimbursable international cooperation assistance to public sector institutions for the implementation of projects to ensure the all-round development of children.

110. Governmental Agreement No. 17-2015 of 23 January 2015 adopted the Non-Reimbursable International Cooperation Policy drawn up by the Secretariat, which encourages the coordination of international cooperation with the domestic agenda. International cooperation is thus viewed as supplementing the State's development efforts, with priority given to financial support, institutional and technical capacity-building,

²¹ Agreement No. 96-2012, annex.

technological innovation, transfer of know-how, support for productive development and social cohesion.

111. Details²² are attached of the State's cooperation agreements, which are managed and monitored by the Secretariat to ensure their efficient application and development.

2. Definition of the child (para. 39, CRC/C/GTM/CO/3-4)

112. Decree No. 8-2015²³ of 5 November 2015 amended the Civil Code by prohibiting de facto unions in all circumstances and under-age marriages. The minimum marriage age was set at 18 years for both men and women.

113. Articles 2 and 4 of the Decree amended articles 82 and 84 of the Civil Code, establishing that in exceptional cases and for justified reasons, marriage at the age of 16 or over may be authorized by a competent judge, who must take a decision after hearing the minors concerned.

114. The Act on Sexual Violence, Exploitation and Trafficking in Persons contained in Decree No. 9-2009 amended article 173 of the Criminal Code, defining the crime of rape as being committed when the victim is under 14 years of age, regardless of gender. Accordingly, all medical staff of health-care centres have an obligation to report this crime whenever they find out that a patient under the age of 14 years has given birth as a result of rape.

115. The challenge for the State is to publicize and implement the above amendments among judicial personnel, the authorities and society at large and to conduct a powerful publicity and awareness-raising campaign to change behaviours and customs.

116. Children and adolescents recommend that the issue of under-age marriage should be publicized, especially in rural areas where it is prevalent.

3. General principles

3.1 Non-discrimination (paras. 42 and 43, CRC/C/GTM/CO/3-4)

117. The following action has been taken to implement all the legal provisions prohibiting discrimination:

(i) The Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination, adopted by Governmental Agreement No. 143-2014, has been formalized by taking action to build a pluralist State through the identification and elimination of mechanisms of racism and discrimination;

(ii) The National Policy for the Advancement and Development of Women and the Equal Opportunities Plan 2008–2023, adopted by Governmental Agreement No. 302-2009, aim to promote the all-round development of Maya, Garifuna, Xinka and mestizo women in the economic, social, political and cultural spheres;

(iii) The Office for the Defence of Indigenous Women's Rights is promoting the implementation of the coordinated agenda for Maya, Garifuna and Xinka women, aimed at recognizing and valuing women's contribution to the preservation of culture, peacebuilding, democracy and all-round development;

²² Annex, Tables and graphs, table 2. Cooperation.

²³ Attached, annex II.

(iv) The purpose of the National Policy on Midwives of the Maya, Garifuna, Xinka and Mestizo Peoples is to recognize, without distinction, the role of midwives in maternal and neonatal health.

118. Article 202*bis* of the 2002 Criminal Code contained in Decree No. 57-2002 defines the crime of discrimination as any distinction, exclusion, restriction or preference based on gender, race, ethnic group, language, age, religion, economic situation, illness, disability, marital status or any other ground, reason or circumstance that prevents or hinders an individual, group or association from exercising a legally established right, including a right under customary law, pursuant to the Constitution and international human rights treaties.

119. Pursuant to its policy of bilingual literacy teaching, the National Literacy Committee provides literacy services in 17 Mayan languages and Garifuna under its bilingual programme.

120. To implement its bilingual teaching programme, the Committee uses materials in different Mayan languages and staff who are trained to coordinate public literacy processes. Since 2011, it has been providing culturally relevant literacy teaching to the illiterate Garifuna population of Livingston in Izabal department.

121. With a view to promoting processes to ensure that health-care access is comprehensive and equitable, taking into account the country's cultural diversity, the Unit for Indigenous Peoples' Health Care and Interculturality in the Ministry of Public Health is implementing the following actions:

I. Community participation with grass-roots organizations, including the following:

(i) Consulting traditional midwives from all regions of the country on the drafting of the National Policy on Midwives of the Maya, Garifuna, Xinka and Mestizo Peoples;

(ii) Holding intercultural dialogues with health workers and midwives to identify, observe and exchange the health practices used by midwives in their communities, with emphasis on maternal and neonatal health.

II. Promoting the National Policy on Midwives in the context of the Healthy Motherhood Act, which calls for the recognition of midwives.

III. Self-identification variables. Through the Indigenous Peoples Health-Care Unit and the Health Information Management System, the Ministry of Public Health has included variables allowing peoples and linguistic communities to self-identify on health-service registration forms. It is also developing an operational guide for health workers on patient self-identification.

IV. Supporting first- and second-level health-care workers to ensure that, with the participation of local midwives, health services include key elements of cultural relevance, care provision in indigenous languages, vertical natural childbirth care and the use of traditional medicinal drinks before, during and after childbirth.

V. Incorporating cultural relevance and the intercultural approach as cross-cutting elements of Ministry of Health regulations, with emphasis on maternal and neonatal care.

VI. Advising health workers on how to provide culturally relevant care from an intercultural perspective.

122. Children and adolescents say that they are subject to discrimination in parks and on sports fields because of their economic situation. During the consultation, it was found that children from the Resplandece Association and students from El Prado school in Amatitlán

live in an economically deprived district. Recreation areas are public, but the children say that they are subject to discrimination because they are not as well off as the other children who come to play on the sports fields.

123. With regard to the implementation of the Durban Declaration and Programme of Action, the Constitution establishes that all human beings shall be free and equal in dignity and rights. Men and women, regardless of their marital status, shall have equal opportunities and responsibilities and may not be subjected to servitude or any other condition that impairs their dignity.

124. Article 66 of the Constitution establishes that the country is made up of various ethnic groups and that the State shall recognize, respect and promote their ways of life, customs, traditions, forms of social organization, the use of indigenous dress by men and women and their language and dialect.

125. This has resulted in the adoption of laws that, while not specifically purporting to combat discrimination and racism, promote economic and social inclusion through their actions, for instance:

(i) The Food and Nutrition Security Act²⁴ creating the framework for protecting the right to food, article 2 of which prohibits any form of discrimination in access to food.

(ii) The Land Registry Act²⁵ promoting legislative changes to implement the commitment made under the Agreement on Socioeconomic Aspects and the Agrarian Situation.

(iii) The Peace Agreements Framework Act²⁶ establishing rules and mechanisms to regulate the process of complying with the Peace Agreements as constitutional obligations to protect the individual, the family and the population by guaranteeing life, liberty, justice, security, peace and all-round development.

(iv) The Budget Act²⁷ stipulating that reports on budgetary expenditures must include budget classifiers with a focus on gender, indigenous peoples, education and reduction of malnutrition. Accordingly, entities must report programme aims, goals and recipient populations by gender, ethnic group, age and geographical location. As of November 2015, institutions involved in these issues had spent a total budget of Q 63,199,494.82.²⁸

126. The Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala, the Office for the Defence of Indigenous Women's Rights and the Guatemalan Fund for Indigenous Development are responsible for formulating plans and policies for the elimination of discrimination and racism.

127. To this end, the three bodies are working with indigenous and civil society organizations on the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination that will guide action to build a pluralist State, recognizing the diversity of cultural communities and based on four areas of action: economic and social, political and legal, cultural, and civic-educational.

²⁴ Decree No. 32-2005.

²⁵ Decree No. 41-2005.

²⁶ Decree No. 52-2005.

²⁷ Decree No. 101-97 and amendments thereto in Congressional Decree No. 9-2014.

²⁸ Annex, Tables and graphs, table 3.

128. As the State planning body and as an institution that supports the powers of the Presidency, the General Secretariat for Planning helps formulate the Government's overall development policy. It issues policy guidelines for annual and multi-annual planning processes in which it instructs public sector bodies to incorporate an equity perspective in the programming exercise, using such criteria as sex, ethnic group, age group and territory where the biggest gaps are apparent.

129. Since 2014, content for addressing the rights of indigenous peoples has been included in territorial planning instruments, annual and multi-annual operational plans, strategic policy guidelines and public investment rules.

130. The National Public Investment System was created according to a rights-based approach and its rules include criteria consistent with equity and the rights of indigenous peoples, among others.

131. The National Statistical Institute has incorporated in all survey instruments variables that permit disaggregation by sex, self-identification by the indigenous people to which a person belongs, linguistic community and geographical area. A sectoral office for cross-cutting gender and indigenous peoples statistics has been created, responsible for operations, analysis and training for statistical registration with a gender and indigenous peoples approach.

132. The K'atun National Development Plan, drawn up in 2013 and 2014 with the participation of and in consultation with representatives of the Maya, Garifuna and Xinca peoples, is a planning document that guides the State's actions by ensuring that it addresses the needs of indigenous peoples by: (a) reducing gaps in indigenous peoples' access to education and comprehensive health care, with emphasis on nutrition, reduction of maternal and child morbidity and mortality and comprehensive sexual and reproductive health, guaranteeing culturally and linguistically relevant services; (b) expanding the coverage and geographical scope of culturally relevant school curricula, from child-care and early education centres to primary schools, with emphasis on girls from poor rural indigenous communities; and (c) increasing drinking water and basic sanitation coverage, taking into account the sociocultural characteristics of each location.

133. Alongside its bilingual education efforts, the Ministry of Education plans to design linguistic evaluation instruments, publish textbooks on the social and natural environment and print communication and language textbooks in the Xinka and Garifuna languages.

134. With regard to training, there have been noteworthy educational processes with public servants and civil society, such as:

(a) A postgraduate refresher training programme for judicial personnel, especially members of the judiciary and the Criminal Public Defence Institute, on human rights, indigenous people's rights, racism and racial discrimination;²⁹

(b) Diploma courses on human rights, racism and discrimination for public officials of different institutions of the executive branch and young members of civil society organizations, to help train human resources that are aware of the importance of living in harmony and balance among the peoples who inhabit the territory of Guatemala;

(c) Training days on discrimination and racism;

(d) Diploma course on human rights, discrimination, racism and women's economic empowerment;

²⁹ The sixth group of students to complete this programme graduated in 2015.

- (e) Workshop on identity and rights of indigenous peoples in the justice system.

135. The Supreme Court of Justice created the judiciary's Indigenous Affairs Unit by Agreement No. 112-2009. The Unit began work in February 2012, taking as its basis the Constitution, International Labour Organization (ILO) Convention No. 169, the United Nations Declaration on the Rights of Indigenous Peoples and the Peace Agreements. The Sololá and Cobán municipal offices for children have also made a vital contribution to the appropriate handling of cases involving indigenous children and adolescents.

136. In this connection, the Indigenous Interpretation and Translation Centre was set up in 2013. The Centre coordinates official interpreters from the country's different regions in order to facilitate indigenous people's access to justice in their own language. It is responsible for administering the interpreter assignment system, thereby permitting the monitoring, assignment and training of interpreters. Interpreter services are optimized by providing a choice of in-person interpretation, travelling interpreters or interpretation by video-conferencing.

3.2 Best interests of the child (para. 44, CRC/C/GTM/CO/3-4)

137. In 2010, the Ministry of Education conducted five training workshops on the methodology for using textbooks in the series "If we learn together and in the same conditions, we will have a better life". A total of 215 teachers from the country's interior attended the workshops.³⁰

138. Meetings were held with parents in the departments of Chimaltenango, Alta Verapaz and El Quiché to approve the prototype of workbooks on the situation of indigenous and rural girls, produced in four languages: Kaqchikel, Mam, Q'eqchi' and K'iche'.

139. The Ministry of Education joined forces with the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons to provide training on the prevention of human trafficking in the following localities of the municipality of San Juan Sacatapéquez: Asunción Chivoc, Villa la Cumbre, Sector 5 Aldea Sajcavilla and Lo de Carranza family education for development group, and Aldea Lo de Mejía. A total of 120 students participated, ensuring that public institutions have legal and political backing for incorporating elements for the development of indigenous peoples' rights in their planning processes.

140. Since 2014, content for ensuring indigenous peoples' rights has been included in territorial planning instruments, annual and multi-annual operational plans, strategic policy guidelines and public investment rules.

141. As part of the content developed with the children and adolescents consulted on the drafting of this report, the rights contained in the Convention were presented on an introductory basis with a view to their subsequent incorporation in play activities. At the same time, teaching materials were distributed to teachers, supervisory staff and directors of schools and associations.

3.3 Right to life and survival (paras. 46 and 48, CRC/C/GTM/CO/3-4)

142. The Social Welfare Secretariat, as the lead body for the protection of children, has a comprehensive policy for the care of street children and adolescents, which includes protection and opportunities for comprehensive care through the Casa Joven programme. This programme protects children and adolescents against violence and helps them adopt

³⁰ In the departments of El Quiché, Huehuetenango, San Marcos, Alta Verapaz, Santa Rosa, Chimaltenango, Sololá, Quetzaltenango and Guatemala. Ministry of Education records, 2010.

safe, healthy lifestyles in order to reduce the likelihood that they will join gangs, engage in juvenile violence, ordinary crime or organized crime or take drugs, thereby preventing their death or murder.

143. The security, justice and peace policy includes the prevention of juvenile crime. To this end, the Ministry of the Interior is implementing the following programmes:

- **Tour 24-0** designed to develop aptitudes and skills and promote a 24-hour culture of peace with zero violent deaths. The programme is being conducted in eight municipalities and two departments, benefiting 16,000 young Guatemalans.
- **Social civic service** designed around social civic actions taken to ensure safety and justice for young people.

144. Through its Children and Adolescents Division, the Department for Crime Prevention of the National Civil Police develops, coordinates and implements preventive education programmes with children and adolescents.

145. Two projects were executed in 2015. The first, the Namahan Carmona project implemented in 27 police stations, substations and other police units, uses the “educational hour” to promote in-service training, providing guidance to police officers, raising awareness and creating the necessary discernment about the human rights of children and adolescents.

146. The second training project gives front-line police officers in police stations the conceptual and procedural tools to provide a specialized legal service for children and adolescents who for some reason require police action, thereby ensuring their safety and preventing them from falling victim to crimes of sexual violence, exploitation and human trafficking. Police are taught the protocol to be followed in dealing with such cases, in a framework of respect for the human rights of children and adolescents.

147. This programme also includes workshops on the Act on Sexual Violence, Exploitation and Trafficking in Persons and its relationship to the Act on the Comprehensive Protection of Children and Adolescents and the Alba-Kenneth Warning System Act. These workshops are held in educational centres with vulnerable groups and civil society and use awareness-raising to promote a culture of reporting and reducing the incidence of crime.

148. Of the 4,193 children and adolescents rescued through the Alba-Kenneth Warning System in the period from 2012 to 2014, 3,168 cases were handled by the National Civil Police.³¹

149. The National Civil Police report that 134 persons were imprisoned for the murder of children and adolescents between 2010 and 2015.³²

150. The judiciary reports that 10,008 cases were processed in 2013, of which 9,670 were handled by the juvenile courts, 269 by the juvenile appellate court and 304 are being processed by the courts for the first time.

151. In 2014, 13,247 cases were processed, of which 12,978 were handled by the juvenile courts, 269 by the juvenile appellate court and 230 were new cases.

152. Children and adolescents recommend the opening of municipal children’s offices, but say that they should be operated by children and adolescents with adult support and guidance.

³¹ Annex, Tables and graphs, tables 4 and 5.

³² Annex, Tables and graphs, table 6.

153. With regard to chronic malnutrition in young children, the Ministry of Health is opening nutritional recovery centres in Guatemala's departments and among the rural and indigenous population.

154. Between 2010 and 2013, the identification of cases of acute malnutrition was begun in the country's 29 health areas and a comprehensive, culturally appropriate health-care protocol was drawn up for child victims of child abuse. Staff of the 29 health areas were trained to recognise child abuse and the paediatric network was trained to standardize comprehensive care, using the protocol as a tool for in-service training of the teams serving the population. The protocol was evaluated in 2013 and a second edition was disseminated.

155. The Healthy Motherhood Act and its implementing regulations³³ were adopted in order to establish mechanisms for improving the health and quality of life of women and newborns through universal, timely and free access to information and quality services before and during pregnancy.

156. The Secretariat for Food and Nutrition Security is implementing the National Food and Nutrition Security Policy in order to provide a permanent, efficient strategic framework, coordinated among the public sector, civil society and international cooperation agencies, that will make it possible to guarantee food and nutrition security.

157. The Food and Nutrition Security Policy defines objectives for each area of action and area of work of the National Food and Nutrition Security System:

- (i) Availability and supply;
- (ii) National information system;
- (iii) Economic, physical, biological and cultural access;
- (iv) Adequate quantity and quality of daily food consumption;
- (v) Prevention and treatment of nutritional problems;
- (vi) Optimum biological use;
- (vii) Food quality, hygiene, safety, nutritional value and cultural relevance;
- (viii) Policies and mechanisms for coordination between national and international institutions.

158. In 2012, it was agreed with all sectors of the country that malnutrition was a problem that must be tackled by the State. A route map, the "zero hunger" plan, was drawn up for combating this problem, prioritizing action by State institutions based on the availability of financial, technological, material and human resources. The aim is to work decisively to achieve the goal of reducing chronic malnutrition and avoiding hunger-related deaths.

159. The Ministry of Social Development and the Ministry of Health are implementing and bringing together malnutrition-related policies and programmes under plans that direct State action and essential nutritional activities during the 1,000-day window of opportunity. These include:

- (i) Advocating the promotion of maternal nutrition and breastfeeding;
- (ii) Promoting the improvement of supplementary feeding;
- (iii) Incorporating the idea of micronutrient supplementation;

³³ Decree No. 32-2010 and Governmental Agreement No. 65-2012 respectively.

- (iv) Promoting the micronutrient fortification of basic foodstuffs;
- (v) Promoting family farming, with a focus on gender equity and interculturality;
- (vi) Implementing information systems for food and nutrition monitoring and early warning systems.

160. To improve oversight and transparency in the implementation of social programmes, a single register of users has been established as one of the components of the national social information system. This includes a single database of beneficiaries, a baseline and impact indicators for the design, execution and harmonization of the national system of urban and rural social development.

161. While it is true that there is an established legal framework for guaranteeing transparency in programme execution, in 2015 the country's institutions were being undermined by constant internal changes and limited economic resources and weakened by corruption cases for which judicial proceedings were instituted that year.

162. In November 2015, the National Food and Nutrition Security Council adopted the Food and Nutrition Security Strategic Plan 2016–2020, which aims to ensure that the organs of the National Food and Nutrition Security Information System function effectively and sustainably at local, municipal, departmental, regional and national level. It also aims gradually and comprehensively to strengthen the resilience of the population, systems and territories in order to confront the threats to food and nutrition security.

163. Children and adolescents find it sad that the best produce is exported and Guatemalans are left with the worst. They say that everyone has a little patch of land where they plant crops, but mothers sell this produce or animals and feed their families on instant soup.

To address this situation, the State is holding training workshops on the adequate food consumption programme, as part of the education and health area of the “My Secure Bond” programme, as well as promoting family farming with a focus on gender equity and cultural relevance.

3.4 Respect for the views of the child (para. 50, CRC/C/GTM/CO/3-4)

164. The Ministry of Education is taking appropriate measures, through schools, to promote and put into practice the participation of children and adolescents.

165. In 2013, with UNICEF support, holiday camps were organized in Alta Verapaz, San Marcos and Quetzaltenango for 400 primary schoolchildren to teach them about risk prevention. The Ministry of Education is implementing a nationwide programme, “We Guatemalans getting to know one another”, designed to contribute to pupils’ all-round development by providing opportunities for them to take part in physical, recreational and sports activities and the opportunity to have experiences that will give them new expectations for their lives.

166. The redefinition of concepts, strategies and actions to guide the reorientation of intercultural bilingual education in the national education system, with a focus on developing indigenous peoples’ knowledge, is the outcome of regional curricular planning for the Maya, Garifuna and Xinka peoples and its implementation at the pre-primary, primary and elementary education levels.

167. In the judiciary and the administrative branch, Supreme Court Agreement No. 34-2015 amended the provisions governing the procedure for the protection of children and adolescents in order to take account of their views and the multidisciplinary team’s recommendations and ensure that it is they that guide the decisions taken by juvenile court judges.

168. The Supreme Court also reports that there was a 43-per-cent increase in sentences between 2009 and 2013, from 1,032 in 2009 to 1,472 in 2013.

169. A comparison of the hearings held and sentences passed from 2009 to 2014³⁴ shows that these increased by 21 per cent and 37 per cent respectively, the increase being attributable, inter alia, to the introduction of oral hearings in juvenile cases and the fact that some courts now have more than one judge, making it possible to schedule and hold more hearings in order to settle cases. In 2014, four juvenile courts were set up in the departments of Sacatepéquez, Santa Rosa, Jalapa and San Marcos. The Unit for Children and Adolescents in Conflict with the Law was also set up to implement the judicial policy for 2009–2014 established by the Supreme Court.

170. As established by law and reported by the Supreme Court, juvenile courts bring and settle cases taking into account the principle of respect for the views of the child set forth in Decree-Law No. 8-2015, which amends article 84 of the Civil Code by establishing that the competent judge must listen to children's views and rule on their requests.

171. Children and adolescents recommend that children's views should be taken into account when deciding on issues that involve or affect them directly.

4. Civil rights and freedoms

4.1 Birth registration (para. 52, CRC/C/GTM/CO/3-4)

172. To guarantee and ensure that children are registered and receive identity documents at birth, cooperation agreements have been signed among the National Registry Office, the Ministry of Health and the Guatemalan Social Security Institute, as well as letters of understanding with some private hospitals, for the functioning of registry offices within their facilities to ensure the timely registration of births and deaths.

173. The National Registry Office has set in motion the pilot early birth notification system to ensure the registration of births attended by midwives in the country's rural areas. Measures have also been taken to ensure immediate registration of births by its mobile units, in order to reach rural areas in particular.

174. Joint activities to improve birth registration by allowing late registrations and to eradicate underregistration have been carried out by the National Registry Office, the Social Welfare Secretariat, the Ministry of Education and associations that promote the all-round development of children, the protection of their rights and the improvement of their living conditions. Awareness-raising and education campaigns were also held in March 2013 as part of the implementation of the National Plan to Eradicate Underregistration. As a result, working with mayors, community leaders, public institutions, international agencies, churches and volunteers, the National Registry Office received 57,659³⁵ late registrations in 2014, an achievement reflected in the issuance of identity papers to the population of the 21 municipalities in Quiché.

175. By late 2014, the National Registry Office had registered the births of 5,217,412 children.³⁶

³⁴ Annex, Tables and graphs, graph 1.

³⁵ Annex, Tables and Graphs, table 7.

³⁶ Annex, Tables and Graphs, table 8.

176. Children and adolescents recommend that, once a month, mobile registry offices should be deployed to the regions, not just to municipal capitals but to rural areas, in order to register births and deaths on a monthly basis.

4.2 Torture and other cruel, inhuman or degrading treatment or punishment (para. 54, CRC/C/GTM/CO/3-4)

177. Congressional Decree No. 9-2009 added an article 150*bis* to the Criminal Code, whereby anyone who by any act or omission causes physical or psychological harm or illness to a minor or a person with cognitive or volitional impairment or places them at serious risk of such harm or illness shall be guilty of abuse of a minor and punishable by two to five years' imprisonment, without prejudice to any penalties applicable for other crimes.

178. There are plans to adopt the bill to promote violence-free coexistence in educational institutions, which has been approved by the Children and Families Committee.

179. The National Adoption Council is taking action, through the standards that guide representatives, managers and front-line staff, to identify any kind of violence between parents and by staff towards children. As part of its functions, it supervises private shelters and conducts psychological assessments of their residents.

180. The Council also conducts training and information workshops for shelter representatives in order to strengthen and implement good practice in relation to appropriate care and assertive discipline for children and adolescents housed in temporary shelters.

181. The Council's action has achieved the following outcomes:

- (i) Standards designed to ensure respect for and the dignity and safety of children and adolescents, making it essential to focus on their implementation;
- (ii) Reports on the supervision of shelter residents by social workers and psychologists, which incorporate the views of a group of assessed children and adolescents;
- (iii) Awareness that shelters still need to make progress in implementing the minimum operational practices contained in the standards in order to ensure their functioning.

182. To improve private shelters, the Council conducts education and information workshops, drawing on domestic law and international conventions ratified by Guatemala.

183. Through the standards, the Council prohibits extreme, humiliating and frightening disciplinary measures, among others, as stipulated by standard 15, Harmonious coexistence, paragraph (2), on disciplining children and adolescents.

184. The Council strengthens and implements good practice related to appropriate care and assertive discipline:

- (iv) The Adoption Act, its implementing regulations and the standards aim to ensure that, wherever possible, children and adolescents are returned to a family environment or, failing that, are helped to live independently;
- (v) The standards are designed to ensure respect for the dignity and safety of children and adolescents;
- (vi) Supervisory assessments are made of children and adolescents living in shelters to ascertain the disciplinary measures used in those shelters.

185. The Ministry of Health has launched public information and awareness-raising campaigns and produced a leaflet on how to treat children and adolescents properly, in order to eradicate the idea that harsh discipline and violent practices must be used on minors.

4.3 Follow-up to the United Nations Study on Violence against Children (para. 55, CRC/C/GTM/CO/3-4)

186. Article 150*bis* of the Criminal Code, mentioned above, prohibits corporal punishment.

187. On 16 March 2009, Congressional Decree No. 09-2009 promulgated the Act on Sexual Violence, Exploitation and Trafficking in Persons, designed to prevent, suppress, punish and eradicate sexual violence, exploitation and trafficking in persons, provide care and protection for victims and ensure compensation for the injury and harm done.³⁷

188. In 2013, the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons implemented the programme of training and awareness-raising in Ministry of Education educational centres, which consists of training in the areas of prevention, prosecution, punishment and care as provided for in the Act. To implement the programme, the Secretariat can draw on staff specialized in psychology, social work and law. The programme was implemented continuously in 2013 and 2014 and thus far in 2015.³⁸

I. The Ministry of Education has training programmes on adolescents and young people designed to improve standards among health-care personnel by providing updated information (according to the evidence-based medicine approach) and other elements to improve their performance so that they can provide quality care to adolescents. Such training programmes include:

- (i) Staff of 17 health areas in the departments of Huehuetenango, San Marcos, Quiché, Alta Verapaz, Zacapa, Chiquimula, Jutiapa, central and north-west Guatemala, Escuintla, Baja Verapaz, Izabal, Petén, Quetzaltenango, Sololá and Retalhuleu completed a 2014 diploma course on comprehensive health-care standards, with emphasis on adolescents;
- (ii) Training was provided to 206 health professionals through the Ministry of Health virtual platform.

189. The Reintegration and Social Rehabilitation Department of the Social Welfare Secretariat is responsible for the rehabilitation of young people, as well as for training in life skills, productive employment and prevention of violence. Its programmes include the following:

- (i) The detention programme for adolescents in conflict with the law, which operates in four detention centres: the Juvenile Pretrial Detention Centre, Men's Juvenile Detention Centres I and II and the Women's Juvenile Detention Centre;
- (ii) The programme of subsidized socio-educational measures in specialized adolescent detention centres, providing psychosocial and educational support, therapy and employment training.

³⁷ Annex I, Act on Sexual Violence, Exploitation and Trafficking in Persons.

³⁸ Annex, Tables and graphs, table 9.

190. Three diploma courses, on the human rights of children and adolescents in the context of publicly run anti-recidivism, mediation and conflict-resolution services, were taught to 300 staff members of detention centres.³⁹

5. Family environment and alternative care

5.1 Family environment (para. 57, CRC/C/GTM/CO/3-4)

191. In 2008, the Government set up the “My Family Makes Progress” conditional monetary transfers programme created by Governmental Agreement No. 117-2008 of 16 April 2008, designed to reduce poverty levels and ensure and improve access for recipient families, as part of a policy of free educational, nutritional and health services. The programme helped monitor the health and nutrition of families with children aged up to 6 years and increased school attendance among children aged 6 to 15 years.

192. In 2012, pursuant to Governmental Agreement No. 150-2012, the trust fund for the “My Family Makes Progress” social programme was renamed “My Secure Bond”. The programme has ensured that children and adolescents have access to elementary education, with particular emphasis on rural areas. It also covers prenatal care and cases of childhood illness.

5.2 Children deprived of a family environment (para. 59, CRC/C/GTM/CO/3-4)

193. Through its standards, the National Adoption Council seeks to strengthen and promote family reunification, particularly through the standards on biopsychosocial assessment and life project, life plan, relationship with the family of origin, alternative care of siblings, harmonious coexistence and finalization of alternative care arrangements.

194. By supervising children’s homes and shelters, the Council monitors the overall development of the population for which it is responsible, guaranteeing them due support, care and food, health and education services and adequate physical and sanitary conditions.

195. The Council’s activities have achieved the following outcomes:

- (i) Between 2010 and 2014, social workers and psychologists submitted reports on 534 supervisory visits, providing information on infrastructure, health and care programmes tailored to shelters’ operational approaches. At the end of each visit, this information is shared with the shelter’s team for them to take appropriate action.
- (ii) Between 2010 and 2014, 39 education and information workshops were held, providing psychosocial and legal guidance to all mothers and/or fathers who have parenting problems and wish to relinquish their children and making them aware of the importance of keeping the family together and the consequences of adoption.
- (iii) Since 2012, information and education workshops have been held for health and education workers, religious and community leaders, judges and institutions working with children and women, in order to prevent abandonment that is damaging to the child.

³⁹ Social Welfare Secretariat annual report 2013. Taught with the support of the Guatemalan Institute of Comparative Studies in Criminal Science, San Carlos University, the Presidential Human Rights Commission-National Institute of Public Administration and the Inter-American Children’s Institute of the Organization of American States.

196. The Social Welfare Secretariat carries out educational, recreational, vocational guidance and early stimulation activities for children and adolescents, the main aim of which is to ensure the all-round development of children and adolescents housed in the following homes or shelters:

- (i) The Virgen de la Asunción home, which houses children and adolescents aged 0 to 18 years;
- (ii) Temporary shelters in Quetzaltenango and Zacapa, which house children and adolescents aged 0 to 12 years;
- (iii) The Shelter and Comprehensive Welfare Centre, which houses abandoned or orphaned children and adolescents aged 5 to 18 years with moderate, acute, severe and profound mental disabilities.

5.3 Adoption (paras. 61, 63 and 65, CRC/C/GTM/CO/3-4)

197. The National Adoption Council promotes adoption as a free, transparent and lawful process. It also provides public information and education through different groups, advertises in various mass media and raises institutional awareness with a view to the eradication of bad practice and damaging adoption processes.

198. In 2015, liaison staff were deployed to four departments in a newly launched process of decentralization. As a result, the Unit for the Care and Support of Adoptive Families and Adopted Children made considerable progress between 2010 and 2014 in restoring the right to a family for children and adolescents who have no family. This important development has made it possible to remove children and adolescents from institutions and place them with a permanent family.

199. Domestic law criminalizes trafficking in persons⁴⁰ and illegal adoption.⁴¹ The Public Prosecutor's Office, acting through the Office of the Prosecutor for Trafficking in Persons and in coordination with the International Commission against Impunity in Guatemala, prosecutes and investigates organized crime networks involved in the trafficking of children for illegal adoption.

200. In 2015, proceedings were instituted against nine persons allegedly belonging to a gang of traffickers linked to 23 illegal adoptions carried out through the Primavera Association, a case that remains under investigation.

201. A number of individuals, including a non-national, involved with the Seeds of Love children's home were also identified as being linked to around 17 cases of illegal adoption.

202. Through the National Institute of Forensic Science, Guatemala has been involved since 2009 with the DNA-Prokids programme, in collaboration with the University of Granada and the University of North Texas. The programme seeks to ensure that every country has a database of disappeared and unidentified children and their families, to help combat child trafficking through genetic identification, together with a database of genetic profiles of persons who have filed a complaint under the Alba-Kenneth Act.

203. With regard to the decentralization of the National Adoption Council, when the Council was first set up it operated from a single office in Guatemala City. As part of the strategy for positioning the Council, it organized information workshops for local institutions and distributed publicity materials in the street in the different departments to publicize the voluntary surrender procedure. It has made constant efforts to decentralize its

⁴⁰ Article 202*ter* of the Criminal Code, Decree No. 17-73.

⁴¹ Article 241*bis* of the Criminal Code, Decree No. 17-73.

services and to make itself known and have an institutional impact in the country's 22 departments, while optimizing and maximizing its own resources.

204. Liaison officers use information workshops to publicize the new adoption process and facilitate the receipt of documents from interested parties. Thus far, their activities have reached the departments of Huehuetenango, Sololá, Alta Verapaz and Baja Verapaz.

205. Actions taken by the Council at the metropolitan and departmental level to promote adoption and make itself known include:

- (i) Information and promotion workshops at inter-institutional level;
- (ii) Information workshops for families interested in adopting;
- (iii) Psychological, social and legal assessments of families seeking to adopt;
- (iv) Training workshops;
- (v) Post-adoption monitoring and professional advice.

206. With regard to children deprived of their identity, the Council undertook, through its standards, the legal monitoring of proceedings for the protection of children and adolescents cared for in shelters, taking joint action to meet immediate needs with a view to the restoration of rights to children and adolescents removed from the family environment. Such action included:

II. Adoption of the biopsychosocial and life project assessment standard and the legal assessment standard, guiding minimum operational practices related to identification, procedures and management and archiving of important information and documents for each case.

III. The November 2014 to March 2015 legal audit, which identified a total of 879 children and adolescents in private children's homes or shelters who did not have birth certificates. The Council is working with representatives of the National Registry Office to devise strategies for restoring the right to identity.

IV. The Registry Office and the Council signed an agreement to work together to guarantee the right of children and adolescents to an identity as part of the adoption procedure.

V. The Registry Office and the Counsel General's Office signed a letter of understanding to help look for, locate and safeguard children and adolescents who have been abducted or disappeared, while respecting cultural relevance.

207. The Registry Office is working on the proposal "Promoting and accessing the right to identity in Central America's Northern Triangle",⁴² aimed at setting up registry offices in border areas and helping achieve universal documentation of identity in the region.

5.4 Abuse and neglect (para. 67, CRC/C/GTM/CO/3-4)

208. The Secretariat on Sexual Violence, Exploitation and Trafficking in Persons, in conjunction with UNICEF, promoted the creation of the Special Unit for the Investigation of Sex Crimes in the Criminal Investigation Division of the National Civil Police in Guatemala City, which began work in 2013. A further unit was launched in 2014 in the municipality of Tactic in Alta Verapaz, in cooperation with the municipal mayor's office.

⁴² Guatemala, Honduras and El Salvador.

209. In 2013, the Secretariat joined the inter-institutional agreement on action by the Ministry of Health, the Public Prosecutor's Office, the National Forensic Science Institute and the Office of the Human Rights Advocate to provide victims of sexual violence and/or abuse with care and support in national hospitals. This resulted in the establishment, in the public hospital network, of clinics specialized in the care of victims of sexual violence. Such clinics now operate in 42 hospitals.

210. The Secretariat and the Ministry of Health have implemented the following agreements:

1. Joint letter of understanding among the Secretariat, the Ministry of Health, the Ministry of Education and the Ministry of Social Development on implementing the road map for the provision of comprehensive pregnancy care to girls aged under 14;

2. Protocol for the care of victims or survivors of sexual violence and/or abuse, providing instructions for the care of stable and unstable victims in the public hospital network, updated in January 2015.

211. The Ministry of Health signed a cooperation agreement with the Secretariat and the Public Prosecutor's Office to guarantee medicinal support for victims of sexual violence by providing a kit for the care of victims of sexual violence, consisting of emergency contraceptive pills, antibiotics to prevent sexually transmitted illnesses and antiretroviral treatment to prevent them from contracting HIV. National hospitals have stocks of these kits.

212. The Children's and Adolescents' Parliament recommends the opening of clinics specialized in dealing with sexual abuse.

6. Basic health and welfare

6.1 Children with disabilities (para. 69, CRC/C/GTM/CO/3-4)

213. The National Council for Persons with Disabilities was established following the signing of the Peace Agreements. The Act on support for persons with disabilities and its implementing regulations were promulgated by Decree No. 135-96 of 28 November 1996. The Council focuses on strengthening and promoting the integration of persons with disabilities in different spheres of society on equal terms and with equal opportunities.

214. The Council's actions and achievements include:

- (i) The Act on special education for differently abled persons, adopted in 2007;
- (ii) The signing of agreements with a number of entities and State bodies: agreements with the Technical Institute for Training and Productivity, the National Registry Office and the Ministry of Social Development;
- (iii) In the areas of justice and politics, judges nationwide have received training on the rights of persons with disabilities.

215. The Social Welfare Secretariat has a disability programme that promotes and ensures the development of children and adolescents with some form of disability, from infancy up to job training. The Alida España de Arana special care centre provides specialized care to children and adolescents with disabilities and equips them for independent living. It provides the following services:

- (i) Medical care, occupational therapy, speech therapy, psychotherapy, dental treatment and physiotherapy;

(ii) Jointly with First Lady's Social Work Secretariat, workshops to enable persons with disabilities to earn a living;

(iii) Preschool and school education and care, comprehensive habilitation for children and adolescents with autism, sensory disabilities and physical disabilities, and support for families;

(iv) Through an agreement with the Foundation for the Welfare of Persons with Disabilities, children and adolescents receive different kinds of therapy.

216. At the Occupational Training Centre, children and young people aged 14 to 18 are taught trades such as bakery, hotel reception, cookery or carpentry to facilitate their integration in the workforce.

217. The Ministry of Agriculture and Food has introduced a school gardening scheme, in which schools are provided with plants so that each pupil can create a vegetable garden at home and learn how to take care of it.

218. The Council and the National Registry Office signed a cooperation agreement in December 2011 to promote the provision of support and identity documents to persons with disabilities to ensure their social inclusion.

219. In 2010, the National Council for Persons with Disabilities and the National Literacy Committee signed a letter of understanding for improving the quality of life of all persons with disabilities who do not know how to read or write.

220. In 2010, the Ministry of Public Health produced training manuals for the diploma course on comprehensive health standards with emphasis on adolescents, designed to eliminate stereotypes, prejudices and harmful practices against persons with disabilities.

221. The Ministry of Education has taken steps to ensure the social participation of persons with disabilities by producing primary school textbooks that contain illustrations projecting a positive image of children and adolescents with some form of disability.

222. The Ministry of Culture and Sports, in coordination with the Physical Education Directorate of the Ministry of Education, and the Guatemalan Olympic Committee, in conjunction with the Paralympic Committee, promote the participation of elite athletes with disabilities. Elite Guatemalan athletes with disabilities took part in the Beijing 2008 and London 2012 Paralympic Games and in the Mexico 1999, Brazil 2007 and Colombia 2009 Parapan American Games.

6.2 Health and health services (para. 71, CRC/C/GTM/CO/3-4)

223. In 2015, to ensure access to the health service and medicines, the Ministry of Health implemented the Programme for Adolescents and Young People in conjunction with the Special Youth Cabinet and the National Youth Council. A budget of Q 17,022,820.00 was allocated to the inter-institutional action plan and the National Plan to Prevent Teenage Pregnancy.

224. The National Plan is a national strategy for reducing teenage pregnancies by promoting and improving access to sexual and reproductive health for adolescents and enabling them to achieve their life plans and all-round development. It uses such strategies as health promotion, prevention of disease and comprehensive health-care services.

225. The Children's and Adolescents' Parliament drew attention to a lack of medicines in health centres, saying that while health centres are now properly staffed, they do not have the necessary supplies and the local health centre is often smaller than the local bars.

6.3 Breastfeeding (para. 73, CRC/C/GTM/CO/3-4)

226. The Ministry of Health has included mental health aspects in the manual for breastfeeding promotion and support in order to help promote breastfeeding and train the relevant staff.

227. In 2014, 4,000 health workers received training under programmes for adolescents and young people. The “1,000-day window” programme includes the topic of breastfeeding and the promotion of infant and child nutrition and maternal health.

228. Notable efforts include the action taken by the National Responsible Parenthood Network, which adopts an inter-institutional approach to the promotion of responsible parenthood, working through its central network and departmental networks to promote breastfeeding and emphasize its importance for neonatal development.

229. The Ministry of Health, in conjunction with the Food and Nutrition Security Programme, is setting up human milk banks, a specialized service to promote and protect breastfeeding that benefits premature or low birthweight newborns whose mothers are unable to breastfeed. This service is available at the Roosevelt, Antigua, Zacapa and Quiché hospitals.

6.4 Adolescent health (para. 75, CRC/C/GTM/CO/3-4)

230. Taking as its foundation the comprehensive, differentiated care model for adolescents, the Ministry of Health is opening the second level of care, so-called “adolescent-friendly spaces” that provide information on comprehensive sex and contraceptive education. There are clinics providing this level of care in Guatemala, San Benito and Petén and special adolescent health-care clinics in Escuintla and Sacatepéquez, sponsored by the local office of the Global Fund project.

231. There are plans to open special adolescent health-care clinics in Quetzaltenango, Jutiapa and Cobán.

232. With regard to HIV and adolescent health, the Ministry of Health, supported by the Country Coordinator for Guatemala of the Joint United Nations Programme on HIV/AIDS, made a number of unanimous recommendations for dealing with HIV, including the following:

- (i) Promote greater commitment and effective action by the educational system in responding to HIV;
- (ii) Undertake communication programmes on HIV that have greater scope and impact;
- (iii) Strengthen public mobilization by adolescents and young people in support of the national response to HIV;
- (iv) Promote intergenerational dialogue on sexual health and HIV;
- (v) Strengthen self-help groups for adolescents and young people living with HIV;
- (vi) Ensure the provision of accessible, non-discriminatory HIV-related health services;
- (vii) Strengthen the role of adolescents and young people in the community;
- (viii) Conduct comprehensive sex and contraceptive education campaigns for adolescents and young people.

233. Governmental Agreement No. 163-2012 assigned the Special Youth Cabinet the goal of promoting the coordination and encouragement of actions to ensure young people's social development. Governmental Agreement No. 173-2012 adopted the National Youth Policy 2012–2020.

234. Decree No. 27-2000 containing the General Act to combat HIV/AIDS is being amended to offer more widespread HIV testing for adolescents.

235. The Act on Universal and Equitable Access to Family Planning Services and Their Integration in the National Reproductive Health Programme was adopted and disseminated in accordance with Decree No. 87-2005 to ensure the population's access to family planning services, which include information, counselling and sexual and reproductive health education and the provision of family planning methods.

236. At the Seventeenth International AIDS Conference, held in Mexico in 2008, Guatemala's Ministers of Health and Education signed the Ministerial Declaration "Preventing through Education". In 2010, the Government signed a biministerial letter of agreement on establishing the framework for coordination between the two Ministries and implementing and strengthening intersectoral strategies for comprehensive sex education and the promotion of sexual and reproductive health, including the prevention of HIV/AIDS, teenage pregnancy and sexual violence.

237. A "Preventing through Education" technical panel was set up in accordance with the Strategic Plan 2013–2015 to upgrade the technical skills of health-service personnel responsible for dealing directly with adolescents and young people who attend prevention and health-care services. Training was provided to health workers in priority departments: Guatemala, Huehuetenango, San Marcos, Quiché, Jutiapa, Zacapa, Chiquimula and Alta Verapaz.

238. As a result, a monitoring system was set up to evaluate implementation of the actions set forth in the strategy.

239. The National Reproductive Health Programme is implemented and promoted at the first and second levels of the health-care system through 239 "adolescent-friendly spaces", of which 85 are in priority municipalities with high rates of teenage pregnancy. These spaces provide:

I. A place where adolescents can interact and spend time together and where health information, education and communication activities take place, facilitated by health-care personnel and involving other community members and youth leaders.

II. Activities aimed at health promotion, disease prevention, early detection of risk factors and strengthening of protective factors, guided by the following:

- (i) Guide for the establishment and operation of adolescent-friendly spaces;
- (ii) Differentiated care model for adolescents;
- (iii) Protocol and standards for the care of sexual violence victims/survivors;
- (iv) Standards for the care of pregnant girls under the age of 14.

240. The National Responsible Parenthood Network was established by Ministerial Agreement No. SP-M2130-2003. Its main efforts are directed at prevention and emphasize the importance of quality activities. It functions as part of the National Reproductive Health Programme and implements plans, programmes, projects and actions to guarantee the free and full exercise of responsible parenthood.

241. The Children's and Adolescents' Parliament recommends providing bilingual training to midwives to ensure that the information given in training sessions is understood correctly. It suggests that bilingual training should be provided by translators from the same region and that doctors should respect different worldviews.

6.5 Standard of living (para. 78, CRC/C/GTM/CO/3-4)

242. The rights-based approach in the policy of the Food and Nutrition Security Secretariat means that social policies in the different spheres of welfare, such as health, education, employment, food and social protection, must promote, respect and guarantee the exercise of human rights through the National Food and Nutrition Security Programme.

243. The Secretariat, with technical support from the Institute of Nutrition of Central America and Panama and financial support from the European Union, designed a self-training course for senior officials to ensure that the population receives the necessary goods and services.

244. The Secretariat is implementing the Action Protocol, an inter-institutional coordination instrument that ensures administrative involvement in the joint actions required to guarantee children and adolescents the exercise of their right to food. The Action Protocol supplements intervention protocols in order to optimize the use of resources and ensure appropriate interdisciplinary and multisectoral support.

245. The "zero hunger" plan, which is universal and applies nationwide, focuses efforts to combat chronic hunger on 166 priority municipalities with high levels of chronic malnutrition. There are also plans to extend support gradually to 213 municipalities where hunger is a seasonal problem.

246. In response to the Special Rapporteur's recommendations following his mission in 2010, the following steps have been taken.

III. In 2015, the National Food and Nutrition Security Council adopted the Strategic Plan for Food and Nutrition Security 2016–2020, which sets three specific targets for the vulnerable population, namely, children and adolescents. Investment for the current plan covers a four-year period and the budget is Q30 million.

IV. With regard to unequal access to land, in 2010 the Land Trust Fund implemented an institutional gender-equity policy that is helping reduce socioeconomic disparities and promote comprehensive rural development.

V. Governmental Agreement No. 372-2014 adopted an agrarian policy that seeks to address extreme poverty and hunger, promote equality and ensure environmental sustainability.

VI. Governmental Agreement No. 537-2013 approved the minimum wage for 2013, 2014 and 2015, as indicated in the attached tables.⁴³

7. Education, leisure and cultural activities

7.1 Education, including vocational training and guidance (para. 81, CRC/C/GTM/CO/3-4)

247. The Ministry of Education is promoting programmes in support of free education, school supplies, educational materials, school textbooks and scholarship programmes.

⁴³ Annex, Tables and graphs, table 10.

Children in the country's public educational establishments have received financial support under the free education and school supplies programmes. The education bond is also granted to families that assume shared responsibility for keeping their children in school.

248. The Ministry of Education provides economic support through the departmental education directorates to cover the payment of basic services and other operating costs for official educational establishments. It transfers financial resources to provide children enrolled in educational centres with materials to support their practical participation in the learning process.

249. Various materials, including "Learning Mathematics through Play" and "Learning situations and pedagogical models for the development of classroom skills in the first to third years of primary education", have been distributed. In 2014, 2,973 teachers used these materials to teach mathematics to 74,325 first grade pupils and 68,000 copies were printed and distributed.

250. In 2012, a strategy for scholastic success in the first year of primary school was implemented to reduce repetition and dropout rates. Teachers were helped to use specific tools and guides more effectively in order to improve and strengthen reading and writing skills.

251. In 2013, the Ministry of Education launched the national mathematics programme "Let's Count Together" to arouse pre-primary and primary schoolchildren's interest in mathematics and help develop reasoning skills.⁴⁴

252. From 2010 to the present, in the context of the basic national curriculum, the Ministry of Education has carried out activities targeting vulnerable populations, with a focus on over-age schoolchildren, monolingual and bilingual students, the creation of the intercultural education module, the application of reading comprehension strategies and support for the migrant population, the female population and the population at social risk.

253. The Children's and Adolescents' Parliament recommends that scholarships should be granted within the same community so that they do not lose their cultural relevance, irrespective of whether they are for pre-primary, primary or elementary education, and that they should be given to low-income children, not to people who already have the necessary means, with priority given to working children. It claims that scholarships are given to teachers' children, not to children who need them, and says that they should be distributed to needy children, not just those with high average marks.

8. Special protection measures

8.1 Children in migration situations

254. On 8 December 2015, amendments were adopted to the Migration Act (Congressional Decree No. 10-2015),⁴⁵ which criminalizes people smuggling and increases penalties by two thirds when the person smuggled is a migrant minor or a pregnant migrant woman.

255. Congress is working on bill No. 4869 on the protection of migrant children and adolescents, which refers to unaccompanied migrant children and adolescents separated from their families and to migrant smuggling. The bill was approved in April 2015 by the

⁴⁴ Third Presidential report, General Secretariat for Planning, based on the Ministry of Education.

⁴⁵ Attachment I. Decree No. 10-2015.

Migrant Committee and is awaiting a decision by the Legislative Committee before being submitted to the plenary Congress.

256. Bill No. 4519 on support for Guatemalan migrants is awaiting a decision by the Migrant Committee.

257. In 2014, the Nineteenth Meeting of the Regional Conference on Migration adopted the following proposal: "Toward a Regional Mechanism for the Comprehensive Protection of Migrant and Refugee Boys, Girls and Adolescents". That same year saw the publication of Governmental Agreement No. 146-2014 creating a Commission for the Comprehensive Care of Migrant Children and Adolescents.

258. The Commission for the Comprehensive Care of Migrant Children and Adolescents was created on a temporary basis to evaluate, promote and monitor compliance with inter-institutional plans, strategies and programmes concerned with migrant children and adolescents.

259. The Ministry of Foreign Affairs is taking action to ensure appropriate consular protection for Guatemalan child migrants.

260. A Memorandum of Understanding between the United Mexican States, Honduras, Nicaragua and Guatemala on the Dignified, Orderly, Prompt and Safe Repatriation by Land of Central American Nationals has been signed that takes into account the Regional Guidelines for Assistance to Unaccompanied Children in Cases of Repatriation, approved at the Meeting of the Regional Conference on Migration held in Guatemala in 2009.

261. In 2011, the Ministry of Foreign Affairs promoted the training of child-protection officers so that institutions would have qualified staff trained in the human rights of migrant children and adolescents. It is also implementing, in coordination with other government institutions, a project for the promotion and protection of the rights of unaccompanied migrant children and adolescents, with support from the Inter-American Children's Institute of the Organization of American States.

262. In 2012, the Social Work Secretariat gave priority and special attention to protecting the fundamental rights of child and adolescent migrants.

263. In 2013, the Directorate of Migration, with support from the General Secretariat for Planning and the institutions concerned, drew up a government strategy for addressing and dealing with the migration of unaccompanied minors.

264. At the regional Seminar on Migrant Children and Adolescents, consisting of a regional forum, a technical seminar and a dialogue on how to draw up a cooperation agenda, participants reaffirmed their willingness to improve assistance for migrant children and adolescents and to increase the visibility of this problem and of good practices in seeking to create regional mechanisms.

265. In the context of the Seminar, Guatemala, in conjunction with the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and ILO, is working to create a cooperation agenda for the drafting of general guidelines benefiting child migrants.

266. In 2015, Guatemala organized the second Regional Forum on Child and Adolescent Migration, the overall aim of which was to promote a humanitarian approach to guaranteeing respect for the fundamental rights of children and adolescents by strengthening regional dialogue and cooperative partnerships.

267. The Counsel General's Office has the road map provided by the Procedural Manual for the Dignified, Orderly, Prompt and Safe Repatriation of Central American Nationals from El Salvador, Guatemala, Honduras and Nicaragua and a multidisciplinary team⁴⁶ for providing primary assistance to children and adolescents and for representing them and preventing their revictimization. The team expedites the tracing of relatives of child and adolescent migrants, supported by the development councils and the National Civil Police, which serve as contacts with the family in order to coordinate the child's handover.

268. The Commission for the Comprehensive Care of Migrant Children and Adolescents⁴⁷ launched the prevention campaign "Stay!" developed as part of area four on the prevention of local and international undocumented migration, which is designed to prevent the migration of children and adolescents to the United States by broadcasting radio and television spots and to raise awareness of the risks.

269. Migrant children and adolescents are housed by the Casa Nuestras Raíces⁴⁸ shelters and the REMAR Foundation.

270. The Children's and Adolescents' Parliament notes that, because of migration, there are few children and adolescents aged 12 to 17.

8.2 Children in armed conflict (paras. 85 and 87, CRC/C/GTM/CO/3-4)

271. The Constitution prohibits the recruitment of children aged under 18 years into the armed forces and armed groups and their direct participation in armed conflict. The rights of Guatemalans include the right to perform military and social service. The organization and operation of unregulated armed groups are punishable by law.

272. Decree No. 20-2003 containing the Civic Service Act establishes that citizens aged 18 to 24 must perform civic service, in the form of either social service or military service. Military service may be performed in the standing army or the army reserves and is governed exclusively by military laws and regulations.

273. Decree No. 72-90, containing the Act setting up the armed forces of Guatemala, establishes that on reaching the age of 18, Guatemalans, primarily males, must sign up to obtain proof of military registration.

274. Governmental Agreement No. 102-2012 containing the rules on performing military civic service establishes that Guatemalans aged 18 to 24 years and fit to serve may perform military service in the standing army or the army reserves.

275. The Constitution stipulates that the State shall protect the physical, mental and psychological health of minors, guaranteeing their right to food, health, education, safety and social welfare, and prohibits the employment of minors in work that is incompatible with their physical capacities or threatens their moral well-being.

276. In 2012, Decree No. 3-2012 ratified the Rome Statute of the International Criminal Court, which provides for the prosecution of persons accused of war crimes, genocide or crimes against humanity.

277. The Alba-Kenneth Warning System Act and the amendments thereto in Decree No. 5-2012, aimed at coordinating inter-institutional action to locate and provide immediate protection to abducted or disappeared children and adolescents, was adopted to facilitate the investigation of cases of disappeared children and adolescents.

⁴⁶ Made up of legal assistants, social workers and psychologists.

⁴⁷ Governmental Agreement No. 146-2014.

⁴⁸ In Guatemala City and Quetzaltenango.

278. In 2012, the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons became part of the National Coordinating Agency for the Alba-Kenneth Warning System. The Secretariat and the Counsel General's Office signed an inter-institutional cooperation agreement under which the Secretariat would provide the necessary equipment for the functioning of the Alba-Kenneth Operational Unit, the organ that coordinates and executes specific actions to look for, locate and protect children and adolescents. It receives reports of disappearances and activates the system made up of other public sector institutions, retransmitting information in order to begin an immediate search, follows up ongoing cases and establishes coordination processes at community level.

279. The National Institute of Forensic Science has a database of genetic profiles, the Combined DNA Index System, which is useful for identifying persons who died or disappeared during the armed conflict. The Institute's genetics laboratory is part of the DNA-Prokids programme. The Institute also has a database of persons who have filed an Alba-Kenneth report.

280. The Guatemalan Forensic Anthropology Foundation has a gene bank, takes DNA samples and analyses and classifies genetic material to help trace the whereabouts of disappeared families.

281. In 2012, the National Reparation Programme and the International Committee of the Red Cross (ICRC) signed a cooperation agreement on creating a database of the information held by the Programme on burial sites connected with the internal armed conflict. ICRC undertook to train the Programme's technicians to record and transfer data from the Programme's database to the ICRC Guatemala database of disappeared persons.

8.3 Economic exploitation, including child labour (para. 89, CRC/C/GTM/CO/3-4)

282. The Ministry of Labour has conducted inspections of agricultural, *maquila* and security companies, as well as sectors with high levels of child labour, and provided technical assistance to the Amparo Prosecutor's Office on transitional justice and the rights of the child.

283. The National Commission for the Prevention and Eradication of Child Labour was set up in 2002 following Guatemala's ratification of the ILO Minimum Age Convention (No. 138) and the ILO Worst Forms of Child Labour Convention (No. 182).

284. One solution for the eradication of child labour is to implement the road map for reducing family poverty and provide assistance through social programmes to make Guatemala a country free from child labour, especially its worst forms, and ensure that the Latin American countries make progress towards fulfilling the objectives of the Decent Work Agenda for the Hemisphere, including:

- (i) Eradicating the worst forms of child labour by 2016;
- (ii) Eradicating all child labour by 2020.

285. The road map includes additional action to prevent and eradicate child labour, namely:

- (a) Anti-poverty efforts;
- (b) Health policy;
- (c) Education policy;
- (d) Legislative and protective framework;
- (e) Social mobilization.

286. The Chamber of Agriculture put forward bill No. 4849 on the prevention and eradication of child labour in order to comply with ILO Conventions Nos. 138 and 182 and increase the minimum age for admission to employment to 16 years.

287. The bill is based on international human rights agreements and conventions to which Guatemala is a party. It seeks to ensure State provision of safe, comprehensive preschool, primary and secondary education and includes articles designed to encourage and persuade families to promote their children's education, thereby eradicating child labour.

288. The bill consists of 28 articles amending the provisions of the following laws:

- (i) Labour Code (Congressional Decree No. 1441);
- (ii) Civil Code (Presidential Decree-Law No. 106);
- (iii) Municipal Code (Congressional Decree No. 12-2002);
- (iv) Act on Sexual Violence, Exploitation and Trafficking in Persons (Congressional Decree No. 27-2003);
- (v) State Contracting Act (Congressional Decree No. 57-92);
- (vi) Act on the Executive Branch (Congressional Decree No. 114-97);
- (vii) Act governing the payment of municipal rates (Congressional Decree No. 121-96).

289. According to the Children's and Adolescents' Parliament, child labour affects children's school attendance. Children aged 6 to 12 years can be seen both in school and in the market, because many of them do not go to school but work selling chewing gum.

8.4 Street children (para. 91, CRC/C/GTM/CO/3-4)

290. The Ministry of Labour Unit for the Protection of Adolescent Workers has taken action in the framework of the National Commission for the Prevention and Eradication of Child Labour to fulfil the commitments in the Decent Work Agenda for the Hemisphere.

291. Departmental committees for the prevention and eradication of child labour are being set up to take early remedial action. So far, 14 committees have been set up and two more are being opened in Escuintla and El Progreso. Agreements and letters of understanding have been signed between the Huehuetenango committee and the Pan-American University to conduct analyses of child labour and between the Sololá committee and World Vision to raise awareness about child labour.

292. To protect against any abuse and safeguard the proper development and best interests of the child, the Child Rescue Unit of the Human Rights Advocate's Office in the Counsel General's Office assesses the risks that minors face when they are victims of rape in order to obtain a warrant to rescue them and bring them before the competent authority.

293. As of August 2015, the Counsel General's Office, in conjunction with the Coordinating Agency for the Alba-Kenneth Warning System, the National Civil Police, the Public Prosecutor's Office and the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons, had traced 3,529 children and adolescents out of the 4,981 for whom warnings had been issued. According to the Office, a total of 5,780 warnings were issued in 2014, of which 4,126 were deactivated.

8.5 Youth gangs ("Maras") (para. 93, CRC/C/GTM/CO/3-4)

294. The National Youth Council has taken action to encourage young people to become advocates for violence prevention and a culture of peace. Such action has reached 6,000 young people.

295. The State has policies for addressing the problem of youth violence both locally and nationally, such as the National Youth Policy 2012–2016 and its Inter-Institutional Plan 2012–2016, adopted by Governmental Agreement No. 172-2012, which incorporates a gender approach.

296. The National Policy for the Prevention of Youth Violence is based on human security and responds to the provisions of the Constitution. It also means protecting persons exposed to threats and certain situations. It contains principles, objectives and strategic lines of action that will permit a coordinated response to the causes that prompt young people to take to the street as a way of life. It also seeks to eliminate domestic violence, sexual abuse and exploitation of children and adolescents by family members or persons close to the family circle, family breakdown and the use and abuse of alcohol and drugs.

297. The Policy focuses on designing and implementing an educational and recreational model that has an impact on the development of young people’s individual and collective well-being, in order to permit the building of a culture of peace.

298. The State also has policies for:

- (i) Prevention of violence and crime;
- (ii) Criminal prosecution as a means of combating and eradicating crime;
- (iii) Rehabilitation of lawbreakers.

299. Community development councils, municipal development councils, public institutions and civil society are all working to implement municipal public policies for the comprehensive protection of children and adolescents.

300. Through its Department for Crime Prevention and its Children and Adolescents Division, the National Civil Police has implemented the following programmes to prevent crimes against or involving children and adolescents:

- (i) Education and training in resisting gangs;
- (ii) “The police are your friends”;
- (iii) Resisting drug abuse;
- (iv) Police Athletic League.

301. Among the programmes and policies mentioned, in 2014 over 58,000 young people took part in violence-prevention activities and 15,411 persons received training on public safety and prevention.⁴⁹

8.6 Sexual exploitation and trafficking (para. 95, CRC/C/GTM/CO/3-4)

302. Through its judicial bodies, the State applies and complies with the Act on Sexual Violence, Exploitation and Trafficking in Persons.

303. The judiciary reported that as of October 2013, 114 criminal proceedings had been instituted for cases of human trafficking, an increase of 28 per cent attributable to progress in bringing to trial cases referred by the Public Prosecutor’s Office.

304. According to data from the Public Prosecutor’s Office, 22 sentences were passed in 2013, of which 11 were acquittals and 11 were convictions. From 2007 to the present, Guatemala’s courts have handed down 48 convictions for the crime of trafficking.

⁴⁹ Annex, Tables and graphs, table 11.

305. The Secretariat on Sexual Violence, Exploitation and Trafficking in Persons has taken the following action:

- Created 23 networks against sexual violence, exploitation and trafficking in persons since 2013
- Adopted the Public Policy on Trafficking in Persons and Comprehensive Protection of Victims 2014–2024
- Created shelters for the protection of victims in different departments of the country, providing specialized care according to age and for pregnant minors.

306. The “Protect Me from Pregnancy” campaign, launched in 2012, includes a system for reporting and referring cases of pregnancy in girls aged under 14 years, with a view to prevention and treatment. The system operates through two channels: firstly, when cases are detected by an educational centre, the Ministry of Social Development, churches, NGOs, community workers or other persons and, secondly, when a pregnant minor goes directly to a health centre for pregnancy care. The Ministry of Health, the Counsel General’s Office and the Secretariat all participate in this system.

307. In the first quarter of 2014, statistics gathered by the National Statistical Institute and the National Registry Office recorded 75 births to girls aged 10 to 13 and 381 births to girls aged 14.⁵⁰

308. According to statistics produced by the Sixth National Survey of Maternal and Child Health,⁵¹ the global fertility rate has declined over the past 20 years. The number of children per woman of childbearing age has decreased by 40.32 per cent in rural areas and 39.21 per cent nationally.

309. Data from the Health Management Information System database show cases of pregnancy in girls aged under 14 years for 2014 and 2015.⁵²

8.7 Helplines (para. 97, CRC/C/GTM/CO/3-4)

310. The following helpline numbers have been created:

- 1510, for immediate access to complaints under the National Civil Police Crime Prevention Department’s safe schools programme
- 110, Ministry of the Interior, through the police, for public complaints in general
- 1515, Domestic Violence Prevention Programme
- 1570, Public Prosecutor’s Office, to facilitate the lodging of complaints
- Secretariat on Sexual Violence, Exploitation and Trafficking in Persons, in cases of sexual exploitation and abuse and human trafficking
- 1546, activation of the Alba-Kenneth Warning System
- 1555, Office of the Human Rights Advocate
- 1571, Institute of Criminal Public Defence.

⁵⁰ Annex I, Tables and graphs, graph 2.

⁵¹ The survey was conducted among women aged 15 to 49 in the country’s 22 departments and 22,464 households were interviewed, with a response rate of over 90 per cent.

⁵² Annex I, Tables and graphs, graph 3.

311. There are printed materials and key rings that give these numbers and also directions for where victims of abuse can go for help. These materials have been supplied to teachers and heads of associations and to children and adolescents who took part in the consultation on the preparation of this report.

8.8 Administration of juvenile justice (para. 99, CRC/C/GTM/CO/3-4)

312. The State ensures respect for the law and takes measures to guarantee that the law and children's rights are observed in all cases of detention.

313. Unless authorized otherwise, adolescent detainees are separated from adults both in pretrial detention and when serving a prison sentence. In the short term, there are plans to build two model detention centres, one for adult prisoners and the other for persons in pretrial detention. Currently, legal detention procedures are observed.

314. Because of prison overcrowding, the Institute of Criminal Public Defence is using social research to help secure non-custodial sentences. It advocates probation and the review of pretrial detention measures in order to secure non-custodial pretrial measures.

315. The National Mechanism for the Prevention of Torture now provides ongoing supervision of detention centres, as does the Office of the Human Rights Advocate, while defenders from the Institute of Criminal Public Defence monitor compliance with pretrial detention standards and take legal action when these are violated. Judges apply a reasonable time limit for such detention.

316. From 2010 to the present, seven courts for adolescents in conflict with the law have been set up in the country's interior and other courts have been transformed into courts with more than one judge. Moreover, adult appellate courts in the country's interior now know how to handle appeals involving adolescents.

317. The Institute, in conjunction with its departmental coordinators, covers the defence of adolescents in conflict with the law.

318. The Ad Hoc Committee on Juvenile Criminal Justice,⁵³ made up of representatives of the judicial systems of Honduras, Guatemala and El Salvador, was created as a juvenile justice system in 2012–2013.

319. In 2013, the high-level criminal justice panel was set up, composed of senior judicial officials responsible for coordinating the enactment of policies that benefit adolescents in conflict with the law.

320. In the area of institution-building and in exercise of the powers of the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons, 81 prosecutors and assistant prosecutors from the Public Prosecutor's Office and 25 judges from San Marcos, Sololá, Quiché, Petén and Guatemala City⁵⁴ received training in July and August 2014.

321. Decree No. 40-2010 adopted the Act on the National Mechanism for the Prevention of Torture,⁵⁵ which regulates the prevention of torture through regular visits to places where prisoners are being held, public or private detention centres, pretrial detention centres and centres where prisoners are serving sentences, police stations, shelters for migrants and asylum seekers, hospitals, including psychiatric hospitals, military prisons and shelters for at-risk or vulnerable children and adolescents.

⁵³ It deals with institutions' specific problems and enacts public policy.

⁵⁴ In accordance with article 5(j) of the Act on Sexual Violence, Exploitation and Trafficking in Persons.

⁵⁵ Mechanism independent of any State body.

8.9 Protection of witnesses and victims of crime (para. 100, CRC/C/GTM/CO/3-4)

322. With regard to protection and/or safety measures, the competent judge orders the adoption of measures to safeguard victims. Juvenile courts of first instance are responsible for considering, processing and resolving situations or cases referred, reported or officially notified to them that constitute a threat to or a violation of child and adolescent rights.

323. With regard to victim support, presiding criminal courts are responsible for resolving a person's legal situation as expeditiously as possible, in accordance with the law. These courts are accessible because they are located in the same place as branches of the Public Prosecutor's Office, the Institute and the National Civil Police.

324. The Secretariat on Sexual Violence, Exploitation and Trafficking in Persons helps protect child victims and/or witnesses by providing them with accommodation in shelters as described above.

325. The amendments made by Supreme Court Agreement No. 34-2015 to the general rules governing juvenile courts emphasize the importance of taking the views of children and adolescents into account, the involvement of the multidisciplinary team in the judge's decision-making and the fact that there is no res judicata in matters of protection.

326. The Public Prosecutor's Office has a victim's bureau that provides the necessary emergency care to direct victims of crimes such as violence against women, sexual violence, extortion, theft or kidnapping. It also gives victims information and refers them to medical, psychological, social and legal services.

327. The Institute for Criminal Public Defence is responsible, inter alia, for providing care and protection to crime victims in order to prevent them from being attacked or to protect them from what is happening, safeguarding their physical integrity by means of warrants ordering safety measures.

8.10 Children belonging to minority or indigenous groups

328. The National Registry Office has implemented a pilot early notification of births system for the registration of births attended by midwives in rural areas. It has also taken steps for the immediate registration of births by mobile units in order to reach all children in Guatemala, especially those born in rural areas.

329. The Office has concluded agreements and letters of understanding whereby public and private hospitals have mobile registry offices to facilitate birth registration.

330. Pursuant to article 17 of the Healthy Motherhood Act, the Ministry of Health has been holding training workshops for midwives since 2013. There are now 22,000 certified midwives working with the Ministry, who recognize the importance of registering children at birth.

9. Ratification of international instruments (para. 103, CRC/C/GTM/CO/3-4).

331. Bill No. 3736 calling for the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance is currently awaiting its first reading in Congress. The Convention was received in the legislative department on 27 November 2007 and the Foreign Affairs Committee approved it on 22 August 2013.

332. Enforced disappearance is criminalized in the Criminal Code.⁵⁶ Moreover, Decree No. 3-2012 ratified the Rome Statute of the International Criminal Court, which uses the United Nations definition of enforced disappearance and crimes related to human rights violations.

333. Bill No. 3590 calls for the creation of a commission to search for victims of enforced disappearance and other forms of disappearance.

334. Pursuant to the commitments assumed in the Declaration on the Protection of All Persons from Enforced Disappearance, which criminalized enforced disappearance and was adopted by the General Assembly of the United Nations in 1992, Guatemala deposited with the Organization of American States its instrument of ratification of the Inter-American Convention on Forced Disappearance of Persons on 25 February 2000.

335. With regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Guatemala has suspended the application of the death penalty. On 14 January 2011, pursuant to the commitments arising from the Pact of San José, the executive branch put forward a bill in which it proposed to amend Decrees Nos. 17-73, 51-92 and 48-98 and to replace the term “death penalty” by the term “high impact imprisonment”.

10. Follow-up and dissemination (paras. 104 and 105, CRC/C/GTM/CO/3-4)

336. One of the functions assigned to Presidential Human Rights Commission by the executive branch is to follow up the recommendations made to Guatemala by the United Nations human rights treaty bodies, working groups and rapporteurs and the Office of the United Nations High Commissioner for Human Rights. Accordingly, a national system has been established to follow up and monitor the recommendations made to the State.

337. The system consists of an online database containing all the recommendations made to Guatemala since 1994 by the United Nations treaty bodies. It obtains inputs from two key sources: the Inter-institutional Forum and newspaper searches.

338. The Forum is a technical discussion panel that supplies the online database with information on the action taken by State institutions in connection with commitments arising from the recommendations of the United Nations treaty bodies. Fifty representatives of ministries, secretariats and social funds and guest representatives from the Public Prosecutor’s Office, the judiciary, Congress and the Counsel General’s Office participate in the Forum, which provides training to representatives and their alternates on human rights issues and the State’s commitments.

339. Part of the methodology for preparing Guatemala’s combined fifth and sixth periodic reports to the Committee on the Rights of the Child was the dissemination of the Committee’s recommendations to representatives on the Forum, together with background information on the Convention and the Committee’s concluding observations for follow-up and for reporting on the action taken to implement them. This process took place at three meetings, at which the State’s commitments and its progress in following them up were considered and the action plan, which seeks to reflect children’s and adolescents’ perceptions of their human rights, was circulated. A workshop was also held at which the recommendations arising from the combined third and fourth reports were disseminated,

⁵⁶ Crime added by Decree No. 33-96.

whereupon representatives analysed the recommendations and determined which institutions were responsible for following them up and what progress had been made.

340. Since the State is made up of all its inhabitants, an effort was made to hold consultations with children and adolescents in order to hear their views about their rights and include them in the report. This consultation process, or action plan, formed part of the methodology for preparing the combined fifth and sixth period reports. Accordingly, UNICEF members took steps to ensure that the consultation with children and adolescents used methodologies designed by members of the Research, Development and Comprehensive Education Association and the Children's and Adolescents' Parliament.

341. The consultation consisted of five meetings with children and adolescents from Guatemala's four cultures and key groups at risk of living on the streets and in vulnerable situations. Different representatives of State institutions helped set up the groups, including the representative from the Ministry of Social Development and the social psychologists from the central health area of the Ministry of Health and the National Responsible Parenthood Network.

342. The Association also linked up the group of children and adolescents with parliamentary representatives, with whom the consultation began and who were mainly given a summary of the State's fifth and sixth reports. At the end of the consultation, recommendations for improved follow-up and attention by State institutions were added to the report.⁵⁷

343. It is important to mention that the Presidential Human Rights Commission has the concluding observations on Guatemala's combined third and fourth reports to the Committee on the Rights of the Child and the recommendations made therein.

344. Once the combined fifth and sixth reports have been submitted to the Committee, they will be disseminated in conjunction with the report on the consultation with Guatemalan children and adolescents.

345. The following groups were consulted:

- (i) The Children's and Adolescents' Parliament, with the participation of members actively involved in children's rights and representatives of the four cultures;
- (ii) The Resplandece Association, which works with children and adolescents at risk of living on the streets;
- (iii) Students from the mixed rural official school of the village of Papacay in Chimaltenango, who are children and adolescents with high poverty rates;
- (iv) The Pancita Lena, Corazón Contento Association, which works with children and adolescents at risk of violence, malnutrition and living on the streets.

346. The team in charge of the report, namely, the Presidential Human Rights Commission, UNICEF members and the Research, Development and Comprehensive Education Association, participated in all the consultation meetings. A representative from the National Adoption Council and representatives involved in coordinating the different groups of children participated in different meetings as special guests.

⁵⁷ The Association submitted a report on the consultation with children and adolescents, which is attached.

347. With regard to the Committee's recommendations, it should be mentioned that the State, through the Presidential Human Rights Commission, is addressing the concerns and suggestions emanating from work done jointly with representatives of the Childhope Foundation, the Pestalozzi Foundation and the Red Niño-Niña with a view to pooling efforts in support of Guatemalan children and adolescents.

348. The State sent the updated common core document to the human rights treaty bodies in 2011.

349. The Children's and Adolescents Parliament recommends that the Committee's recommendations should be reviewed and evaluated annually, rather than every five years, to ensure timely follow-up.
