



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the seventh periodic report of Guatemala\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2023. The replies should take into consideration the Committee's recommendations contained in its concluding observations on the combined fifth and sixth periodic reports of the State party, adopted on 2 February 2018.<sup>1</sup> The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention, the Optional Protocol thereto on the involvement of children in armed conflict and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;

(b) Information on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse effects of the pandemic, including on children's mental health, in view of the Committee's statement of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

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\* Adopted by the pre-sessional working group on 1 October 2021.

<sup>1</sup> [CRC/C/GTM/CO/5-6](#).



## **II. Rights under the Convention and the Optional Protocols thereto**

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

#### **Legislation**

4. Please provide information to the Committee on the following:

(a) Measures taken to advance the approval of draft law No. 5285, on the establishment of a national system on child protection;

(b) Steps taken to adopt the draft law on families, which is designed to protect children from family violence and to define parental responsibility.

#### **Comprehensive policy and strategy**

5. Please provide information on the following:

(a) Measures taken to accelerate the approval of the public policy for the comprehensive protection of children and adolescents, formulated in 2017, and whether the policy covers all areas under the Convention;

(b) The implementation of rights under the Convention, such as the food and nutrition security policy, the public policy for comprehensive early childhood development, the national youth policy and the great national crusade for nutrition, including progress made, the resources allocated, and the monitoring and evaluation of policies that contribute to implementation.

#### **Coordination**

6. Please provide information on steps taken to strengthen the independence and status of the National Commission on Children and Adolescents for implementation of public policies to protect children's rights across sectors. Please also inform the Committee on the role of the Commission in all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels and on the resources allocated to carry out its activities.

#### **Independent monitoring**

7. Please indicate the measures taken to expand the mandate of the Defensoría de la Niñez y Adolescencia and provide it with sufficient resources so as to ensure that it can monitor and address the implementation of rights under the Convention and the Optional Protocols thereto throughout the country.

#### **Allocation of resources**

8. Please provide information on measures taken to:

(a) Increase social spending, especially for children in the most vulnerable situations;

(b) Compensate the loss of public resources aimed at children that was caused by the non-approval of the budget in the last two years;

(c) Eradicate corruption and reduce irregular expenditure;

(d) Alleviate the negative impact of the COVID-19 pandemic on the well-being of children.

#### **Data collection**

9. Please provide information about efforts made to improve the data-collection system, in particular to develop an integrated system for examining the situation of children in the State party through a comprehensive analysis of the data that are currently collected by

different entities. Please also provide information on measures taken to improve the collection and analysis of data on malnutrition, maternal and child health, and poverty.

#### **Child rights and the business sector**

10. Please describe the steps taken to establish a regulatory framework for businesses operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental, labour and other standards relating to children's rights.

### **B. General principles (arts. 2–3, 6 and 12)**

#### **Non-discrimination**

11. Please provide information on measures taken to address the structural discrimination of children based on their age and the systemic discrimination against and exclusion of girls; indigenous children and children of African descent; children with disabilities; asylum-seeking, refugee and migrant children; and lesbian, gay, bisexual, transgender and intersex children. Please also describe awareness-raising strategies employed at the community level and in schools to ensure an attitude of respect for all children and their recognition as rights holders.

#### **Best interests of the child**

12. Please inform the Committee about the measures taken to ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation and policies that have an impact on the enjoyment of children's rights, such as child rights impact assessment procedure. Please provide information on the development, and dissemination to all relevant professionals, of policies, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes and administrative and judicial proceedings concerning children, in particular regarding violence against children, child protection services and the right of the child to be heard.

#### **Right to life, survival and development**

13. Please provide information on measures taken to address the persistently high neonatal, infant and child mortality rates, in particular among children born to indigenous families. Please also indicate the measures taken to adopt a strategy and to investigate cases of, and to prosecute and sanction perpetrators responsible for, deaths and extrajudicial killings of children, and include provisions for the monitoring of the performance of the police and judicial institutions.

#### **Respect for the views of the child**

14. Please provide information on measures taken to promote the right of the child to be heard in all national and local decision-making mechanisms for adopting public policies, in judicial and administrative processes and in all settings and situations, including in situations of violence against children and emergency situations. Please describe the steps taken to implement awareness-raising activities to promote meaningful and empowered participation of children within the family and community, in particular girls, indigenous children and other children in vulnerable situations.

### **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration**

15. Please provide information on actions taken and envisaged to address under-registration of births and to guarantee free, universal and timely birth registration. Please also describe actions taken to target the most excluded children, including children living in remote or isolated rural areas, children living in poverty, indigenous children and children of

African descent, children with disabilities, migrant children and children of parents deprived of liberty.

#### **Access to appropriate information**

16. Please provide information on actions taken to provide children, especially those living in poverty and in rural and remote areas, with access to Internet so as to enable them to access relevant and secure information. Please also describe measures taken to protect children in the digital environment from individuals and criminal groups operating in virtual networks and spaces.

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Freedom of the child from all forms of violence**

17. Please provide information on measures taken to:

(a) Enact legislation explicitly prohibiting corporal punishment of children in all settings, including at home, alternative care settings, day care and schools, and to promote positive, non-violent and participatory forms of child-rearing and discipline;

(b) Prevent and combat child abuse, paying particular attention to the gender dimension of violence and to violence against indigenous children, children of African descent and children with disabilities;

(c) Provide child victims of violence with access to legal and psychological support, social services and compensation;

(d) Investigate and prosecute perpetrators of crimes committed against children, including in the digital environment;

(e) Accelerate the trials of those charged for the events that took place in Hogar Seguro Virgen de la Asunción (safe house of the Virgin of the Assumption) in March 2017, and into allegations of previous maltreatment of children at the centre.

#### **Sexual exploitation and abuse**

18. Please describe measures taken to:

(a) Raise awareness on the harmful effects of child sexual abuse among the public and professionals alike, including information on mandatory reporting, effective investigation and prosecution of cases of sexual abuse and exploitation of children;

(b) Combat sexual violence against children, especially girls, including information in respect of the age of sexual consent;

(c) Combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and provide information on steps taken to strengthen procedures for medical examination of child victims of sexual abuse.

#### **Gang violence**

19. Please inform the Committee about measures taken to adopt comprehensive strategies to effectively tackle the involvement of children in gang violence. Please also indicate whether such strategies address the social factors and root causes of gang violence and drug-related crimes involving adolescents, and whether the strategies include policies for the social inclusion of marginalized children.

#### **Harmful practices**

20. Please inform the Committee on measures taken to enforce the minimum age of marriage, which is set at 18 years as per the 2017 amendment to the Civil Code of Guatemala, and on measures taken to prevent early informal unions of children, especially girls, including the prevention of abductions by gangs known as *maras* and the forced marriage of girls.

## **E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

### **Children deprived of a family environment**

21. Please provide information on measures taken to address the high levels of institutionalization of children and to promote family-based care for children in all circumstances. Please also describe existing safeguards and criteria, based on the needs and best interests of the child, for determining the placement of children in alternative care.

### **Adoption**

22. Please provide information on follow-up measures taken to fight against and eliminate illegal adoptions and to ensure the accountability of perpetrators. Please also describe mechanisms to provide children who were adopted in the past with their right to identity and to know their origins.

## **F. Children with disabilities (art. 23)**

### **Children with disabilities**

23. Please provide information on measures taken to:

- (a) Develop adequate budgets and implement coordinated plans and programmes to mainstream care and support for children with disabilities;
- (b) Implement a human rights-based model of disability and establish a comprehensive strategy for the inclusion of children with disabilities in society, including the development of accessible health, education, social protection, and early detection and early intervention services;
- (c) Adopt strategies to ensure access to inclusive education and to support in the education system;
- (d) Reduce institutionalization of children with disabilities and ensure that they can live in a family environment, in particular through the provision of training and support for foster parents.

## **G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

24. Please describe the measures taken to:

- (a) Increase access to basic health services and provide health-care infrastructure, and ensure the availability of health-care professionals, especially for indigenous children and children of African descent in rural and remote areas;
- (b) Address hunger, stunting and malnutrition among children in vulnerable situations and implement the 2020 great national crusade for nutrition;
- (c) Tackle disparities in immunization coverage of children among different departments of the State party.

### **Adolescent health**

25. Please provide information on measures taken to:

- (a) Prevent and address pregnancies among girls, including among those aged 10 to 14 years;
- (b) Provide children with access to sexual and reproductive health information and services and comprehensive sexuality education, including on implementation of the national plan for the prevention of adolescent pregnancy for 2018–2022;

- (c) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls.

### **Standard of living**

26. Please provide information on measures taken to alleviate poverty, especially among children in marginalized and vulnerable situations and to provide access of such children to social protection services. Please also describe the measures taken to implement the policy on drinking water and sanitation, and strategies to increase coverage, quality and sustainability of water, sanitation and hygiene services throughout the country.

## **H. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

27. Please provide information on the steps taken to:

- (a) Increase enrolment of children at all levels, in particular in preschool and secondary levels of education among those living in areas with high levels of multidimensional poverty;
- (b) Prevent school dropouts and early school leaving;
- (c) Increase the national budget dedicated to education to 7 per cent of gross domestic product as established in the Agreement on a Firm and Lasting Peace;
- (d) Develop programmes aimed at improving the quality of education;
- (e) Provide access to remote learning facilities in pandemic situations to all children, in particular to children in marginalized and vulnerable situations.

## **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking, refugee and migrant children**

28. Please describe the measures taken to:

- (a) Implement legislation prioritizing the safety and protection of unaccompanied and/or separated migrant children and children left behind by parents due to migration;
- (b) Guarantee access to the asylum procedure in respect of specialized care of children and of unaccompanied and separated children in the refugee recognition process;
- (c) Develop a comprehensive, child rights-based policy to address the root causes of the irregular and unaccompanied migration of children;
- (d) End the detention of unaccompanied children and of families with children, revise relevant legislation accordingly and provide prioritized alternatives to detention;
- (e) Provide asylum-seeking, refugee and migrant children with access to all services, including social, educational and health programmes, without discrimination.

### **Indigenous children**

29. Please provide information on measures taken to:

- (a) Impose on all public authorities the duty to consult with the indigenous peoples concerned, including children, in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, and provide effective remedies in cases of violations of their rights;
- (b) Eliminate barriers for indigenous children to access health-care services, including by providing free transportation from remote areas to health-care facilities, and to access education services, including intercultural bilingual education.

**Economic exploitation, including child labour**

30. Please describe the steps taken to:

- (a) Reduce child labour, and establish mechanisms to monitor workplaces and identify cases of child labour, especially those involved in work in hazardous conditions;
- (b) Follow-up on policy measures contained in the road map for 2016–2020 that are designed to eliminate the worst forms of child labour and any other subsequent policies developed.

**Children in street situations**

31. Please provide information on measures taken to protect children in street situations and to address the root causes of children ending up in street situations. Please also describe the measures to assist children who depend on the street for their survival and to prevent the institutionalization, criminalization and persecution of children in street situations.

**Administration of child justice**

32. Please share information on measures taken to:

- (a) Ensure that the detention of children, including pretrial detention, is used as a measure of last resort and for the shortest possible time;
- (b) Improve conditions of detention for children, and reduce overcrowding in juvenile detention centres;
- (c) Establish specialized child justice system across the country and promote non-judicial measures in cases of children accused of criminal offences, such as mediation, diversion or non-custodial sanctions.

**J. Optional Protocol on the sale of children, child prostitution and child pornography**

33. Please provide information about the measures taken to implement the previous recommendations of the Committee contained in its concluding observations on the combined fifth and sixth periodic reports of the State party, including efforts to:

- (a) Prosecute and sanction all perpetrators of offences under the Optional Protocol, including perpetrators of online child sexual exploitation;
- (b) Implement the search mechanisms for missing children provided for in the Law on the Alba-Keneth alert system of 2010 and adopt, as a priority, search mechanisms for children missing from care institutions;
- (c) Provide legal and psychosocial counselling for child victims of trafficking, prostitution and sexual abuse material, and establish a mechanism for the rehabilitation, recovery, reintegration and compensation of child victims of offences under the Optional Protocol.

**K. Optional Protocol on the involvement of children in armed conflict**

34. Please provide information on measures taken to implement the previous recommendations of the Committee contained in its concluding observations on the combined fifth and sixth periodic reports of the State party, including efforts to:

- (a) Establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol;
- (b) Strengthen activities for the prevention of recruitment of children by non-State armed groups, including *maras* and drug traffickers, by addressing the root causes, such as poverty, economic exclusion and discrimination;

(c) Prosecute and sanction perpetrators in cases of recruitment and use in hostilities of persons under 18 years of age by non-State armed groups;

(d) Strengthen measures to ensure that child victims of the offences covered under the Optional Protocol are provided with culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration.

### **III. Statistical information and data**

35. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

36. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

37. Please provide information on the budget lines regarding children and the social sectors, indicating the amount and the proportion of each budget line in terms of the total national budget.

#### **B. Definition of the child (art. 1)**

38. Please provide data, disaggregated as described in paragraph 35 above, on the number and proportion of children under 18 years of age who are or have been living in the State party.

#### **C. General principles (arts. 2–3, 6 and 12)**

39. Please provide data, disaggregated as described in paragraph 35 above, on the following:

(a) Number of reports, cases and prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on perpetrators;

(b) Number of cases of neonatal, infant and child mortality.

#### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

40. Please provide data, disaggregated as described in paragraph 35 above, on the number of children without birth registration and of stateless children.

#### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

41. Please provide data, disaggregated as described in paragraph 35 above, on the following:

(a) Number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions imposed on perpetrators, disaggregated by type of offence;

(b) Number and type of protective measures provided to child victims of violence, in particular those in institutions;



- (c) Institutional and budgetary priorities planned for the next two years for the protection of child and adolescent victims of sexual abuse;
- (d) Current rates of child marriage (informal unions).

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

42. Please provide data, disaggregated as described in paragraph 35 above, on the following:

- (a) Number and proportion of families and children receiving or who have received economic and other types of support services;
- (b) Number of children who are or have been living in institutional care and the average length of stay;
- (c) Number of children who are or have been living in family-based and community-based care;
- (d) Number of children who are or have been living in prison with their mothers.

**G. Children with disabilities (art. 23)**

43. Please provide data, disaggregated as described in paragraph 35 above, and by type of disability, on the following:

- (a) Number of children with disabilities;
- (b) Number of children with disabilities who are or have been living with their families and the number who are or have been living in family-based and community-based care;
- (c) Number of children with disabilities who are or have been in inclusive education and in separate schools;
- (d) Number of reported cases of torture or other inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, the number of investigations and prosecutions carried out, and the sentences issued.

**H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

44. Please provide data, disaggregated as described in paragraph 35 above, on the following:

- (a) Number and rate of children who are suffering or have suffered from chronic malnutrition and stunting;
- (b) Number of health services and professionals provided to children disaggregated by departments;
- (c) Number of adolescent mothers;
- (d) Number of sexual and reproductive health services available to adolescents, disaggregated by region;
- (e) Number of children who are or have suffered from drug and alcohol abuse.
- (f) Number and proportion of children who are or have been living under the poverty line and in extreme poverty.

**I. Education, leisure and cultural activities (arts. 28–31)**

45. Please provide data, disaggregated as described in paragraph 35 above, on the following:

- (a) Number and proportion of children in secondary level of education;
- (b) Number and proportion of children who have dropped out of school;
- (c) Number and proportion of children who are attending or have attended early childhood education and the average number of years of attendance;
- (d) Number of children in public and private schools.

**J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

46. Please provide data, disaggregated as described in paragraph 35 above, and by country of origin and accompanied or unaccompanied status, on the following:

- (a) Number of asylum-seeking and refugee children;
- (b) Number of children in situations of migration;
- (c) Number of asylum-seeking and refugee children, and children in situations of migration, who have been detained;
- (d) Number of children who have been expelled from the territory of the State party;
- (e) Number of asylum-seeking and refugee children, and children in situations of migration, who are attending or have attended school and with access to health care.

47. Please provide data, disaggregated as described in paragraph 35 above, and by types of violation reported, on the following:

- (a) Number of reported cases and the number of children involved in trafficking;
- (b) Number of such children who have been provided with access to rehabilitation programmes;
- (c) Number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

48. Please provide data, disaggregated as described in paragraph 35 above, and by type of crime, on the following:

- (a) Number of children in detention facilities and the average stay, disaggregated by type of detention, including police cells, and in prison;
- (b) Number of children referred to diversion and non-custodial sentencing options.

**K. Optional Protocol on the sale of children, child prostitution and child pornography**

49. Please provide data, disaggregated as described in paragraph 35 above, on the following:

- (a) Number of reported cases of the sale of children, child prostitution and child pornography;
- (b) Number of such cases that have been investigated, prosecuted and sanctioned;
- (c) Number of children who have been victims of such crimes who have been provided with recovery assistance or compensation.

**L. Optional Protocol on the involvement of children in armed conflict**

50. Please provide data, disaggregated as described in paragraph 35 above, on the following:

(a) Number of children recruited by non-State armed groups, including *maras* and drug traffickers;

(b) Number of children who benefit from physical and psychological recovery and social reintegration measures.

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