



Convention on the Rights of the Child

CRC/C/OPSC/GTM/Q/15 March
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COMMITTEE ON THE RIGHTS OF THE CHILD Forty-fifth session 21 May - 8 June 2007

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN,

CHILD PROSTITUTION AND CHILD PORNOGRAPHY

List of issues to be taken up in connection with the consideration

of the initial report of GUATEMALA (CRC/C/OPSC/GTM/1)

The State party is requested to submit in written form additional and updated information, if possible before 2 April 2007

1. Please provide data (including by sex, age, urban/rural area) for the years 2004, 2005 and 2006 on the number of:

(a) Reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators;

(b) Children trafficked (for sexual, economic or other purposes, including adoption) to and from Guatemala as well as trafficked within the country;

(c) Child victims provided with recovery assistance and compensation (if any) as defined in article 9.3 and 9.4 of the Protocol.

2. Please provide further information on the measures taken to periodically evaluate the implementation of the Protocol.

3. Please provide information on measures taken to establish an effective system of data collection on violations of provisions of the Protocol.

Please provide an update including further details of the implementation of the National Plan against the Commercial Sexual Exploitation of Children, which was adopted in 2001.

Please clarify the status of the Optional Protocol in relation to domestic legislation, including the Constitution, and whether it can be directly invoked before the courts and applied by the national authorities.

Please provide information on the status of the legislative reform of the Penal Code and on the steps that have been taken to ensure that it is brought into full compliance with articles 2 and 3 of the Protocol. In particular, please give full details of the coverage of offences relating to the sale of children, illegal adoption, organ transfer for profit, economic exploitation of children and the production, distribution and possession of pornography.

Please provide information on measures taken to bring national legislation and institutional coordination in line with the Hague Convention No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption, to which Guatemala is party. In particular, please provide further information on the measures taken to prevent the sale of children for the purpose of adoption.

Please provide information on measures adopted to strengthen birth registration and control the issuance of birth certificates.

Please clarify how the State party can establish jurisdiction, in accordance with article 4 of the Protocol, over the offences in articles 2 and 3, in particular given that several of the offences are currently not incorporated in the Penal Code.

Please clarify how extradition for offences may be carried out in accordance with article 5 of the Protocol, in particular in view of the information on limitations, referred to in paragraphs 177-179 of the State party report.

Please provide further information on the treatment of foreign child victims of trafficking and the rules for deportation, in particular how the principle of the best interests of the child is implemented.

Please advise the Committee of institutional measures adopted to investigate cases of trafficking and the sale of children.

Please provide information on how many child victims of offences covered by the Protocol have benefited from legal aid and the assistance of a multidisciplinary team during legal proceedings, as referred to in paragraphs 202, 204, 205 and 218 of the State party

report.

Please advise the Committee of the number of cases presented by the Procuraduría de la Nación on behalf of child victims, in order to seek compensation for offences covered by the Protocol, as referred to in paragraph 231 of the State party report.

Please provide updated information on the social reintegration assistance, as well as physical and psychosocial recovery measures, available for victims of offences covered by the Protocol and the State budget allocations for this purpose.

Please indicate whether special training, particularly legal and psychological, is provided to professionals who come into contact with child victims of the offences under the Optional Protocol.
