



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-fourth session

25 May-11 June 2010

### Implementation of the Convention on the Rights of the Child

#### List of issues related to the consideration of the third and fourth periodic reports of Guatemala (CRC/C/GTM/3-4)

*The Committee may take up all aspects of children's rights contained in the Convention during the dialogue with the State party. The present list of issues covers only some priority questions on which the Committee would like additional information before the dialogue.*

#### Part I

**In this section the State party is requested to submit additional, updated information in writing, if possible before 6 April 2010**

1. Please indicate whether Congress has provided the adequate budget to the institutions and issues listed below dealing with children's rights in order to enable them to fully implement their programmes. Also, please indicate which proportion of the allocated resources is directed to regional and local authorities.
  - (a) National Commission on Children and Adolescents.
  - (b) Secretariat on Sexual Violence, Exploitation and Trafficking in Persons. (Please explain the role and resources allocated to the Inter-Institutional Commission to Combat Trafficking in Persons. Please indicate what resources have been provided for legal assistance and physical and psychosocial recovery of victims.)
  - (c) National Council for Adoption.
  - (d) Juvenile justice (Have sufficient resources been provided for specialized criminal investigation and the setting up of specialized courts in all of the country's departments?)
2. Please provide information on the system of data collection which reflects the situation of children in the whole country, as well as on the analysis, dissemination and availability of the data.

3. Please indicate which institution is responsible for coordination of the implementation of the Convention, advancing the National Plan of Action for Children adopted in 2004, and follow-up to the Committee's previous concluding observations, including at the regional and local levels. Please clarify the roles of the *Secretaría de Bienestar Social de la Presidencia* and the National Commission on Children and Adolescents and how is the coordination between the various levels of government ensured at the central, departmental and municipal levels.
4. Please provide information on the specific legislative measures taken to harmonize legislation with the Convention and its two Protocols and to implement the concluding observations of the Committee:
  - (a) Under the Convention, please indicate what specific measures have been taken in particular to raise the minimum age for marriage to 18 for both boys and girls. Kindly provide information about measures being taken to repeal other discriminatory laws;
  - (b) Under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, in particular on specific measures to fully comply with article 3 concerning the definition of all forms of sale, prostitution and pornography.
  - (c) Under the Optional Protocol on the Involvement of Children in Armed Conflict and in particular to explicitly prohibit the recruitment of children under the age of 18 years into armed forces and armed groups, and their direct participation in hostilities.
5. Kindly provide information concerning progress in the investigation carried out by the International Commission Against Impunity in Guatemala (CICIG) regarding the impact of organized crime on children, including on specific measures that have been taken to prevent impunity for the sale of children for adoption purposes. Please provide information on progress regarding the bills proposed by CICIG.
6. Please indicate what measures the Government has taken to fully comply with the reparations judgments of the Inter-American Court of Human Rights in cases relating to child victims, such as the *Marco Antonio Molina-Theissen* case of 3 July 2004 and the *Villagrán Morales and others* case of 26 May 2001. Kindly provide information on the implementation of the judgement regarding the resources to be provided to the National Commission for the Search for Disappeared Children and the setting up of the DNA database, among others.
7. Please provide information on specific measures aimed at preventing homicide, including femicide, and to bring the perpetrators to justice.
8. Please provide information on what the State party is doing specifically to deal with the very serious situation of chronic and acute malnutrition, both with regard to children and young mothers.
9. Please provide information about the programmes and allocation of resources for children living in different types of alternative care, including at the regional and local levels. Please provide specific information about the *Ciudad de los Niños* and how it takes into account the Convention and the Guidelines for the Alternative Care of Children, as contained in UN General Assembly resolution 64/142.
10. Please clarify the position of the State party on access to voluntary HIV testing for adolescents, particularly in light of decree 27-2000 which stipulates that HIV testing is

unavailable to adolescents under 18 unless they can provide written consent by parents or legal guardians. Please clarify how this decree is compatible with the right to receive family planning services guaranteed for all adolescents in the Family Planning Law.

11. Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.

## **Part II**

**In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:**

- (a) New bills or laws;
- (b) New institutions and their mandate;
- (c) Recently introduced policies, plans and programmes and their scope;
- (d) New ratifications of human rights instruments.

## **Part III**

**In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:**

1. Please provide data for 2007, 2008 and 2009 disaggregated by age, sex, ethnicity and region and specific information on children living in different types of alternative care.

2. Please provide data for 2007, 2008 and 2009 disaggregated by age, sex, ethnicity and region about:

- (a) Domestic, and
- (b) Inter-country adoptions.

3. Please provide data for 2007, 2008 and 2009 disaggregated by age, sex, ethnicity and region regarding the number of victims of child abuse, including sexual abuse. Also please provide data on court decisions and the number of victims who have received counselling and assistance for recovery. In addition, please provide data on homicide of children, including femicide.

4. Please provide data for 2007, 2008 and 2009 disaggregated by age, sex, ethnicity and region on infant, child and maternal mortality rates, with particular attention to girls in the Maya, Garifuna and Xinca communities.

5. Please provide comparative data for 2007, 2008 and 2009 by regions on social and security (police and military) expenditures and which fiscal reform measures have taken place to increase social investment.

6. Please provide data for 2007, 2008 and 2009 disaggregated by age, sex, ethnicity and region about the deaths of children deprived of their liberty.