



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninety-sixth session

### Summary record of the 2790th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 7 May 2024, at 3 p.m.

*Chair:* Ms. Skelton

*later:* Ms. Kiladze

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*Seventh periodic report of Guatemala*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** *(continued)*

*Seventh periodic report of Guatemala (CRC/C/GTM/7; CRC/C/GTM/QPR/7)*

1. *At the invitation of the Chair, the delegation of Guatemala joined the meeting.*
2. **A representative of Guatemala**, introducing his country's seventh periodic report (CRC/C/GTM/7), said that his Government was committed to giving full effect to the human rights of all persons, especially those who required purposeful action by State institutions. Too often, however, those institutions had failed to fulfil their obligations. His delegation trusted that the dialogue with the Committee would help Guatemala set priorities to ensure that the promotion and protection of the best interests of the child became a reality in the country.
3. His Government was aware of the need to ensure that the events that had occurred in 2017 at the Hogar Seguro Virgen de la Asunción, a secure children's home, did not happen again. The President had recently received persons concerned by the events to listen to their demands, and Congress was continuing its work to push through legislation to protect the dignity of survivors and ensure that they received lifelong pensions.
4. Efforts were being made to coordinate the work of institutions involved in the protection of children and adolescents. One area of work concerned sexual violence. For example, the Inter-Agency Commission against Sexual Violence had recently been set up to coordinate work in the areas of prevention, investigation and institutional capacity-building. The Ministry of the Interior, the Ministry of Education and government agencies were working together to address sexual violence in educational settings, and progress was being made in developing an implementation plan for the country's sexual violence prevention policy. In addition, civil society had been given more space to make relevant proposals, provide support and carry out reviews.
5. The behind-the-scenes work done by Indigenous leaders to prevent violence and promote reparations should be recognized, as should the community-based efforts undertaken by various social actors in cooperation with the relevant agencies.
6. While his Government was committed to finding alternatives to children's homes and foster care, the alternatives available were not sufficient. Nevertheless, new mechanisms were being introduced to promote care in family settings, including children's biological families, extended families and foster families.
7. The Government was also addressing the historical and structural educational challenges faced by children and adolescents and was taking administrative measures to improve services, although much remained to be done. One such measure was the establishment by the Ministry of Education and the Ministry of Health and Social Welfare of a school health programme to improve children's health and ensure that they remained in school.
8. Legislative initiatives to protect the human rights of children and adolescents included a bill on mental health, the introduction of amendments to the law governing the search mechanisms for missing children (the Alba-Keneth Alert System), and a bill to prevent and punish trafficking in girls in prisons.
9. The judiciary had adopted measures to improve access to justice for Indigenous Peoples, persons with disabilities, and children and adolescents, under the guiding principle of equality and non-discrimination and with a focus on protecting, monitoring and restoring the rights of groups at risk of having their rights violated. In addition, a pilot project for the electronic processing of juvenile court files had been implemented to facilitate young persons' access to justice. The judiciary had also created a website on the rights of children and adolescents.
10. The Government of Guatemala was confronted with corruption, impunity and disregard for democracy and human rights. To address those challenges, it was focusing on the following three priority areas: human rights, coherent political programmes and budgetary sustainability; interculturalism, aimed at reducing discrimination, racism and

historical asymmetries with regard to Indigenous Peoples; and inclusion, including children and adolescents on the move, gender diversity, persons with disabilities and Indigenous Peoples. Guatemala reaffirmed its commitment to promoting the best interests of the child in those areas.

11. **Ms. Marshall-Harris** (Coordinator, Country Task Force) said that several important legislative measures had recently been adopted but they remained toothless paper tigers because of a marked lack of enforcement and gaps in the law that had yet to be filled. In addition, a number of proposed laws that had been in the pipeline for years were taking a long time to be adopted. One such law of particular concern was bill No. 5285, which aimed to establish a national child protection system. She wondered whether the Government was considering its formal adoption or whether it needed to be amended.

12. She was concerned that the more than 40 children who had died in the fire at the Virgen de la Asunción children's home had lost their lives in vain, since there seemed to have been little legislative response to ensure that the situation did not recur. It would be interesting to learn whether any new legislation had been drafted or enacted to govern such institutions.

13. She would also be interested to learn more about any steps taken to ensure that the views of children were taken into account in matters affecting them, and she wondered whether the State party would develop legislation that was in keeping with international standards and emphasized parental responsibility rather than parental authority.

14. She wished to know whether the Government would consider decriminalizing abortion, in view of the alarming statistics on sexual violence against girls, the high incidence of rape of girls under the age of sexual consent, and the forced and unwanted pregnancies resulting from rape and incest.

15. Further information on the public policy for the comprehensive protection of children and adolescents, formulated in 2017, would be welcome. In particular, she would like to know what measures had been taken to bring the policy into line with the Convention and to ensure that it had the necessary financial and human resources to be effective. It was not clear whether there was a separate central authority responsible for implementing and monitoring the policy. The National Commission on Children and Adolescents, for example, should be given a clear mandate and the necessary resources to coordinate the relevant activities. She asked whether the budget allocated to children's issues was regularly monitored and whether the funds provided reached their intended beneficiaries. Did corruption play a role in the underfunding of support for children?

16. She would also like to know more about efforts to reduce inequalities affecting disadvantaged children, such as Indigenous children, children living in poverty, and migrant and asylum-seeking children. She urged the State party to improve its national data-collection system to ensure that all areas of the Convention were covered and that data were disaggregated by age, sex, disability and geography. She wondered whether there were any data to support the overwhelming anecdotal evidence of high rates of sexual violence against girls, and whether such data could be used to prevent the violence and punish sexual offenders. Lastly, she wished to know what efforts had been made to ensure that children were aware of their right to legal assistance.

17. **Mr. Van Keirsbilck** (Country Task Force) said that he would welcome information on the State party's plans to amend the Constitution, particularly with regard to discrimination, protected characteristics and equality. He wondered what was being done to eliminate stereotypes and the stigma against girls who were survivors of sexual violence and faced pregnancy, young people from the lesbian, gay, bisexual and transgender community, Indigenous children, children of African descent, children with disabilities and HIV-positive children. It would be helpful to learn of any activities in schools to raise awareness about their rights and, in particular, of any steps that the State party was taking to protect lesbian, gay, bisexual, transgender, intersex and queer children from conversion therapy. He would like to know the current status of bill No. 5940 on so-called gender identity disorders, which had been withdrawn from consideration. He would appreciate an account of the measures taken to ensure that the best interests of the child were considered in child protection proceedings.

18. He would be grateful if the delegation could describe the measures taken to address neonatal death and stillbirth among the rural and Indigenous population. He would also be interested to know what policy and legislative measures had been taken to prevent a recurrence of the tragic events at the Virgen de la Asunción children's home, what had been the outcome of the trial against the responsible persons and authorities, and how the victims and families of the victims had been compensated. It would be helpful to know what the State party had done to investigate and punish the perpetrators of extrajudicial killings of children and femicide.

19. It would be useful to have information on the efforts made to ensure that the voices of Indigenous children and their communities were heard and that they could participate meaningfully in taking decisions about matters that affected them. In particular, he would welcome information on the strategic action taken by the Ministry of the Interior with regard to Indigenous Peoples since 2020.

20. He would appreciate clarification of the role of the National Adoption Council; it was not clear whether it was responsible for matters other than adoption. He wondered how the Judicial Policy for the Special Protection of Children and Adolescents 2020–2025, referred to in the State party's report, dealt with deinstitutionalization, and what was being done to prevent family separation and address its root causes. It would be useful to have further information on the funding and monitoring of institutions where children were deprived of a family environment. He would welcome information about any plans to adopt a national deinstitutionalization strategy. He wished to know what was the place of adoption, national and international, in the State party's overall child protection system. Information on the measures taken to prohibit illegal adoption, to prosecute perpetrators of that offence, to promote the right of victims to know their origins and to provide for reparation would also be welcome.

21. **Mr. Chophel** (Country Task Force) said that he would like to know whether the National Registry Office registered the births of all babies born in rural areas of the country under the care of traditional birth attendants, and whether information on free access to birth registration was readily available. He would welcome information on reports that fines were imposed for late registration and an update on the use of mobile birth registration units to avoid such fines.

22. He would appreciate further details of the legislation to protect children in the digital environment, including Decree No. 11-2022 amending the Criminal Code, Decree No. 19-2022 on bullying in schools and bill No. 6023 on the protection of children and adolescents against cybercrime. It would be interesting to learn about existing digital literacy programmes and efforts to raise awareness about online safety. He would welcome an update on the Act against Sexual Violence, Exploitation and Trafficking in Persons, promulgated by Decree No. 09-2009. It would also be useful to learn what had been done to raise awareness about the age of sexual consent, which was set at 14 years by law, and what efforts had been made to ensure that adolescents who engaged in consensual sexual activities with each other were not criminalized.

23. He would like to know the status of the Comprehensive Support Model for Children and Adolescents and wondered whether it had made a difference in providing redress for victims of human rights violations. He would also like to know what steps had been taken to improve public care centres and provide victims of abuse with the necessary measures for restitution, rehabilitation and compensation. A description of the current situation of the Virgen de la Asunción children's home would be appreciated. He would also appreciate specific examples of the existing complaints procedures or mechanisms for children in care and detention centres, as well as in the general population, and of mechanisms, if any, to provide or receive appropriate remedies.

24. The Committee had received reports that violence against children, in the form of corporal punishment, continued unabated. In that regard, he would be interested to know the status of draft law No. 5184 on the use of corporal punishment and other cruel forms of punishment as a correctional or disciplinary measure for children and adolescents, which would criminalize corporal punishment in all settings. He wondered whether the State party

was implementing any programmes to promote non-violent and participatory forms of child-rearing and discipline.

25. As the problem of gangs and *maras* seemed to have worsened since the State party's previous report, he wished to know whether the authorities had put in place any specific programmes or initiatives to provide children with assistance to leave gangs and be reintegrated into society.

26. The Committee had been informed that patriarchy, gender-based violence and child marriage presented huge challenges for the State party. He would appreciate an update on the status of bill No. 5464, which was intended to prevent, punish and eradicate child and adolescent marriage and de facto unions, and information on further measures that were being taken to tackle the problem of child marriages and unions. He wondered what was the status of the National Plan for the Prevention of Adolescent Pregnancy for 2018–2022 and whether it had been reviewed.

27. Lastly, in the light of reports that abortion and gay marriage had been criminalized, he would like to know more about the Government's policies in that regard, and whether it would consider changing its approach.

*The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.*

*Ms. Kiladze (Vice-Chair) took the Chair.*

28. **A representative of Guatemala** said that the legislature that had been sworn in in January 2024 was committed to democracy and human rights and to seeking consensus on a legislative agenda in the country's interest. Unfortunately, previous legislatures had overseen setbacks in the promotion and protection of human rights, including those of children and adolescents. For example, in 2022, Congress had initially approved a controversial decree that would have introduced harsher sentences for abortion and prohibited equal marriage, before shelving the proposed law in the face of social protests. Another unwelcome development had been the submission of bill No. 5940 on the protection of children and adolescents from so-called gender identity disorders.

29. Bill No. 5285, which contained amendments to the Act on the Comprehensive Protection of Children and Adolescents, was currently at the second of three readings. It was envisaged that Congress would resume its debate on the bill, given the importance of establishing a national system for the protection of children and adolescents. Congress would also consider bill No. 5865, amending Decree No. 16-2018, which declared 8 March a national day for the victims of the tragedy at the Virgen de la Asunción children's home. The proposed amendment would improve the standard of redress provided to the girls who had survived the tragedy, so that they would receive decent housing, comprehensive health care and access to the programmes of the Ministry of Social Development.

30. Recent legislative advances included the adoption of Decree No. 19-2022, the Bullying Act, which established a requirement to take measures to prevent and eradicate the scourge of cyberbullying, and of Decree No. 11-2022 amending the Criminal Code in relation to offences committed against children and adolescents using technological means. Bill No. 5464, on child and adolescent marriage and de facto unions, was one of the initiatives that the new legislature intended to take up for adoption. On the other hand, Congress would resist any attempts to introduce legislation that would roll back human rights. Lastly, she wished to clarify that Guatemalan law neither permitted nor prohibited equal marriage.

31. **A representative of Guatemala** said that the judiciary was currently pursuing intervention strategies in various jurisdictions related to children and adolescents. Areas for action included access to justice for children and adolescents; guidelines on assistance, accessibility and mobility; specialization and training of judges; restitution of rights; and inter-institutional coordination. Specialized training on children and adolescents in conflict with the law and their protection had been delivered to 244 judges. Initial training had been provided for the personnel of courts for children and adolescents in conflict with the law.

32. In the area of access to justice, the judiciary had established 47 new courts of various types, including 25 courts of first instance for children and adolescents in conflict with the law and 16 chambers, attached to courts of appeal, competent in the area of juvenile justice

and the protection of children and adolescents. The provision of interpreting and translation services in Indigenous languages ensured that children could obtain access to justice in their own languages. A Gesell chamber and closed-circuit television were used so that children could give evidence in a safe setting.

33. The criminal proceedings in the Virgen de la Asunción case were now at the final stage prior to adjudication. Since the tragedy, the Government had taken several measures in keeping with its commitment to deinstitutionalization. It had provided redress, including guarantees of non-repetition, and had strengthened the systems for the comprehensive support of child victims of violence and children in conflict with the law. Agreements were being drawn up with private organizations for the care of children in nine centres staffed by specialized personnel. The Government had also drawn up guidelines on compliance with article 9 of the Convention and on measures to ensure that all institutions that cared for children were registered and authorized by the State.

34. **A representative of Guatemala** said that, while Guatemala had made progress in the legislative and institutional spheres since ratifying the Convention in 1990, that progress had been overshadowed by the tragedy at the Virgen de la Asunción children's home. As a single large institution in which 604 children and adolescents with different profiles had been living under the protection of the State, the Virgen de la Asunción children's home was the legacy of a model that had been abandoned with the ratification of the Convention. After the tragedy, the Government had opted not to reopen the centre, instead operating 14 smaller residential centres that housed a total of 558 children and adolescents with different needs. There were two centres that cared for children who had been subjected to abuse and two centres for children with mild or moderate disabilities. Other centres housed children who had problems with drug use or addiction or who had links with gangs. Education and health programmes had been established for the children who had been moved out of the Virgen de la Asunción children's home.

35. Upon assuming office, the incoming Government had immediately ordered an assessment of all children's homes, which had revealed issues such as overcrowding, the mixing of residents with different needs, a lack of the necessary multidisciplinary teams and a lack of the resources needed to ensure decent conditions and meet minimum standards. Consequently, the Government had begun work on plans for deinstitutionalization, institutional strengthening and the allocation of resources. Unfortunately, the budget of the Social Welfare Secretariat, which stood at 305 million quetzales, had not increased in the previous two years and was insufficient to meet the increasing demands made upon it. In other words, although the Secretariat had roughly the same number of children and adolescents in its care as in 2017, it currently had to operate 14 centres without any additional financial or human resources. Nevertheless, it was working with its available resources to meet needs, including those related to food, medicine, education and the maintenance of infrastructure.

36. Children and adolescents with disabilities in the care of the Secretariat were extremely vulnerable. They included children and adolescents with varying degrees of disability and some with physical and sensory impairments. One challenge related to the education of persons with disabilities, now adults, who had grown up in care. Another related to the protection of residents' health. A recent outbreak of influenza A (H1N1) at a care centre, which the authorities had swiftly contained, had resulted in the deaths of two children with severe disabilities. The Secretariat had approximately 75 persons with severe disabilities in its care. It worked in the areas of rehabilitation, training and inclusion, through its own programmes and in coordination with the Ministry of Education.

37. The principle of the best interests of the child permeated all activities of the Social Welfare Secretariat, was reflected in its regulations, protocols and guidelines, and informed its decision-making. As the Committee had recognized in its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the best interests of the child should be a primary consideration in budgetary decisions. The budget situation facing the Secretariat was therefore particularly unjust and had severe implications for the working conditions of its employees. A restructuring process was under way, which would include an assessment of the Secretariat's human resources, the reform of its internal regulations and the reclassification of some posts. The Secretariat had requested an increased budget that

would allow it to fill vacant posts and thus address shortcomings in the standard of care provided.

38. The Government had launched a deinstitutionalization strategy which provided for alternatives to deprivation of liberty and measures to prevent overcrowding. As part of the strategy, the Government was aggressively recruiting families to provide alternative care for children who could not remain with their biological families. In that regard, the Secretariat aimed to increase the financial support provided to foster families who were willing but could not afford to take a child into their care. The strategy showed that the segregation of children in institutions was no longer seen as the solution. Rather, the State worked to restore their right to live with their biological families, while respecting their dignity, identity and equality.

39. **A representative of Guatemala** said that the Counsel General's Office worked to ensure that the best interests of the child were upheld in all administrative procedures. In 2019, in the light of the particular vulnerability of migrant children, the Office had issued a guide for evaluating and determining the best interests of children in contexts of human mobility. The guide had subsequently been updated in 2021. With a view to preventing institutionalization, promoting deinstitutionalization and providing alternative care, the authorities were working to ensure that children and their families had access to social care programmes tailored to their needs. That process was overseen by the Counsel General's Office which, if it discovered that a particular child's rights were being violated within the family environment, could intervene through special protection measures to rectify the situation. In doing so, it always sought to maintain children within their own biological family. If that was not possible, it pursued alternative solutions in the extended family or with a foster family. Placement in an institution was always the option of last resort. Between 2020 and March 2024, the Counsel General's Office had been instrumental in providing care for 164,219 children. Of them, 93,506 had benefited from protection measures, 52,000 in their own family environment, 25,735 in their extended family, 1,359 in foster families and 11,390 in children's homes.

40. **A representative of Guatemala** said that the Ministry of the Interior ran a number of programmes aimed at preventing the recruitment of children into *maras* or criminal gangs. It was important that efforts in that regard should be coherent and coordinated and should tackle the underlying structural and community-based factors that favoured gang-related activity. The Pyramid programme was a three-step initiative that focused on adolescents outside the school system, who were known to be particularly vulnerable to recruitment by gangs. It sought to engage parents, neighbours, religious figures, community leaders, teachers and civil society organizations in efforts to change the behaviour of adolescents, encouraging healthy living and promoting life skills. The Safe Schools Programme was also intended to discourage children from joining gangs. It involved visits to schools with lectures to boost the children's leadership skills, self-esteem and resilience. Other similar programmes run by the National Civil Police and community groups also aimed to promote peace, prevent sexual violence and combat drug use.

41. **A representative of Guatemala** said that the current Government was working to improve the public health system, which was fragmented and ineffective following 40 or 50 years of neglect. In that regard, one aspect of the activities of the Ministry of Health and Social Welfare focused on the prevention of unwanted pregnancies via comprehensive health and sexual health education. The Ministry also had so-called *espacios amigables* (friendly health spaces), where contraceptives were available for young persons aged 14 and over. Adolescents who became pregnant were provided with psychosocial care and, if they did not wish to keep their offspring, the Ministry coordinated with the National Adoption Council on their behalf. Between January and April 2024, a total of 14,550 adolescents between the ages of 14 and 18 had made use of the Ministry's contraceptive services. There were friendly health spaces in 197 municipalities across the country which, during the course of 2023, had provided services to 17,008 young persons.

42. Since 2011, thanks to support from the Economic Commission for Latin America and the Caribbean (ECLAC), registers of young persons who used the Ministry's services were disaggregated, not only by age, ethnicity, place of origin and sex but also by population and linguistic group. Children from Indigenous groups, particularly in rural areas, received

preventive and rehabilitative health care at medical posts and clinics, which provided services tailored to take account of their particular biological and psychosocial needs. The Ministry of Health and Social Welfare and the National Registry Office worked with midwives to ensure that births were duly registered. The Ministry also had a permanent coordination mechanism with hospitals, through which it sought to address any difficulties in the registration of newborn infants. Programmes for children and adolescents accounted for nearly 16 per cent of the Ministry's global budget of 12 billion quetzales.

43. **A representative of Guatemala** said that the Ministry of Education had developed a protocol to deal with pregnancies in schools, under which pregnant youngsters were directed to the competent authority. In most cases, that was the Ministry of Health and Social Welfare, although sometimes the Public Prosecution Service might also be involved. The protocol also envisaged training for teachers to equip them to explore complex themes, such as sexuality and pregnancy, with their students at different levels of education. A comprehensive child protection strategy was on the point of being launched which, by addressing issues such as violence prevention and gender equality, was also expected to have the effect of reducing pregnancies and sexually transmitted diseases among adolescents. The strategy also envisaged awareness-raising activities in various national languages, with the aim of preventing sexual violence against girls.

44. A number of administrative and financial measures were being rolled out that were intended to benefit Indigenous Peoples in the country. Aspects of Indigenous knowledge had been incorporated into school curricula at different levels and bilingual intercultural education was being promoted, chiefly in pre-primary and primary schooling, although there were plans to extend it to the secondary level. To that end, the Government was hiring and training teachers, producing new textbooks and applying new teaching methodologies. In all, 4,400 schools had been identified as centres of bilingual intercultural education. The need for such education was underlined by the fact that more than 1.5 million students – almost 36 per cent of all students in the national education system – self-identified as being of Mayan, Garifuna or Xinka ethnicity. Students with special needs were assisted by qualified teaching personnel. Teachers were receiving training in digital literacy, and digital literacy courses were being run in 3,390 specially equipped primary schools. The Ministry of Education was in the process of developing a plan to ensure that all students throughout the country had access to technology.

45. **A representative of Guatemala** said that the programme whereby incarcerated women could care for their own offspring had been relaunched by the new Government, following years in which it had been severely neglected by previous administrations and riven by corruption scandals. Two women's prisons were equipped to house inmates who were caring for children under the age of 4. There were currently 10 children in one of those institutions and 12 in the other. Unlike in the past, the mothers and their children received properly cooked nutritious meals, and efforts were currently being made to ensure they could benefit from the *Acompañame a Crecer* (Help Me Grow) early education programme, which focused not only on nutrition but also on overall health and food security. Unfortunately, no provision currently existed for children over the age of 4 whose mothers were incarcerated and who could not be cared for by relatives. However, the authorities were seeking to adapt existing programmes to accommodate such children and had planned training programmes that sought to address their situation, also thanks to coordination between the Social Welfare Secretariat, the Ministry of Social Development, the Ministry of Education and the Ministry of Health and Social Welfare.

46. **A representative of Guatemala** said that, although significant efforts had been made, the Government was aware that not enough had yet been done to address the country's many institutional failings. As the President and Vice-President of Guatemala had both made clear, the fight against corruption remained one of the Government's biggest challenges. Under the Constitution, all international treaties ratified by the State, including the Convention, had the status of national law and could be directly invoked before the courts. The fact that the current Civil Code predated the Constitution still posed a significant challenge.

47. Several proposals of constitutional reform had been under discussion in Guatemala since 1999. Although the proposals chiefly concerned the reform of the system of justice and the 1996 Agreement on a Firm and Lasting Peace, they also touched on issues such as



equality and discrimination. One aspect that had emerged very clearly from the discussions was the need to change narratives that tended to promote stigmatization and stereotypes. Such narratives, in fact, had been seen to underpin discriminatory practices on the part of certain public officials. Processes of cultural change aimed at reducing discrimination were being developed by several commissions that were part of the Office of the President, including a commission against discrimination and racism and a commission on peace and human rights.

48. Despite the fact that the law regulating adoption used the word “protect”, adoption was not in fact an instrument of protection but a means whereby a child could be promptly returned to a family environment. The National Adoption Council gave priority to children in institutions who had been declared eligible for adoption. At the same time, the Council endeavoured to gather information about the children’s origins, in order to preserve their identity. The National Registry Office sought to encourage birth registration by applying fines in cases where a birth was registered with a delay of more than 60 days. The Office had 352 branches across the country, including 49 in hospitals. It also had branches at 20 consular offices in the United States of America and at 2 in Canada, as well as at 4 Guatemalan embassies in Europe.

49. The gathering of data on child victims of violence was hindered by the incompleteness and lack of coordination between the records held by the Public Prosecution Service, the National Civil Police, the National Institute of Forensic Sciences and the National Institute of Statistics. In fact, inter-institutional coordination was one of the main challenges that the new Government had inherited. The Ministry of the Interior was seeking to address that challenge with a view to ensuring reliable, adequate and accurate data.

50. One of the new Government’s first measures had been to establish a mechanism for dialogue, by means of which Indigenous Peoples could participate in political affairs. As it currently stood, the mechanism included no specific provision for Indigenous children; however, the Government had inherited a system that made no provision for Indigenous participation at all, and the mechanism was seen as a first step towards policies that accommodated the needs of all the peoples of the country.

51. **Ms. Zara** (Country Task Force) said that she would like information about the principles of inclusivity and non-discrimination that underpinned the inclusion strategy for students with disabilities referred to in the periodic report; as well as about the budget allocated for implementation of the national disability certification system and the steps taken to ensure universal certification. She would also like to hear about the steps taken to ensure that children with disabilities were raised in an appropriate family environment, and about the support provided for foster parents with a view to reducing the number of children placed in institutional care.

52. Details of measures taken to improve basic health-care services and infrastructures and to increase the availability of health-care professionals in rural areas would be welcome. Such details should cover efforts to address the disparities in child vaccination rates in different parts of the country and to guarantee universal access to immunization without charge. She would also like information about action being taken to combat the high levels of hunger and malnutrition among disadvantaged children, including Indigenous children, particularly action under the National Nutrition Plan. An indication of when bill No. 5504, promoting healthy nutrition, was likely to be passed would likewise be helpful.

53. The lack of access to sexual and reproductive health services and education, the high rate of adolescent pregnancy and the elevated risk of maternal mortality in adolescent mothers were sources of concern. The adoption of the National Plan for the Prevention of Adolescent Pregnancy was a positive step, but she would like to hear more about what the State party was doing to ensure access to comprehensive information and services and establish an overall policy on sexual and reproductive health for adolescents that encompassed sexually transmitted infections as well as early pregnancy. She would also like an update on the decriminalization of abortion, the steps being taken to ensure access to safe abortion services and post-abortion care, and efforts to ensure that all adolescents, including those who were not in school and those living in rural areas, had access confidential health services and contraception.

54. She would appreciate details of any government efforts to address drug use and abuse and its harmful effects on the health and well-being of adolescents. She would welcome assurances that the National Commission against HIV/AIDS had sufficient powers to ensure effective interministerial coordination of public policies on HIV/AIDS and children's rights, as well as information on any HIV/AIDS prevention strategies or programmes targeting women and children in particular, including any efforts to encourage pregnant women to take an HIV test with a view to preventing mother-to-child transmission.

55. She wished to know what the State party was doing to combat poverty, to guarantee that children in need benefited from social protection and conditional cash transfer services, and to ensure that drinking water and sanitation strategies intended to increase the cover, quality and sustainability of water supplies throughout the country, including in rural areas, were effective. She would also like to know what was being done to address obstacles affecting access to social welfare services and to guarantee timely access to protection, assistance, decent housing and an adequate standard of living, without discrimination, for all children, their families and vulnerable persons.

56. **Mr. Chopel**, noting that Guatemala was among the 10 nations considered most vulnerable to climate change, said that it would be helpful to have information on any policies and programmes in place or under consideration to counter the effects of climate change and improve disaster risk management, in line with the Committee's general comment No. 26 (2023) on children's rights and the environment with a special focus on climate change. He would appreciate assurances that the political commitment and the financial and human resources necessary for effective implementation of the National Climate Change Action Plan, launched in 2018, were in place. He would also like to know whether children and young persons had been consulted regarding actions to be taken under the Plan. Lastly, he asked whether the State party was planning to ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

57. **Mr. Van Keirsbilck** said that he would appreciate clarification regarding the budget allocated to education. He would like to know what the Government was doing to address the issues affecting the quality of education and the inequalities and inequities between children from low-income and higher-income households, including those that resulted from their disparate access to digital devices and the Internet. He also wished to know more about the *Acompáñame a Crecer* (Help Me Grow) early education programme mentioned in the periodic report, including its scope, the kind of services it provided and how many children were benefiting.

58. He wondered whether the State party had any plans to increase the resources allocated to its intercultural bilingual education and to inclusive education more generally. Details of any steps taken to make educational facilities physically accessible to children with disabilities would be helpful. Was there any specific programme for equipping schools with the materials needed to make them accessible to a wider range of children? He would also like to know whether teachers received training in inclusion practices, to help them in teaching children with learning disabilities, and whether specialist professionals visited schools to ensure that pupils with disabilities were properly supported.

59. He wished to know whether school curricula included a programme of human rights education, and, if so, at which grade the programme was delivered. It would be interesting to know whether the programme provided children with practical information about their rights and the remedies available to them, rather than taking a purely theoretical approach.

60. Around 27,000 persons were deprived of liberty in Guatemala, according to figures for 2021, so a large number of children must be affected by the detention of a parent. The delegation might therefore provide information about any support programmes available to children having to deal with a parent's imprisonment, in order to help them maintain a relationship with that parent. He would also appreciate details of the measures in place to guarantee, as far as possible, a normal childhood for children living in prisons with their mothers.

61. **Ms. Marshall-Harris** said that she would like to know whether there were any plans to amend the regulations governing the procedures for determination of refugee status and

the operation of the National Migration Authority to bring them fully into line with the Convention. She wondered how the State party reconciled the fact that unaccompanied and separated children continued to be detained, usually in unsafe and insanitary conditions, with the express prohibition of their detention contained in the Migration Code. There appeared to be an urgent need to train border officials in the application of article 84 of the Code, providing for temporary resident status to be accorded to such children, and in the determination of children's best interests. Alternative care arrangements and psychological support should also be made available nationwide; there seemed to be almost no provision for the care of young children who were returned to the country after attempting the trek northwards. The State party should consider carefully how those problems might be resolved.

62. She would like to know what was being done to address the discrimination and marginalization that Indigenous and Afrodescendent children continued to experience. Bilingual education seemed to be suffering from a lack of resources and trained teachers; much still needed to be done to restore the rights of the Mayan people and provide reparation for historical violations; and Afrodescendent and Garifuna communities continued to be disproportionately affected by extreme poverty and malnutrition. Were there any signs that the situation was improving?

63. Given that over 300,000 children were reported to be working at an age when they should be in school, she would like to know whether the road map for the prevention and eradication of child labour and the protection of adolescent workers had been adequately funded and implemented, whether the police were involved in enforcing the law, whether regular inspections were conducted, and whether employers responsible for child labour were sanctioned. She was also concerned about the large number of children in street situations in Guatemala and would appreciate information on any efforts to provide them with social care, facilitate family reunification and prevent their institutionalization and possibly even criminalization.

64. She wished to know whether the State party had a modern system of child justice that provided for diversion, non-custodial sentencing and rehabilitation. In particular, she would like to know whether regulations were in place to prevent the detention of children in unsatisfactory conditions that fell short of international standards and to ensure that detention was used only as a last resort and for the shortest possible time; whether there was an independent mechanism that monitored conditions of detention; and whether judicial and law enforcement officers who interacted with children in conflict with the law received specialized training.

65. Reports that children as young as 5 were being recruited by *maras* – sometimes on their way to school – to act as lookouts, carry weapons and take part in drug trafficking were disturbing. Girls were apparently exposed to sexual exploitation by gang members, and children sometimes ran away from home simply to escape recruitment. She hoped those reports were exaggerated, but she would like to know what the authorities were doing to contain the activities of the *maras*. She would also like information about military schools, where the curricula included the use of deadly weapons. Anecdotal reports suggested that former pupils of such schools often ended up in gangs, rather than in the regular army. She therefore wondered what exactly pupils in military school were being trained for.

66. **Mr. Pedernera Reyna** said that he would like to know why the judiciary was taking so long to provide truth, justice, reparations and guarantees of non-repetition for the victims of the fire in the Virgen de la Asunción children's home, who were still awaiting justice seven years after the event. That delay attested to the very poor manner in which children, and especially girls, had historically been treated in Guatemala. The State party should expedite a satisfactory conclusion to the case.

67. He would like to understand why the passage of bill No. 5285 appeared to have stalled and there was no interest in moving it forward among any political group. He would also like to know when the immunization bill was likely to be passed. The State party should consider amending the Act against Sexual Violence, Exploitation and Trafficking in Persons so that it took a child-centred as opposed to a security-focused approach. It was particularly important that the Act's provisions did not prevent children from maintaining a relationship with their imprisoned mothers. Recalling, in that connection, that a judicial protocol on special

protection measures for children with incarcerated members of their families had been issued in 2020, he would appreciate receiving details of its content and the extent to which it was being applied.

68. **Ms. Aho** said that she wished to know whether health-care staff received special training to help them deal with persons from Indigenous communities, and whether such staff were bilingual or communicated with patients through interpreters. She would like more information about efforts to combat the high rates of malnutrition and poverty among children and an explanation as to why 40 per cent of births apparently took place outside hospital facilities. Details of what was being done to improve access to drinking water in rural areas and to clean up the country's polluted rivers would be helpful, as would an update on progress towards ensuring that all children were registered and had a birth certificate and identity documents. What was the State party doing to raise awareness of the importance of registration and of the relevant procedures, costs and time frames?

*The meeting rose at 6 p.m.*