



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the seventh periodic report of Guatemala\*

#### I. Introduction

1. The Committee considered the seventh periodic report of Guatemala<sup>1</sup> at its 2790th and 2791st meetings,<sup>2</sup> held on 7 and 8 May 2024, and adopted the present concluding observations at its 2816th meeting, held on 24 May 2024. In the present document, the Committee uses the term “child” to refer to a person who is under 18 years of age.

2. The Committee welcomes the submission of the seventh periodic report of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children’s rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas and institutional and policy measures related to children’s rights taken since its last review, such as the launch of the Network for Dialogue and Registration of the Guatemalan Population, in 2018; the adoption of the national plan for the prevention of adolescent pregnancy for 2018–2022; the establishment of the Intersectoral Commission on Information and Communication Technologies, in 2019; the launch of the Comprehensive Support Model for Children and Adolescents, in 2019; the creation of the Inter-Institutional Coordinating Body against Labour Exploitation and Child Labour, in 2020; the establishment of the Presidential Commission against Corruption, in 2020; the launch of the Comprehensive Support Model for Juvenile Criminal Justice, in 2020; the launch, of the I’x Kem Comprehensive Support Model for Women Victims of Violence, in 2021; the establishment of an inter-institutional commission for the implementation of the national disability certification system, in 2022; and the adoption of Ministerial Decision No. 187-2023 of the Ministry of Labour and Social Security to address child labour. The Committee also welcomes the progress achieved in increasing birth registration.

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\* Adopted by the Committee at its ninety-sixth session (6–24 May 2024).

<sup>1</sup> [CRC/C/GTM/7](#).

<sup>2</sup> See [CRC/C/SR.2790](#) and [CRC/C/SR.2791](#).

<sup>3</sup> [CRC/C/GTM/QPR/7](#).



### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 17); abuse, neglect and sexual abuse and exploitation (para. 24); gang violence (para. 28); children deprived of a family environment (para. 31); adolescent health (para. 36); and the impact of climate change on the rights of the child (para. 41).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

#### A. General measures of implementation (arts. 1, 4, 42 and 44 (6))

##### Legislation

6. **The Committee urges the State party:**

(a) **To adopt bill No. 5285, on the establishment of a national comprehensive child and adolescent protection system;**

(b) **To draft a new law on families that is aligned with international standards;**

(c) **To reform the Civil Code to define parental responsibility and effectively protect children against violence;**

(d) **To amend the Constitution to add explicit guarantees of equality and non-discrimination on all grounds.**

##### Comprehensive policy and strategy

7. **Recalling its statement on article 5 of the Convention, the Committee urges the State party to revise the public policy on the protection of human life and the institution of the family, adopted in 2021, in the light of the Committee's statement, and to take the measures necessary to ensure that the policy on the comprehensive protection of children and adolescents for 2017–2032 and its associated action plan are in conformity with the Convention and implemented effectively, with sufficient human, technical and financial resources.**

##### Coordination

8. **The Committee urges the State party to adopt measures to ensure the independence of the National Commission on Children and Adolescents and the Commission's status as a high-level interministerial body with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the local, regional and national levels. The State party should ensure that the coordinating body is provided with the human, technical and financial resources necessary for its effective operation.**

### Allocation of resources

9. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, as well as its previous concluding observations,<sup>4</sup> the Committee recommends that the State party:

(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;

(b) Update the child-focused expenditure lines to ensure that they serve effectively as a tracking system for the allocation and use of resources for children throughout the budget;

(c) Adopt measures to compensate for the loss of public financial resources for children owing to the lack of approved budgets over the past two years;

(d) Increase efforts to reduce the inequalities affecting children in disadvantaged situations with budget lines for Indigenous children and children of African descent, children living in poverty, both in rural and urban areas, asylum-seeking, migrant and refugee children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(e) Strengthen measures to combat corruption, which reduces the resources allocated for the implementation of children's rights, and strengthen institutional capacities to effectively detect, investigate and prosecute any case of corruption.

### Data collection

10. While noting the establishment of the Multidimensional Poverty Index and the social registry of households, and recalling its general comment No. 5 (2003) on general measures of implementation and its previous concluding observations,<sup>5</sup> the Committee recommends that the State party:

(a) Adopt further measures to expeditiously improve its data collection system at the National Institute of Statistics and to ensure that data collected on children's rights cover all areas of the Convention and the Optional Protocols thereto and are disaggregated by age, sex, disability, geographical location, ethnic or national origin and socioeconomic background, in order to facilitate analysis of the situation of children, particularly those in situations of vulnerability;

(b) Ensure that statistical data and indicators on children's rights are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

### Access to justice and effective remedies

11. While welcoming the Comprehensive Support Model for Children and Adolescents, launched in 2019, the Comprehensive Support Model for Juvenile Criminal Justice, launched in 2020, and the I'x Kem Comprehensive Support Model for Women Victims of Violence, launched in 2021, the Committee encourages the State party to take the measures necessary for the effective implementation of those initiatives and:

(a) To ensure that all children have access to: (i) confidential, child-friendly and independent complaint mechanisms in schools, foster care systems, alternative care and detention settings for reporting all forms of violence, abuse, discrimination and other violations of their rights; (ii) quality and independent legal aid, in law and in

<sup>4</sup> CRC/C/GTM/CO/5-6, para. 8.

<sup>5</sup> Ibid., para. 9.

practice; and (iii) legal support and age-appropriate information on access to counselling and remedies, including compensation and rehabilitation;

(b) To raise awareness among children of their right to file a complaint under existing mechanisms and their access to legal aid.

#### Independent monitoring

12. The Committee recommends that the State party:

(a) Further strengthen the independence of the Office of the Human Rights Advocate and its child rights protection unit;

(b) Strengthen the child rights protection unit of the Office of the Human Rights Advocate, notably through the allocation of sufficient human, technical and financial resources;

(c) Enhance the capacity of the child rights protection unit to monitor children's rights and to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner.

#### Dissemination, awareness-raising and training

13. The Committee recommends that the State party:

(a) Strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention and the Optional Protocols thereto are widely known by the general public, including parents and children themselves;

(b) Promote the active involvement of children in public outreach activities, including in measures targeting parents, social workers, teachers and law enforcement officials, and encourage the media to promote sensitivity to children's rights and the inclusion of children in the development of programmes to that end.

#### Cooperation with civil society

14. The Committee recalls its previous concluding observations<sup>6</sup> and recommends that the State party systematically and meaningfully involve non-governmental organizations working in the field of children's rights, including children-led organizations, in the development, implementation, monitoring and evaluation of laws, policies and programmes relating to children's rights.

#### Child rights and the business sector

15. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, and the Guiding Principles on Business and Human Rights, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights. In particular, it recalls its previous concluding observations<sup>7</sup> and recommends that the State party:

(a) Establish a clear regulatory framework for businesses operating in the country to ensure that their activities do not negatively affect human rights or endanger environmental, health, labour and other standards, especially those relating to the rights of Indigenous children, in particular their right to be consulted to obtain their free, prior, and informed consent; the rights regarding their cultural and linguistic identity and heritage; and their rights relating to lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired;

<sup>6</sup> CRC/C/GTM/CO/3-4, para. 14, and CRC/C/GTM/CO/5-6, para. 11.

<sup>7</sup> See CRC/C/GTM/CO/3-4 and CRC/C/GTM/CO/5-6.

(b) **Require companies to undertake assessments, consultation and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts;**

(c) **Require companies to undertake due diligence in their operations and across supply chains with regard to the harmful effects of environmental degradation on children's rights;**

(d) **Maintain and strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the area of business and human rights.**

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

### **Non-discrimination**

16. The Committee remains deeply concerned by the pervasive structural discrimination against Indigenous peoples and peoples of African descent,<sup>8</sup> who constitute almost half of the population, and the widespread poverty and social exclusion among those populations, disproportionately affecting Indigenous children and children of African descent. The Committee is further concerned about the intersecting forms of discrimination against children in disadvantaged situations.

17. **The Committee recalls its previous concluding observations<sup>9</sup> and urges the State party:**

(a) **To put an end to structural discrimination against the Maya, Garifuna and Xinka peoples by addressing the root causes thereof and by strengthening legislation and adopting special measures to combat racism and discrimination against Indigenous peoples and peoples of African descent;**

(b) **To address discrimination against children in disadvantaged situations, in particular girls, children with disabilities, children living with HIV, asylum-seeking, refugee and migrant children and lesbian, gay, bisexual, transgender and intersex children.**

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

18. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is appropriately integrated into, and consistently interpreted and applied, in all legislative, administrative and judicial proceedings and decision-making and in all policies, programmes and projects that are relevant to, and have an impact on, children.**

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

19. **The Committee recommends that the State party:**

(a) **Enhance its efforts to reduce infant mortality and child mortality, especially in rural communities and among peoples of African descent and Indigenous peoples;**

(b) **Take urgent measures to prevent the violent deaths, extrajudicial killings, feminicides and enforced disappearances of children, by addressing the root causes of those violent acts, systematically investigate and punish the perpetrators and monitor the actions taken by the political and judicial institutions in that respect, and provide psychosocial support and adequate compensation to the victims;**

<sup>8</sup> A/HRC/39/17/Add.3, paras. 7–12.

<sup>9</sup> CRC/C/GTM/CO/5-6, para. 13.

(c) Strengthen the public policy on comprehensive early childhood development, by ensuring sufficient human, technical and financial resources and effective cross-sectoral coordination mechanisms.

#### Respect for the views of the child

20. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Take measures to ensure effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and procedures for social workers and courts to facilitate compliance with the principle;

(b) Promote the meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making in all matters related to children, including environmental matters with a focus on climate change;

(c) Ensure systematic and appropriate training for professionals working with and for children on the right of children to be heard and to have their opinions considered;

(d) Adopt linguistic and culturally adequate measures to ensure the respect for the views of Indigenous children, children of African descent and children on the move.

### C. Civil and political rights (arts. 7, 8 and 13–17)

#### Birth registration

21. The Committee urges the State party:

(a) To strengthen and expand the Network for Dialogue and Registration of the Guatemalan Population and the measures implemented by the National Registry Office, such as awareness-raising events, to ensure birth registration and the issuance of birth certificates for all children born on its territory immediately after the birth and free of charge;

(b) To adopt specific measures for registering the birth of children in disadvantaged situations, including those born in rural areas and remote areas, children living in poverty, Indigenous children, children of African descent, children with disabilities, children whose parents are deprived of liberty, and migrant, asylum-seeking and refugee children.

#### Access to appropriate information

22. Recalling its general comment No. 25 (2021) on children's rights in relation to digital environment, the Committee recommends that the State party:

(a) Ensure that legislation on access to information and the digital environment, including Decree No. 11-2022, Decree No. 19-2022, on bullying at school, and the bill for the protection of children and adolescents from cybercrime (No. 6023), adequately protects children from harmful content and materials as well as online risks, and provide for mechanisms to prosecute violations;

(b) Improve digital inclusion for children in disadvantaged situations, in particular those living in rural areas and remote areas and those living in poverty, ensuring safe access to relevant and culturally appropriate information online;

(c) Maintain and expand awareness-raising measures to ensure the digital literacy and skills of children, teachers and families and awareness of protection mechanisms, such as the system for protecting children online.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a) and 39 of the Convention, and the Optional Protocol on the sale of children, child prostitution and child pornography)**

**Abuse, neglect and sexual abuse and exploitation**

23. The Committee is seriously concerned about the high level of violence against children, including in the context of institutions, and the pervasive sexual violence against children, in particular girls, resulting in a high number of reported victims reflected in public data since 2016 (approximately 90 victims per 100,000 people), and the high number of births among girls aged 10 to 17.

24. **The Committee urges the State party:**

(a) **To ensure that the draft framework act for the comprehensive protection of girl victims of sexual violence (No. 5511) and the bill on the non-applicability of statutory limitations to sexual offences committed against minors (No. 5827), and any other new legislation in this area, are in conformity with the Convention;**

(b) **To ensure the effective implementation of the Programme for the Prevention of Violence and Crime against Women, Children and Adolescents;**

(c) **To conduct awareness-raising programmes, including campaigns, for parents and professionals working with and for children to promote attitudinal change regarding sexual exploitation and abuse at the family and community levels;**

(d) **To expand programmes to raise awareness about the age of sexual consent, established at 14 years in domestic legislation, and ensure that adolescents who engage in consensual sexual acts with each other are not criminalized;**

(e) **To adopt preventive measures at the family and community levels for the early detection of cases of sexual violence, including adequate procedures for medical recognition of child victims of sexual exploitation and abuse;**

(f) **To conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective channels for the reporting of such violations;**

(g) **To complete without further delay the trials against the perpetrators of the violations of children rights that occurred at the Hogar Seguro Virgen de la Asunción care centre, continue to provide adequate compensation to all victims and adopt measures to prevent such cases.**

**Corporal punishment**

25. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party:**

(a) **To explicitly prohibit corporal punishment in law in all settings and repeal article 253 of the Civil Code on parenting practices, which is contrary to the Convention, and adopt bill No. 5184 to prevent domestic violence against children, without delay;**

(b) **To ensure that sufficient human, technical and financial resources are provided to the Office of the Attorney General, the judiciary, the Social Welfare Secretariat of the Office of the President, the Public Prosecution Service and the Office of the Advocate for Children and Adolescents to provide legal and psychological support and adequate compensation to child victims of corporal punishment;**

(c) **To conduct awareness-raising programmes, including campaigns, for parents and professionals working with and for children to promote attitudinal change, within the family and the community, with regard to corporal punishment;**

(d) **To promote positive, non-violent and participatory forms of child rearing and discipline.**

### **Harmful practices**

26. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of the national system for registering marriages, the Committee recommends that the State party ensure the effective implementation of Decree No. 8-2015 and Decree No. 13-2017 and establish protection schemes for victims of child marriage who file a complaint.

### **Gang violence**

27. While noting the State party's programmes to prevent violence, such as the Your Friend the Police Officer programme and the Gang Resistance Education and Training programme, the Committee regrets the lack of information on the implementation of its previous concluding observations<sup>10</sup> and remains deeply concerned by the adverse impact of gang violence on children's rights.

28. The Committee urges the State party:

(a) To strengthen activities for the prevention of recruitment of children by non-State armed groups, including *maras* (gangs) and drug traffickers, by addressing the root causes of recruitment, such as situations of poverty, economic exclusion and discrimination affecting children in disadvantaged situations;

(b) To adopt comprehensive strategies to address gang violence and drug-related crimes effectively, primarily targeting adolescents. Such strategies should not be limited to penal measures but should also address the social factors that drive children into joining gangs and include policies for the social integration of marginalized children and adolescents;

(c) To establish programmes to assist children in leaving gangs and reintegrating into society;

(d) To conduct awareness-raising programmes, inter alia in the mass media and on social media, on the dangers of joining a gang, with the participation of children.

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

29. While noting the measures taken to address sexual exploitation, including in the digital environment, the Committee regrets the lack of information on the implementation of its concluding observations on the report of the State party submitted under article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography.<sup>11</sup> Recalling its 2019 guidelines on the implementation of that Optional Protocol and its previous concluding observations,<sup>12</sup> the Committee urges the State party:

(a) To further strengthen efforts to prevent the sale of children, by urgently establishing the mechanisms provided for in the Act on the Alba-Keneth alert system of 2010, to search for missing children, including children missing from care institutions;

(b) To strengthen measures to prosecute and, if they are convicted, punish all perpetrators of offences under the Optional Protocol, including perpetrators of online child sexual exploitation;

(c) To adopt strategies to provide legal assistance and psychosocial counselling for child victims who were trafficked, exploited for prostitution or used in child sexual abuse material, and strengthen the mechanisms for the rehabilitation, recovery and reintegration of child victims of offences under the Optional Protocol.

<sup>10</sup> CRC/C/GTM/CO/3-4, para. 93; and CRC/C/GTM/CO/5-6, para. 25.

<sup>11</sup> CRC/C/OPSC/GTM/CO/1.

<sup>12</sup> CRC/C/GTM/CO/5-6, para. 47.



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

**Children deprived of a family environment**

30. While welcoming the measures taken to promote deinstitutionalization, the Committee remains deeply concerned about the insufficiency of the legislative and policy framework on deinstitutionalization, and the insufficiency of the coordination of interventions by public institutions in this area.

31. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee urges the State party:

(a) To accelerate the phasing out of institutionalization and adopt, without delay, a comprehensive strategy and action plan for deinstitutionalization, ensuring that it is coordinated by one State entity and has adequate human, technical and financial resources for its implementation;

(b) To ensure sufficient alternative family-based and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care and adoption, in particular for the National Adoption Council and the Social Welfare Secretariat of the Office of the President, regularly reviewing placement measures and facilitating the reunification of children with their families when possible, building on the pilot plan of the proposed deinstitutionalization model and the "ecosystemic" approach taken for its implementation;

(c) To ensure adequate safeguards and clear criteria, based on the needs, and the best interests, of the child, for determining whether a child should be placed in alternative care;

(d) To ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;

(e) To strengthen the capacity of professionals working with families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance the professionals' awareness of the alternative family and community-based care options and of the rights and needs of children deprived of a family environment.

**Adoption**

32. Deeply concerned about the lack of measures taken to address the large number of illegal international adoptions that took place in the past, the Committee recommends that the State party:

(a) Ensure that the best interests of the child are the paramount consideration in the adoption procedures for children of all ages and that the right of adoptive children to know their biological origin is guaranteed in law and practice;

(b) Maintain the suspension of international adoptions until adequate conditions and safeguards are in place to prevent illegal adoptions;

(c) Step up efforts to investigate, prosecute and punish the offenders responsible for illegal adoptions and ensure that all victims receive adequate support and compensation.

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

33. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:

- (a) To adopt a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities;
- (b) To strengthen measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes, and to inclusive education and social protection;
- (c) To consider repealing Decree No. 135-96 of 1996 and adopt legislative measures to update and adopt bill No. 5125 of 2016;
- (d) To ensure effective implementation of Decree No. 3-2020, by which Congress adopted the Act on the recognition and approval of Guatemalan Sign Language;
- (e) To ensure the early identification of children with disabilities, notably by strengthening the National System of Biopsychosocial Certification of Persons with Disabilities, established by Decree No. 6-2024.

## **G. Health (arts. 6, 24 and 33)**

### **Health and health services**

34. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

- (a) Ensure access by all children to basic and culturally sensitive health services, provide health-care infrastructure and ensure the availability of health-care professionals, especially for Indigenous children, children of African descent and children living in rural and remote areas;
- (b) Expedite the adoption of bill No. 5342, on vaccines, and take the measures necessary for its effective implementation, including the allocation of adequate human, technical and financial resources, to ensure universal coverage of immunization services and free access to vaccination.

### **Adolescent health**

35. The Committee is seriously concerned about:

- (a) The high rate of early pregnancy;
- (b) The criminalization of abortion and the insufficiency of sexual, reproductive and health services;
- (c) The bill on the comprehensive protection of children and adolescents against gender identity disorder (No. 5940), in which gender incongruence is considered as a mental disorder.

36. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee urges the State party:

- (a) To adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;
- (b) To ensure that all girls and boys, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;
- (c) To decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of decision-making;

(d) To update the national plan for the reduction of adolescent pregnancy and ensure sufficient human, technical and financial resources for its effective implementation;

(e) To repeal Act No. 5940, which refers to gender identity “disorders”, and prohibit the promotion, facilitation and delivery of so-called “conversion” therapies aimed at changing the sexual orientation and gender identity of children;

(f) To develop and implement comprehensive national and local strategies for attitudinal change aimed at transforming social norms and gender stereotypes that fuel all forms of discrimination, with the participation of children, members of civil society, families, communities and members of the private sector and in mass media;

(g) To develop and implement a national mental health strategy and action plan for children and adolescents.

#### **HIV/AIDS**

37. Recalling its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

(a) Entrust the national commission working in the area of HIV with sufficient authority to ensure interministerial coordination of public policies on HIV/AIDS and the rights of the child;

(b) Sustain the measures in place to prevent mother-to-child transmission of HIV and develop a road map to ensure the implementation of effective preventive measures, in particular the national plan on preventing mother-to-child transmission of HIV;

(c) Improve access to quality, age-appropriate services in relation to HIV/AIDS and sexual and reproductive health, notably access to confidential HIV testing services for children and counselling services that do not require parental consent;

(d) Ensure that HIV exposure and transmission is not criminalized.

#### **Nutrition**

38. The Committee urges the State party:

(a) To strengthen, as a matter of urgency, measures to address high levels of hunger and malnutrition among children in disadvantaged situations, in particular Indigenous children, including through effective implementation of the national plan on nutrition for 2020–2024;

(b) To adopt bill No. 5504 on the promotion of healthy diets, with special focus on front-of-package labelling and the regulation of the marketing of unhealthy food to children;

(c) To strengthen and ensure the continuity of the School Meals Programme and ensure sufficient human, technical and financial resources for the great national crusade for nutrition, initiated in 2020, and the Food and Nutrition Security Policy for the period 2022–2037;

(d) To ensure the best interests of the child in the design, approval and implementation of legislation and policies on healthy diets.

### **H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))**

39. The Committee recommends that the State party:

(a) Consider holding targeted consultations with families and children, and civil society organizations working in the area of children’s rights, on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling

children's rights in the National Development Plan "Nuestra Guatemala K'atun 2032" and the 2021 national development priority on poverty reduction and social protection;

(b) Ensure comprehensive implementation of the national policy on water and sanitation, with a focus on rural and remote areas, and regular updates of the policy;

(c) Ensure the effective implementation of agreements No. 13-2022 and No. 105-2023 adopted by the Ministry of Health regarding rural sanitation;

(d) Ensure that children living in poverty and their families receive adequate financial support and access to services without discrimination and free of charge, in particular through universal coverage and effective delivery of the conditional cash transfer programme.

## **I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

### **Impact of climate change on the rights of the child**

40. The Committee is concerned about the high level of vulnerability of children owing to the impact of climate change and the limited child sensitivity of the State party's climate policies and disaster risk management. The Committee notes that the State party has signed, but not yet ratified, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

41. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, and recalling its previous concluding observations,<sup>13</sup> the Committee recommends that the State party:

(a) Ensure that the special vulnerabilities, needs and views of children, in particular Maya, Xinka and Garifuna children, children living in poverty and refugee and migrant children, are taken into account in the development of policies and programmes to address climate change and disaster risk management;

(b) Ensure that child rights impact assessments are conducted to inform the process of development and implementation of policies and programmes, such as the 2018 national climate change action plan, to address climate change and disaster risk management and ensure that children are properly consulted in the assessments and the policy development;

(c) Collect disaggregated data identifying the types of risk faced by children in relation to the occurrence of different types of disaster in order to formulate international, regional and national policies, frameworks and agreements accordingly;

(d) Increase children's awareness of and preparedness for climate change and natural disasters by incorporating the subject into the school curriculum and teacher training programmes;

(e) Expedite the ratification of the Escazú Agreement;

(f) Seek bilateral, multilateral, regional and international cooperation in implementing the above recommendations.

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

### **Aims and coverage of education**

42. The Committee recommends that the State party:

<sup>13</sup> CRC/C/GTM/CO/5-6, para. 37.

(a) Increase the national budget allocated to education to 7 per cent of the gross domestic product, in line with the 1996 Agreement on a Firm and Lasting Peace;

(b) Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, including by maintaining and strengthening the programmes aimed at increasing enrolment and preventing dropout, with a priority focus on Indigenous children and children of African descent.

#### Quality of education

43. The Committee recommends that the State party strengthen the quality of education, including by reforming its school curricula, ensuring the availability of qualified teachers, providing high-quality pre-service and in-service training, and ensuring that schools are fully and safely accessible to all, culturally appropriate and equipped with adequate infrastructure and educational technologies.

#### Inclusive education

44. The Committee recommends that the State party ensure that all children with disabilities have access to inclusive education in mainstream schools, and that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities.

### K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention, and the Optional Protocol on the involvement of children in armed conflict)

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

45. While commending the strengthened role of the Office of the Attorney General in the best interest determination procedures, welcoming the update of the protocol for assisting unaccompanied foreign children and adolescents who are in Guatemalan territory owing to situations of population displacement, and recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration and its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) Amend the regulations on the Procedure for the Protection, Determination and Recognition of Refugee Status and National Migration Authority Agreement No. 2-2019 to ensure their full conformity with the Convention;

(b) Ensure access to asylum for children by providing more training among officials conducting the best interest determination procedures and effective implementation of the provision in article 84 of the Migration Code granting temporary residence to children and adolescents seeking asylum;

(c) Improve the internal procedure of the department for the determination of refugee status and of the National Refugee Commission to allow unaccompanied or separated children to present an independent asylum claim and to expedite the recognition of their refugee status;

(d) Ensure effective implementation of the national protocol for the reception and care of migrant children and adolescents in Guatemala; effective implementation of the national protocol for the care of unaccompanied and separated children, with a focus on the prioritization of temporary foster-family care services over institutionalization; and the establishment of the best interests determination procedure for unaccompanied and separated children on the basis of appropriate age- and

**gender-sensitive mechanisms, and that the procedure is conducted prior to the handing down of judicial decisions;**

**(e) Take urgent measures to ensure alternative care arrangements for unaccompanied and separated children, including psychological support, throughout the country and coordinate with foreign border authorities on the implementation of procedural safeguards for unaccompanied and separated children in transit;**

**(f) Take urgent measures to protect migrant children against direct and indirect refoulement and pushbacks, including rejection and non-admission at the border.**

#### **Indigenous children and children of African descent**

46. Concerned by the limited progress in the recognition of the rights of Indigenous children and children of African descent, by the high level of poverty among them and by the obstacles they face in accessing culturally sensitive health care, education services and justice, the Committee recommends that the State party:

**(a) Ensure the recognition and effective enjoyment of the collective rights of Indigenous peoples and peoples of African descent, in particular their rights concerning their land, territories and natural resources;**

**(b) Systematically consult and cooperate in good faith with Indigenous peoples, including Indigenous children, in order to obtain their free, prior, and informed consent before adopting any legislative or administrative measures that may affect them, and provide effective remedies in cases of violation of their rights;**

**(c) Allocate sufficient technical, human and financial resources for bilingual intercultural education to ensure access by all Indigenous children and children of African descent to sufficient and quality bilingual learning material and adequately trained teachers, considering the linguistic and cultural diversity of Indigenous peoples and peoples of African descent;**

**(d) Remove the obstacles faced by Indigenous children in accessing culturally appropriate health care and education services, such as the payment of school fees and the prohibition on wearing traditional clothes at school.**

#### **Economic exploitation, including child labour**

47. The Committee notes that, while the State party has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO), there are nevertheless reportedly still over 30,000 children engaged in hazardous work in the country. It recommends that the State party:

**(a) Ensure the effective implementation of the road map for the prevention and eradication of all forms of child labour and the protection of adolescent workers for the period 2022–2025 and that the road map supports the full implementation of ILO Convention No. 182;**

**(b) Strengthen its efforts to ensure that no child engages in hazardous work and raise public awareness of child labour, its exploitative character and its consequences;**

**(c) Adopt specific measures to tackle child labour in the agricultural sector and domestic work, and consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189);**

**(d) Seek technical assistance from the International Programme on the Elimination of Child Labour for the implementation of the recommendations in the present paragraph.**

#### **Children in street situations**

**48. The Committee recommends that the State party:**

(a) Assess the number of children living and/or working in the streets, update studies on the root causes of their situation and promptly adopt medium- and long-term measures to address those causes;

(b) Adopt urgent measures to prevent the institutionalization, criminalization and persecution of children in street situations, and their recruitment by non-State armed groups;

(c) Adopt measures for the reintegration of children in street situations into their family and for placement in alternative care, ensuring full respect for the child's best interests and giving due weight to their autonomous views in accordance with their age and maturity.

#### Administration of child justice

49. Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee recommends that the State party:

(a) Expediently establish a comprehensive model for the administration of child justice, including specialized child court facilities and procedures, with adequate human, technical and financial resources, and designate specialized judges for children;

(b) Ensure capacity-building for judges, prosecutors, police officers and other professionals working with children in the justice system, including the traditional justice system, on child-friendly justice procedures, children's rights and the Convention;

(c) Increase non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service, notably by strengthening the measures adopted by the Social Welfare Secretariat of the Office of the President;

(d) Ensure that detention is used as a measure of last resort and for the shortest appropriate period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(e) For the few situations in which deprivation of liberty is justified as a measure of last resort, reduce, as a matter of urgency, overcrowding in juvenile detention centres, and ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services, by expanding existing initiatives.

#### Optional Protocol on the involvement of children in armed conflict

50. Regretting the lack of information on the implementation of its previous recommendations<sup>14</sup> and concerned that children in military schools who are trained in the use of weapons, contrary to the provisions of the Optional Protocol on the involvement of children in armed conflict, are particularly targeted for recruitment by non-State armed groups, the Committee recalls its previous concluding observations under the Optional Protocol and urges the State party:

(a) To establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol;

(b) To prosecute and impose sanctions on perpetrators in cases of recruitment and use in hostilities of persons under 18 years of age by non-State armed groups;

(c) To ensure that children in military schools receive education on the Convention and the Optional Protocols thereto;

(d) To ensure that military school students are not trained in the use of weapons or deployed to any armed conflict before the age of 18 years;

<sup>14</sup> CRC/C/GTM/CO/3-4, paras. 85 and 87; and CRC/C/GTM/CO/5-6, para. 48.

(e) To strengthen measures to ensure that child victims of the offences covered under the Optional Protocol are treated as victims and not prosecuted, and that they are provided with culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration.

#### **L. Ratification of the Optional Protocol on a communications procedure**

51. The Committee recommends that the State party ratify the Optional Protocol on a communications procedure.

#### **M. Ratification of international human rights instruments**

52. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) International Convention for the Protection of All Persons from Enforced Disappearance;

(b) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(c) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

#### **N. Cooperation with regional bodies**

53. The Committee recommends that the State party continue to cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

54. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the seventh periodic report and the present concluding observations be made widely available in the languages of the country.

#### **B. National mechanism for reporting and follow-up**

55. The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and the implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.



### C. Next report

56. The Committee will establish and communicate the due date of the eighth periodic report of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>15</sup> and should not exceed 21,200 words.<sup>16</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>15</sup> CRC/C/58/Rev.3.

<sup>16</sup> General Assembly resolution 68/268, para. 16.