

# COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

Pre-Sessional Working Group

## IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

### Part I

#### A. Data and statistics

1. Please provide disaggregated data (by sex, age, indigenous and minority groups, urban and rural areas) covering the period between 1998 and 2000.

#### (a) Number and proportion of minors living in the State party

Guatemala is a young country: 50.6% of its inhabitants are under 18 years old, and 48 percent belong to the 23 indigenous groups living in rural areas. In a total population of 11,385,334, some 51.3% of the under-18s (2,942,338) are male.

The female population aged under 18 is slightly smaller at 2,821,740, or 49.7% of the total.

Rural inhabitants account for 65 per cent of the total population, urban dwellers for 35 per cent. The broad distribution among age groups is as follows:

0 -- 14 years	44.2%
15 -- 64 years	52.4%
65 years and over	3.4%

#### (b) Rates of infant and child mortality

Birth rate:

The birth rate in Guatemala has been declining little by little. In the early 1990s it stood at 44.4 per thousand among the indigenous and 41.3 per thousand among the non-indigenous peoples; by 1997 it was below 40 per thousand in both groups. The decline in the birth rate has been one factor increasing life expectancy, which over the five-year period 1995-2000 was 67 years for women and 61 years for men. Morbidity, however, is higher among the female population owing to a variety of factors affecting the quality of women's lives, particularly during their productive years.

Infant mortality:

Between 1987 and 1998-1999, infant mortality fell from 73 to 45 per thousand live births, a decline of 38.45% (National Survey on Maternal and Child Health, ENSMI, 1987 and

1998-99). Among the under-fives, mortality has declined from 110 per thousand in 1987 to 59 per thousand in 1998-99, i.e. by 46.4%, higher than the target set at the fifth World Ministerial Summit Meeting\*\*\* in Lima. Despite the efforts made to meet the target, infant mortality in Guatemala remains highly by comparison with other, similar countries.

Although the main causes of morbidity have not gone away, the success of preventive health campaigns such as vaccinations against polio and measles, the use of a standard method to treat cases of acute respiratory infection, and oral rehydration therapy for diarrhoeal diseases have made important inroads into mortality.

#### Information disaggregated by sex, age, indigenous and minority group in urban and rural areas, 1999-2000

##### (a) Birth rate and infant mortality:

Of every thousand children born alive, 45 die before their first birthday.

Of every thousand children, 59 die before their fifth birthday.

*Source:* National Statistical Institute, National Survey on Maternal and Child Health (ENSMI) 1998-1999

Births during the current year (preliminary figures for 1998):

Total	378,438
Urban	153,026
Rural	225,412

National Statistical Institute, Vital Statistics

Infant and child mortality during the current year (preliminary figures for 1998)

[text -- for this rubric and subitems (b) and (c) -- missing in original]

##### (d) Proportion of children affected by acute and chronic malnutrition:

Acutely undernourished under-fives                      2.5% (underweight for height)

Chronically undernourished under-fives 48.4% (underheight for age)

*Source:* National Statistical Institute, National Survey on Maternal and Child Health (ENSMI) 1998-1999

(e) Number and proportion of children with disabilities:

As mentioned in past reports, disabled children are one of the sectors of the juvenile population in Guatemala most limited in personal and social development, having virtually no opportunities for social, economic, cultural and family reasons.

Although the Constitution says that "the State shall guarantee the protection of the handicapped and of persons suffering from physical, mental or sensory impairment. The provision for them of medical and social care, and the promotion of policies and services for their rehabilitation and full integration into society, are declared to be in the national interest. This matter shall be regulated by law and the necessary technical and administrative bodies shall be established", levels of care delivered are alarming, according to Carlos Morales of Pronice (Pro Niño y Niña Centroamericanos): only 1.6% receive any type of support, mainly from non-governmental bodies. The World Health Organisation estimates that between 14 and 16% of all the inhabitants of Guatemala are disabled: this would put the total figure at above one million.

There is little material available on children and disabilities. The Association for Training and Technical Assistance in Education for the Disabled (ASCATED) claims that half a million disabled people are children and adolescents. There are no official figures to confirm the exact number of disabled children.

(f) Number of children with disabilities either taken care of at home or living in institutions

Disabled persons

there is not enough up-to-date information on disabled persons to establish with any precision the status of the handicapped in Guatemala.

Recent studies suggest, however, that the numbers have been underestimated since there are data on those attending educational and rehabilitation centres in urban areas.

A survey by the Ministry of Public Health and Social Assistance in 1998 reported 1841 cases of disability due to armed clashes alone. Another survey carried out in 1996 in the township of Mixco revealed that among 6819 individuals covered, 7% had a disability of some kind; of these, 56 percent were male and 44 percent were female.

More than half of the disabled are between 15 and 59 years of age (52%); a quarter are under 15 and the remainder over 60. According to information from the Office of the Welfare Secretary, there are larger numbers of disabled people in Zacapa, Retalhuleu, Escuintla, Baja Verapaz and Santa Rosa. It is important to point out that people disabled as a result of the armed conflict were not identified in the last census. This explains, at least in part, why the percentage of disabled people is lowest in the area where the fighting was concentrated.

The Training and Productivity Institute (INTECAP) mentioned in 1987 that of the 28,060 individuals that had completed its training programmes some 3.3 percent (947 participants) were disabled. Altogether 114,758 people took INTECAP courses in 1998; as in previous years, it is not known how many disabled people there were among them.

The Guatemalan Social Security Institute rehabilitation hospital reported (1998) that of the 1,020 disabled people who were given treatment only 174 (17%) attended the training workshops that the hospital offered.

ASCATED reported in 1997 that among 591 disabled persons, 70% had no jobs and a further 8% were in occupations such as car washing, hawking and other services.

In 1998, The Ministry of Public Health and MOVIMONDO together produced a formal account of the people disabled owing to the armed confrontation in Guatemala, which was published in 1999. The account "covered 22 departments and disability was certified in 1,841 cases out of the total of 2,872 appraised. The number of cases certified was equivalent to 61 per cent of the figure expected in the light of estimates made before the exercise took place." The main rehabilitation requirements that the individuals concerned reported were to do with access to employment.

Disabled children from low-income groups are cared for by the Office of the Presidential Secretary for Welfare at three centres offering programmes specifically for such children. The Alida España Centre, which offers a daytime special education programme for cases of light to moderate mental deficiency, cares for 104 boys and 84 girls aged between two months and 14 years.

The Occupational Training Centre, which helps to develop potential and skills so that young people can become productive members of society, caters for young people aged between 14 and 18: 53 boys and 18 girls with light to moderate disabilities.

The Experimental Teaching Psychiatry Centre, the facility dedicated to comprehensive care for children and young people with severe disabilities who have also been orphaned or abandoned, is currently providing care for 29 boys and 21 girls.

(g) Number of children in domestic and international adoptions

According to the General Procurator's Office, 1,636 adoptions were registered in 1999. Only 1.68% were adoptions within Guatemala: the largest number of requests to adopt Guatemalan children came from the United States, followed by France and Spain.

[tables and charts left untranslated as instructed]

(h) Number of children living in displaced communities

There is no information available on the numbers of children and young people living in such situations; it is, however, known that this is a very difficult lifestyle for those concerned.

The consequences of migration include family break-up, a loss of identity and customs, racial discrimination, declining health, and personal insecurity. Children suffer more from these because they are abandoned, they grow up without a father or mother figure, or they grow up

separate from their families; in some cases, when they are very small, health problems may lead to their deaths owing to the overcrowded, in sanitary conditions in which they are forced to live.

(i) Number of children living in the streets

According to a survey on the status of children carried out by the Office of Social Works of the First Lady, 2,474 children are being looked after in public and private institutions and 3,250 are living in the streets of the country's cities, making a total of 5,994.

In the capital, children are found not only in the city centre but also in various districts and townships; they are also found in the interior of the country. New groups are constantly appearing, and existing groups are swelled by the arrival of new members.

2. With reference to the information provided in paragraph 125 of the report, please provides disaggregated data (by age, sex and types of violations reported) on:

(a) Reports of violations against children received by the Standing Commission on Children and Adolescents (COPANJ) per year between 1998 and 2000

COPANJ is currently in the throes of a necessary restructuring exercise to reinvigorate its activities. There are, therefore, no data available on the subject. They can be provided later.

Initially comprising representatives of Casa Alianza, the Minors Unit of the National Civil Police and the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH), COPANJ, which was set up at the urging of the COPREDEH Juvenile Unit, is not functioning because of the way it was structured.

The COPREDEH Promotion, Investigation and Follow-up Department now has plans to resume operations with the bodies represented on the Commission relating to violations of street children's rights.

(b) Reports on child and youth abuse received by the General Procurator's Office per year between 1998 and 2000

The Procurator for Minors and the Family at the General Procurator's Office was asked for this information, and the reply was that the Office does not keep statistics as it operates by means of a rescue programme for children who have been abused or ill treated, or who are at risk.

The programme goes into action either when reports are received directly or in response to a court order. Approximately 75% of the reports come through the National Civil Police, the Public Prosecutor's Department or the Office of the Human Rights Procurator, fire brigades, non-governmental organisations or private individuals. It is thus not possible to give a precise figure.

(c) Number and percentage of reports which have resulted in either a court decision or other types of follow-up

Information supplied by the Juvenile Courts (covering 1998-1999):

Numbers of children declared abandoned by the Minors Courts in the capital, the interior of the country and the township of Mixco, 2000 to date:

Second Court	88
Fourth Court	84
Mixco	6
Escuintla	58
Chimaltenango	7
Quetzaltenango	16
Zacapa	42
Jutiapa	n/r
El Peten	42

Cases handled by the First and Third Minors Courts, the courts in the interior and in the township of Mixco, 2000 to date:

First Court

Probation	2
Reeducation orders	26
Release under surveillance	8
<b>Total</b>	<b>54</b>

Third Court

Warning	155
Fine	112
Conviction	41
Probation	40
Release on surety	12
Unconditional release	225
Escapes	16
Repatriation	3
Adults	104

Excused	1
Under investigation	1086
<b>Total</b>	<b>1839</b>

Mixco

Warning	212
Release under surveillance	8
Probation	4
Internment	4
<b>Total</b>	<b>228</b>

Esquintla

Warning	362
Dismissed	61
Acquittal	89
6 months' probation	7
7 "	1
8 "	6
9 “	1
12 “	8
Under 12	4
Internment	3
9 months' internment	1
18 "	1
<b>Total</b>	<b>544</b>

Chimaltenango

Internment	4
Probation	13
<b>Total</b>	<b>17</b>

Quetzaltenango

Dismissed	396
Warning to minor	1049

Committal to institution for treatment	13
Probation	22
Parents warned or fined	538
Referral to ordinary court	5
<b>Total</b>	<b>2023</b>

Zacapa

Warning	145
Probation	18
Internment	6
<b>Total</b>	<b>169</b>

Jutiapa

Warning	136
Surveillance	29
Fine	7
Internment	2
<b>Total</b>	<b>174</b>

El Peten

Fine and warning	82
Warning	86
Unsubstantiated	6
Release under surveillance	24
Committal to institution for protection	33
<b>Total</b>	<b>248</b>

It should be mentioned that wards of court are minors under the supervision of the Juvenile Courts, which order measures of protection for them. Juvenile offenders are minors who commit illegal acts resulting in the application of the procedure laid down in the current Minors Code, the ultimate intention being the imposition of some sanction that will cause the child to adjust, i.e. overcome its problems and resume normal life within society.

[additional tables and charts left untranslated as instructed]



3. Please provide disaggregated data (including by sex, age, indigenous and minority groups and urban/rural areas) covering the period between 1998 and 2000 on the:

(a) Rate of literacy below and over 18 years

Four out of ten Guatemalans in the economically active population -- aged between 15 and 64 -- cannot read or write. The Government's goal is to reduce illiteracy to 20 percent by the end of the period 2000-2004, bringing about a new society that can join in the process of economic and social development in the country.

The Literacy Programme catered for a total of 117,171 people over the last three months of the year 2000.

(b) Enrolment of children in primary schools as a percentage

Children of school age, between 7 and 12 years, attend primary school for six consecutive years, from first to sixth grade; out of necessity, and to improve coverage, primary schools also cater for pupils of other ages. Instruction is given in Spanish or bilingually. In the year 2000 the primary school programme catered for a total of 1,936,738 pupils: this represents a gross enrolment rate of 102.15 percent or a net rate of 84.3%, with 46.76% female and 53.24% male (these figures include 27,349 adults enrolled in primary schools).

(c) Enrolment of children in secondary schools as a percentage

The middle or secondary school level comprises two cycles, basic and diversified. The basic cycle caters for children aged between 13 and 15 and extends over three years, while the diversified cycle is for children aged between 16 and 18, preparing them for a formal career before university entry. It covers a variety of branches and courses of teaching.

As at the preprimary and primary levels, there are alternative backup programmes such as cooperatives and distance learning which push up coverage rates. Altogether 503,884 pupils were enrolled in the year 2000, 343,033 of them in the basic cycle, 160,851 in the diversified cycle and 14,655 in the distance learning programme. The gross enrolment rate for the basic cycle was 41.05%, or 24.03% net; for the diversified cycle the gross enrolment rate was 15.77%, and the net rate 13.22%. The school population at the middle level was 46.85% female and 53.15% male.

(d) Percentage of children completing primary and secondary school

Primary level

Total admissions (male and female), 1999

<b>TOTAL</b>	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
1 322 543	327 180	275 161	233 139	191 546	157 096	138 421

Middle level basic

Total admissions (male and female), 1999

<b>TOTAL</b>	Class 1	Class 2	Class 3
123 181	47 772	38 879	36 530

Middle level diversified

Total admissions (male and female), 1999

<b>TOTAL</b>	Class 4	Class 5	Class 6	Class 7
81 653	27 008	29 255	24 997	393

(e) Number and percentage of dropouts

Primary level

Year	Total	%	Male	%	Female	%
1998	119 503	100	63 170	53	56 333	47
1999	152 573	100	85 408	56	67 165	44
2000*	132 410	100	72 762	55	59 648	45

Middle level basic

Year	Total	%	Male	%	Female	%
1998	12 257	100	8 143	65	4 384	35
1999	12 781	100	8 205	64	4 576	36
2000*	12 556	100	8 066	64	4 490	36

Middle level diversified

Year	Total	%	Male	%	Female	%
1998	3 867	100	2 177	56	1 690	44
1999	3 195	100	1 826	57	1 369	43
2000*	3 699	100	2 156	58	1 547	42

\* = estimated

(f) Student/teacher ratios

1999

	Teachers	Pupils enrolled	% Primary level
Total	47 816	1 825 088	2.6 teachers/100 pupils
Urban	16 725	597 697	2.8 teachers/100 pupils
Rural	31 090	1 227 391	2.5 teachers/100 pupils

1999

	Teachers	Pupils enrolled	% Basic level
Total	19 726	288 621	6.8 teachers/100 pupils
Urban	16 353	241 764	6.8 teachers/100 pupils
Rural	3 373	46 837	7.2 teachers/100 pupils

1999

	Teachers	Pupils enrolled	% Diversified level
Total	13 105	146 291	9.0 teachers/100 pupils
Urban	12 534	142 386	8.8 teachers/100 pupils
Rural	571	3 905	14.6 teachers/100 pupils

(g) Number of children who benefit from the bilingual education programme

The main objective of bilingual education is to make inter-cultural bilingual education standards, emphasising its advantages and using it to foster awareness of and respect for cultural and linguistic diversity and the values of the four different peoples that together inhabit the country.

At the preprimary level, a total of 93, 825 children attended bilingual education in the year 2000, 47.70% of them female and 52.28% of them male. At the primary level, a total of 79,774 children attended, 44.98% of them female, and 55.02% male.

(h) Number of children who benefit from the Comprehensive Care Programme for Children under Six (PAIN)

The basic objective of this project is to foster and develop all-round care for children aged between zero and six years by providing early stimulation and developing aptitudes and potential in the cognitive, psychomotor and social-affective areas, language, health, efficient and security.

It consists of four separate components: 1) pregnant women and nursing mothers; 2) support for fathers; 3) care for children between zero and three years; 4) care for children between four and six years.

In the year 2000 the project catered for 25,380 children -- boys and girls. It also provided care for families, distributing fruit donated by the World Food Programme.

(i) Number of children with disabilities integrated in regular school who benefit from the special education system as described in paragraph 158 of the report

There are at present no official statistics. The Ministry of Education has boosted special education with the creation, by governmental agreement No 156-95, of the Department of Special Education and is setting up such a Department within the Division of Student Welfare and Special Education.

It is the latter Department that is responsible for laying down and pursuing special education strategies and activities within the education system. Its responsibilities also include providing support for the establishment of orientation and training centres and programmes in conjunction with the regional educational divisions.

The programme emerged from a process encompassing the administration of additional or supplementary programmes for students displaying shortcomings in their linguistic, intellectual, physical or sensory development, or showing signs of abnormal abilities, at the preprimary, primary and middle levels.

(j) Number of working children who benefit from the educational loan programme described in paragraph 270 of the report

A total of 308,715 children, male and female, representing 37.5% of all absences for work.

[Further detail has been omitted.]

4. Please provide disaggregated statistical data, including by sex, age, minority groups or ethnic origin and region, on adolescent health, including sexually transmitted diseases, HIV/AIDS, early pregnancy, drug and alcohol abuse covering the period between 1998 and 2000.

A survey on the effects of sexuality on health reported that 42% of Guatemalan teenagers had their first sexual experiences before the age of 18, exposing themselves to venereal disease, AIDS, pregnancy and unwanted marriage.

Ministry of Health records indicate that some 250 minors [text missing here] 14 years in Guatemala in 1999 infected, of whom 136 were HIV-positive and 113 were suffering from AIDS. It is reckoned, however, that for every reported case there are a further five that are not reported, which would put the total at 1500.

AIDS among minors

Carriers	cases
0-14 years	136
Infected by mother	118

AIDS patients

0-14 years	113
Infected by mother	89

Children in Latin

America orphaned by AIDS	91,000
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Source: Ministry of Health/UNICEF, 1998-1999

Possible sources of contagion among children not infected by their mothers include sexual abuse and blood transfusions.

[Tables not translated as per instructions.]

By comparison with other Latin American countries, Guatemala is in the throes of a fast-growing heterosexually transmitted epidemic with high rates of HIV infection. The departments with the highest recorded numbers of cases of HIV/AIDS are Guatemala, Quetzaltenango, Suchitepequez, Escuintla and Izabal.

It is becoming apparent that the problem goes hand-in-hand with the presence of drugs among children and young people: according to a survey by the Office of the Executive Secretary of the Committee against Drug Addiction and Drug Trafficking, 24.6% of the students at public institutions were 15 when they took cocaine for the first time; 23% were 15 when they first took marijuana; 27% were 15 when they first tried alcohol, and 16.2% were 15 when they first tried inhalants. The problem is unexpectedly far-reaching since boys, girls and young people are viewed by drug traffickers as an alternative means of selling drugs, chiefly because they are not held for long at detention centres.

## Early pregnancies

There has been a considerable increase in abortions among under-age mothers, particularly in the departments of Quetzaltenango, San Marcos and Suchitepequez. This was made a priority in 1999, according to the director of the Mother and Child Programme at the Ministry of Health. The numbers of teenagers receiving care at health centres and hospitals within the country shows the size of the problem since the National Hospital in Suchitepequez alone performed 604 abortions by curettage, recorded abortions in San Marcos were as high as 932, and 933 abortions were registered in Quetzaltenango, 16% of them on girls aged between 13 and 19. The situation is similar in other departments, although not all keep precise figures.

Is important to point out that great many abortions are performed in private clinics and in secret, and these are not recorded.

Another figure that reflects the health situation in Guatemala is the fact that approximately 150 children are born each day without medical attention of any kind; the country has high fertility and birth rates, these being more critical in the countryside than in urban areas.

[Table omitted.]

According to the National Mother and Child Health Survey 1998/1999, the fertility and birth rate is 4.9 or approximately five children per woman, putting Guatemala in third place in Latin America, bested only by Haiti, with the fertility rate of 6.2, and Bolivia with 5.7.

The Survey shows that 44.3% of Guatemalan women under 19 already have at least one child and that, at 21%, the sequelae from abortions are the second largest cause of death among Guatemalan women.

5. In the light of articles 37, 40 and 39 of the Convention, please provide appropriate disaggregated data (including by sex, age, indigenous and minority groups and type of crime) covering the period between 1998 and 2000, in particular on the numbers of:

(a) Minors thought to have committed crimes who are reported to the police

In 2000, a total of 3,937 juveniles were apprehended by the national civil police and charged with committing a crime. Of that total, 468 were female, the majority of cases (88%) involving males.

A cross-sectional analysis by the Social Welfare Department shows the following as reasons for internment during the first six months of 2000:

Reason for internment	No of cases
robbery/larceny	112
trafficking/consuming	26
murder	21

homicide	19
brawling	10
rape	9
public nuisance/drunkenness	7
extortion	7
elopement	7
attempted rape	7
bodily harm	6
reported by parents	5
possession of a weapon (not firearm)	5
misdemeanours	5
damage to property	3
breaking and entering	3
abduction	2
other	8
not reported	45
Total	307

(b) Minors who have been sentenced and type of punishment or sanctions

Approximately 300 minors were punished. The penalties imposed were deprivation of liberty ranging from six months to five years on average, depending on the severity of the offence; parole for between six months and two years; and fines varying between 200 and 600 quetzals. Minors also received cautions or were entrusted to the care of their families.

(c) Detention facilities for juvenile delinquents and their capacity

Guatemala currently has five centres, established at various times, offering diagnosis, treatment and guidance for children and young people whom their families cannot control or who have committed robberies or similar offences. Four are for boys and one for girls; their average capacity is 60 inmates.

They are:

The Gorriones Centre for girls (720, 331)

For boys (figures for 1998 and 2000 respectively):

The Placement and Diagnosis Centre (941,961)

The Phase I Juvenile School (793, 514)

The Phase II Re-education Centre for Boys (2193, 717)

## The Las Gaviotas Observation Centre for Boys (1367, 515)

The reasons for confinement have varied; among the 307 most serious cases there are 21 for murder, 26 for trafficking and consuming, 19 for homicide, 10 for brawling and 9 for rape.

Given that under current law minors cannot be held liable for crimes, the courts have had to use their discretion in applying penalties (most sentences are for long terms -- five to eight years). This has increased the prison population and swelled the numbers of adult prisoners, making it harder to arrange sleeping quarters, educational programmes and other services.

### (d) Minors detained in these facilities

The Gorriones Centre for girls registered a monthly average of 40 juvenile detainees, the actual figure ranging between 22 and 49.

The monthly figure for boys detained in the Placement and Diagnosis Centre ranged between 56 and 120; at the Phase I School, between 28 and 60; at the Phase II Centre, between 40 and 121; and at the Las Gaviotas Observation Centre, between 21 and 83.

### (e) Recidivism

1998	600
1999	985
2000	1058

Boys	40%
Girls	13%

A cross-sectional analysis in June 2000 showed 42 male repeat offenders, 23 with two previous offences, 7 with three, 4 with four, 2 with five and 1 with seven.

### (f) Reported cases of abuse and maltreatment of children during arrest and detention

No records of such cases were kept in 2000. When such cases involved juvenile detainees, however, they were reported to the appropriate courts. Steps have been taken to keep records from 2001 on.

This information was supplied by the Presidential Social Welfare Department.



6. With reference to special protection measures, please provide statistical data (including by sex, age, urban/rural areas) per year between 1998 and 2000 on the numbers of children:

(a) Involved in sexual exploitation, including prostitution, pornography and trafficking

Pro Niño y Niña Centroamericanos (PRONICE) considers the sexual exploitation of children and young people for commercial purposes to be an element of everyday life whereby unscrupulous individuals violate the individual and collective rights of incalculable numbers of minors, exposing them to great vulnerability.

It was found in a recent investigation by children's rights organizations that the sexual exploitation of minors had increased in four departments, according to the Human Rights Procurator. The survey, of Escuintla, San Marcos, Huehuetenango and Alta Verapaz, reveals the alarming growth in child prostitution and the existence of gangs of white slave traders practising on children's [in]experience and ignorance in order to compromise them and force them into the sex trade.

The most striking finding of the study was the use of indigenous children and the contraband traffic in Guatemalan, Salvadorian and Honduran girls to Mexico and to border posts and ports.

(b) Involved in sexual exploitation who received rehabilitation

There are no programmes run by either governmental or non-governmental organizations. There are only programmes for under-age mothers and ill-treated girls.

The National Plan to Counter the Sexual and Commercial Exploitation of Children and Young People, now in the final stages of preparation by its sponsors which include a variety of bodies, COPREDEH, PGN, CONACMI, PRONICE, the Mother and Child Care Programme and ECPAT, mentions the need for programmes to address this problem.

(c) Affected by armed conflict who received psychosocial rehabilitation

No figures are available on the numbers of children who have benefited under existing projects because the projects work not only with children but with the public at large.

In keeping with its objective of supporting children affected by the armed conflict, the Ministry of Health and Social Welfare put into its development plan for 1996-2000, and launched in 1997, a plan of action for the psycho-social rehabilitation of those affected by the internal armed conflict, targeted at young people, and backed up by a preventive scheme with community participation.

Since 1992, non-governmental bodies have been carrying out experiments designed to restore the mental health of those affected. These include a project for children in the Ixil area (PRONIXIL), which since 1992 has been educating and training youth workers and teachers in

the Ixil triangle -- it has helped approximately 11,000 children and teenagers aged between six and 17; also programmes supported by the Association of Community Health Services (ASECSA) in Chimaltenango and the Catholic Diocese of Quiche, which seek to reduce the psychological damage done to children affected by the armed conflict.

There have, however, been hitches, such as the lack of professional staff prepared to work in the communities, the shortage of information about suitable methods, and the inadequacy of the services available given the demand.

**3. In the light of article 4 of the Convention and with reference to the information provided in paragraphs 45-51 of the report, please provide additional information and disaggregated data (by age and sex) on the amount and proportion of the national budget devoted to children at the central and local levels, preferably in the last three years (1999-2001), to:**

**(a) Education (different types of education, i.e. primary and secondary education);**

The Ministry receiving the largest budgetary appropriation is the Ministry of Education, whose budget totals Q 3,776 million, or 15.1 per cent of the total State budget. Of this, Q 2,038 million, or 54 per cent of the Ministry budget, is allocated for salaries. More specifically, Q 2,162.9, or 53.7 per cent of Ministry allocations, has been budgeted for primary education. Another Q 250 million goes for school lunches and Q 275.7 million is used for the literacy programme.

Education accounts for 41 per cent of all social spending (Q 5,043.8 million).

**NATIONAL BUDGET APPROPRIATIONS FOR PRIMARY AND MIDDLE-SCHOOL  
EDUCATION FOR THE YEARS 1999-2001 (in quetzals)**

Year	Primary	Middle school
1999	1,141,061,423	215,650,676
2000	1,665,892,097	269,955,835
2001	1,743,444,943	352,763,115

**(b) Health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health care services for children);**

Data pertaining to the Ministry of Health budget have not been disaggregated as requested; rather, the following general information is provided:

The Ministry of Public Health has a budget of Q 1,912.2 million, or 7.7 per cent of the total State budget. Salaries account for Q 713.2 million (37.3 per cent of the Ministry budget).

A total of Q 783.7 million, or 41 per cent of the Ministry budget, has been allocated for prevention services, while Q 715.4 million is earmarked for recovery services.

Lastly, the programme to improve health and environmental conditions receives only Q 26.9 million (1.4 per cent of the Ministry budget). Health and social welfare represent 18.3 per cent (Q 2,244.9 million) of all social expenditure.

**(c) Children with disabilities;**

No specific budget appropriations are made for children with disabilities.

**(d) The protection of children who are in need of alternative care, including the support of care institutions;**

A graph is attached showing budget appropriations made by the Social Welfare Department of the Office of the President.

[*Translator's note:* bar graph appearing in the original not reproduced in translation, as per instructions.]

**(e) Juvenile justice.**

A chart is attached showing the budget appropriations of the Social Welfare Department of the Office of the President.

**ANNUAL BUDGET PERFORMANCE, BY PROGRAMME**  
**FINANCE SECTION, SOCIAL WELFARE DEPARTMENT OF THE OFFICE OF THE PRESIDENT**  
**(in quetzals)**

<b>Programme No.</b>	<b>Programme title</b>	<b>Initial appropriation</b>	<b>Revisions</b>	<b>Current budget</b>	<b>Delivered</b>	<b>Balance</b>	<b>Percentage delivery</b>
5	Welfare	33 289 030.00	(2 057 313.00)	31 231 717.00	31 095 240.81	136 476.19	99.56
18	Inter-agency protection of children and youth	571 230.00	(528 177.00)	43 053.00	16 603.00	26 450.00	38.56
23	Comprehensive child care	2 280 200.00	nil	2 280 200.00	2 274 210.87	5 989.13	99.74
24	Treatment for youthful offenders	5 598 700.00	(2 611 300.00)	2 987 400.00	2 964 520.49	22 879.51	99.23
25	Protection of children and youth at risk	2 316 580.00	923 200.00	3 239 780.00	3 069 717.37	170 062.63	94.75
<b>TOTAL</b>		<b>44 055 740.00</b>	<b>(4 273 590.00)</b>	<b>39 782 150.00</b>	<b>39 420 292.54</b>	<b>361 857.46</b>	<b>99.09</b>

**Please also indicate the percentages of these allocations derived from international sources and provide more information on the Master Plan of Operations for 1997-2001 established by SEGEPLAN and UNICEF.**

#### INTERNATIONAL ORGANIZATIONS

The Consultative Committee of International Organizations for the Comprehensive Protection of Children in Guatemala (CCOIPINGUA) is composed of the German Agency for Technical Cooperation (GTZ), UNICEF, AID, Redd Barna, Rädda Barnen, Redd Barnet, Plan International, Doctors without Borders, the European Union, the United Nations Volunteers programme (UNV), the United Nations Human Rights Verification Mission in Guatemala (MINUGUA), the World Food Programme (WFP) and ILO-IPEC.

The Committee's aims are to enhance national and international cooperation for improving the living conditions of Guatemalan children at risk and to serve as a permanent forum for information exchange.

CCOIPINGUA activities focus on four major areas:

- (a) Harmonizing criteria for developing a national strategy designed to achieve the sustainability of programmes receiving support in this sector;
- (b) Exchanging experience and avoiding duplication within programme areas;
- (c) Promoting the doctrine of comprehensive protection; and
- (d) Serving as a liaison with outside agencies with a view to mobilizing funds and information for activities aimed at Guatemalan children.

#### PLAN OF OPERATIONS DEVELOPED BY THE GOVERNMENT OF GUATEMALA AND UNICEF FOR 1997-2001

One example of cooperative action was the signing of the Master Plan of Operations for 1997-2001, established by the Secretariat of the National Economic Planning Council (SEGEPLAN) and the United Nations Children's Fund (UNICEF) in order to support and implement activities to improve the living conditions of women and children. This Master Plan will be developed through the programmes for development of social policies and integrated basic services, for which UNICEF will contribute and administer US\$ 24 million. These programmes are in line with the Government's priorities, the Convention on the Rights of the Child, the World Summit for Children, the Peace Agreements and Plan of Action for Social Development and Peace-building and the Children and Adolescents Code.

**4. Please provide further information on measures taken to increase awareness of the Convention among government officials and the population in general. Please provide additional information on how government institutions cooperate with non-governmental**

**organizations, especially with reference to the participation of representatives of civil society in the design and implementation of policies and programmes for children.**

Fathers and mothers are the principal actors in society. The family, as the primary unit for children's socialization, plays a significant role in the growth and education of the children in it and serves as a fundamental environment for implementing the rights set out in the Convention.

Social organizations run by the community, trade unions, businesses, religious groups and mothers' associations, indigenous peoples' and Garífuna organizations and the media should include in their work programmes activities aimed at the effective implementation of the rights of children, boys and girls alike.

Under the Convention, bilateral and multilateral cooperation agencies should also establish direct relations with States, organizations of the United Nations system, including UNICEF, and international non-governmental organizations (NGOs) in order to provide technical and financial support in establishing priorities in the formulation and execution of policies dealing with children's rights.

Taking as a point of reference the minimum obligations undertaken by States, the measures States should take are listed below:

**MEASURES TO BE ADOPTED**

1. Legislative measures;
2. Judicial measures;
3. Administrative measures;
4. Budgetary measures;
5. Monitoring measures;
6. Measures relating to education and information.

**1. LEGISLATIVE MEASURES**

- Review of national legislation to ensure consistency with the Convention;
- Reform, derogation and/or enactment of laws, including a comprehensive protection act, an adoption act or child labour regulations;
- Ratification of international conventions dealing with children's rights.

A serious review of national legislation should be undertaken to determine how consistent it is with the Convention (some provisions may be more conducive to the realization of children's rights, in which case they would prevail under article 41 of the Convention); if necessary, existing laws should be reformed and new laws guaranteeing and implementing the provisions of the Convention should be enacted.

The various actors in society (professional and trade unions, universities, NGOs, churches, associations representing various sectors, etc.) must support the adoption of legislative measures to revise existing legislation and propose new draft legislation. International cooperation partners can provide the specialized technical assistance of legal and other experts, facilitate the sharing of experience with other countries and promote ratification of international agreements and conventions.

## 2. JUDICIAL MEASURES

- Provide youthful offenders with procedural guarantees;
- Overhaul the institutions responsible for ensuring justice in cases involving the violation of children's rights;
- Provide training to those working in the justice system to ensure that the Convention on the rights of the Child is properly implemented.

The judiciary is responsible for promoting the implementation of the principles and provisions of the Convention and ensuring that children requiring State protection and assistance receive treatment different from that given to youthful offenders.

## 3. ADMINISTRATIVE MEASURES

- Identification and implementation of comprehensive policies for children and youth;
- Improvement, strengthening and/or creation of institutions and programmes for child development;
- Development of family support programmes.

These are all measures designed to guarantee children's rights through the establishment of social programmes and supervisory entities. Traditionally, children's needs have been addressed on a sectoral basis by the Ministries of Education and Health, but there has been no interrelated or comprehensive approach to their activities, and in many cases there has been no continuity owing to changes of Government. As an expression of the highest political commitment and in implementation of the obligations deriving from the Convention, the State must promote the formulation of comprehensive children's policies viewed from the standpoint of children's rights and support the neediest families so that girls and boys can enjoy a standard of living adequate for their physical, mental, spiritual, moral and social development (art. 27).

Children's policies should reflect the following three basic elements:

1. They should be public, which means that they should apply to all, or else that civil society, as identified by the Government, should participate in their formulation;

2. They should be decentralized, which means that mechanisms exist at the local level to ensure that civil society and the Government work together in formulating policies and programmes dealing with children's rights;
3. They should be sustainable - in other words, they should be backed up with adequate State resources to ensure that at the local level children can rely on mechanisms to ensure effective enjoyment of their rights.

#### 4. BUDGETARY MEASURES

- Making children a priority in social and development policy;
- Allocating resources at the national and municipal levels to ensure universal access to development programmes and child protection measures.

For the State this means increasing the sections of the national budget that cover development programmes and child protection measures. Children should also be protected from the adverse effects of economic adjustment policies and cutbacks in social spending.

In accordance with the principle of non-discrimination (art. 2), budget trends should be studied to determine whether there are discrepancies in spending by region or by category of children (urban versus rural, indigenous versus non-indigenous, etc.).

International cooperation may provide assistance to ensure that national budgets give priority to social policy affecting children and provide financing through bilateral or multilateral agreements.

#### 5. MONITORING MEASURES

- Obligation to submit initial and periodic reports to the Committee on the Rights of the Child;
- Follow-up to the Committee's suggestions and recommendations;
- National system for monitoring the situation of children's rights;
- Article 42 of the Convention stipulates that States must make the principles and provisions of the Convention widely known to adults and children alike.

In this area the possibilities for action are numerous: use of the media (press, radio, television, film) to disseminate and promote the Convention; education campaigns aimed at fathers, community leaders and other authorities; translation of the Convention into the languages of indigenous or ethnic minorities; and the promotion of artistic and cultural events related to the Convention (exhibits, contests and festivals of drawing, painting, poetry, theatre, dance, story-telling and singing).



Educational measures must include the reflection, both in theory and in practice, of the Convention in school curricula, in courses of studies in higher education and in codes of professional ethics. Conferences, workshops, seminars and training courses should be organized for groups working with children (teachers, police officers, judges, prosecutors, lawyers, members of the armed forces, psychiatrists, social workers, etc.).

Society must also contribute to these efforts. NGOs, for example, can help to train community agents (adults and young people) in promoting rights at the municipal level; they may also conduct local campaigns, competitions and study groups.

International cooperation can support and collaborate in all these activities. At the international level, cooperating bodies can organize events for consideration of and adoption of specific commitments on subjects relating to children (such as the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and the 1990 World Summit for Children).

Lastly, working groups can be organized on specific topics, books and magazines can be printed and disseminated, and web pages and electronic databases on children's rights can be created.