

UNIVERSAL PERIODIC REVIEW - HUMAN RIGHTS COUNCIL
UNICEF INPUTS - GUATEMALA

I. Trends

Guatemala has a population of a little more than 13 million inhabitants, (projections by the National Statistics Institute for 2007). Almost one-half of the population is under 18, while one of each five persons corresponds to early childhood (0-6 year olds). It is the least urbanized country of the region, since 54% of the population still lives in rural areas. Close to 23% live in the capital city and its area of influence. Another 23% live in secondary cities in the interior and municipal capitals. According to the last population census (2002) for out of each Guatemalans identified themselves as Indigenous (nearly five million persons); and this category is divided between 21 Mayan groupings, one Xinca and one Garifuna. The predominant Mayan peoples in the country are the K'iche (28.8%), the Q'eqchi (19.3%), the Kaqchiquel (18.9%) and the Mam (14%).

Children and adolescents in Guatemala compose half of the population, 20.6% of Guatemalans are six or under, 16.7% are 7-12 and 11.6% are 13-17. This population composition shows the importance of ensuring compliance with the Rights of Children and Adolescents by the State of Guatemala, in the framework of the existing national and international legislation. Investing in the rights of girls, boys and adolescents can make or break the development of the nation.

For a boy or girl, being born and living in a poor home is a decisive factor in understanding why their rights are violated. Social and economic exclusion affects a large proportion of the national population: 51% live in poverty and 15.7% of these live in extreme poverty. Analysis by age groups shows a dramatic snapshot of Guatemalan children: in 2006, 50% of the under-18 population was poor (around 3.7 million girls, boys and adolescents). The situation is dramatically worse among children in rural areas and indigenous children and adolescents (76% and 80%, respectively, live in poverty).

Health is the cornerstone of human development. It starts in the womb, but Guatemalan girls and boys face serious threats: 22% of all pregnant women between the ages of 15 and 49 suffer from anemia; only 51.1% of pregnant women had prenatal care since the first trimester. 57.9% of pregnancies go full term in Guatemalan homes and 12% of all girls and boys weigh less than 5.5 pounds at birth.

Immunization, which is essential in helping to ensure children's right to health, has advanced through the years; while in 1989 only 18% of the children had all their shots, 62.5% had them in 2002, according to a 2002 Mother-Child Health Survey. Everything seems to indicate that progress has continued in this area.

In terms of mortality, statistics show that for every 1000 live births, 21 babies die in their first month of life. The maternal mortality rate is 121 for 100,000 births, 75% of whom are indigenous women. Respiratory infections and diarrhea are the two main causes of infant mortality, resulting in an IMR of 44 per thousand, a long way from the Millennium Goals. Nearly half of all children suffer chronic malnutrition, which is one of the worst records worldwide, and there are even more alarming figures within the Indigenous population.

Unfortunately, progress in nutritional status has not kept pace with health care. Guatemala has one of the worst nutritional conditions in the region: 22.7% of children over three months and under five months of age suffered from general malnutrition, while almost one-half (49.3%) suffered from chronic malnutrition in 2006.

Child malnutrition is aggravated by other factors that are also linked to poverty, such as the lack of access to safe drinking water and sanitation. The relevant data from the latest population census in 2002 indicate that 26% of all homes still did not have an adequate waste disposal mechanism. This situation is more frequent in homes in the Petén (49%) and Southeast (41%) regions. 13% of all homes lacked access to safe

drinking water. In rural areas, only 11% of all homes are connected to a sewer system or have a septic tank. A large number of homes obtain water from wells (26%), rivers, lakes or streams (9%).

Access to basic education has improved with time: the net schooling rate indicates that nine out of ten children aged 7-12 were registered in a school in 2006. However, the difficulty lies in keeping children from dropping out of school. The latest estimate (2005) indicates that only 60% of the students who start the first grade complete the sixth grade and that only 39% complete it at the right age. The result is a population with a very low average educational level; in 2002, adolescents aged 13-17 only had an average of 4.8 years of school. It is worth noting that young rural indigenous women are the least educated of all, with an average of three years.

Scarce financial resources for household expenses and the resulting child labor are some of the main reasons why girls and boys do not move forward on the educational path and cannot break the cycle of poverty. In this regard, the 2004 National Employment Survey shows that 23% of the children and young people between the ages of seven and 16 were part of the country's labor force. The right to an education is not an option for a high percentage of children who need to work to help sustain the family. Twelve percent of children between the ages of 7 and 12 and 39% between 13 and 17 work. The figures in rural areas and among the Indigenous population are even higher. Early introduction into the world of work is higher in rural than in urban areas, among the indigenous than the non-indigenous population and among men than women.

Since the Peace Agreement, education has improved to the degree that 90% of the children between 7 and 12 are registered in primary school. Only 60% finish the primary cycle, which means that the drop-out rate is very high, an obstacle in reaching the goal of universal primary school education by 2015.

On the one hand, the Guatemalan economy depends largely in export of traditional products, such as sugar and coffee, and the revenue is increased with the injection of more than three million dollars from remittances, representing 10% of the GDP. On the other hand, Guatemala continues to have the second-worst income distribution in Latin America, after Brazil. Additional redistribution policies are needed to reduce the disparities between the rich and the poor, to promote social stability and guarantee long-term social and economic development. 51% of the total population lives under the poverty line and around 15.2% lives in extreme poverty (2006).

The Guatemalan economy is the largest in the Central America region (40% of regional GDP). Recent IADB and World Bank studies show indicators are positive. Revenue collection has improved since the approval of the 2006 Ant evasion Law. On the other hand, State income is still limited to cover social expenditures and investment in infrastructure.

The economy of the country grew by 3.2 in 2005 and 4.6% in 2006. According to the ECLAC, the country's external debt is still manageable, as it represents approximately 12% of the 2006 GDP, much less than the average 34.8% of the rest of the Latin American countries. The national budget for programmes and projects benefiting children was the same during the 2005 – 2007 periods. The inflation rate for 2005 and 2006 was 8.57% and 5.79%, respectively. While the established objective established by the authorities for 2007 is 5%.

According to 2004 data, social expenditures represent 6.1% of the GDP, and 52.2% of the fiscal revenue. The tax burden equaled 10.0% of the GDP during 2006, which is still one of the lowest in Latin America. According to the IADB and World Bank estimations, if the expenditures in education and health in the country reached the rates of the rest of Latin American countries with similar income per capita, the social indicators in these areas would improve a 100%. During the 2004-2006 periods, the percentage of public expenditure in education was 2.3% of the GDP, including financing of superior education.

Children and adolescents also have the right to be protected against all violence or abuse. The available statistics give a poor idea of the actual situation, since, because of its nature, violence usually goes hand in

hand with silence and fear. Violence against children begins directly or indirectly in the home. 8,231 cases of domestic violence were reported in 2004. On the other hand, the most recent National Mother and Child Health Survey shows that 32% of women between the ages of 15 and 49 believe that corporal punishment is necessary in educating children. The most extreme expression of violence against this population segment is evidenced by the 2006 report of the Office of the Defender of Human Rights: in that year there were 461 homicides of girls, boys and adolescents, the highest number in Latin America.

The rise in public insecurity and organized crime has turned into a threat to the governance of the Guatemalan State. According to International Alert and UN estimates, there is a least 1.5 million illegal weapons, a data contrasting with the 19,000 licenses extended during 2006 and 2007. The conformation of the International Commission against Impunity in late 2007 and its start up operations in January of 2008 will meet a special challenge in dismantling parallel crime structures operating in the country. Sexual violence uprising bears a close relation to the presence of these groups linked to drug and persons trafficking.

The family is the natural and most appropriate institution for the development of girls and boys. In that regard, one of the topics of greatest concern in the national context has to do with children who lack their parents' care. Official figures in the United States of America indicate that 4,135 children adopted in Guatemala were admitted to the country in 2006. The total was 4,496. It is well known that the high demand for children for adoption by foreign families has given rise to an adoption-related business and to situations such as kidnapping and trafficking in girls and boys. The long waiting periods and the enormous difficulties the country has experienced in enacting the Law on Adoptions show the existence of special interests in maintaining the status quo in this regard, which runs counter to children's best interests.

Ethnic, social and economic exclusions are of old in Guatemala. During the armed conflict, which lasted 35 years, and that was ended a decade ago, importance was given to the economic agenda and the counterinsurgency strategy, practically abandoning the social agenda. At present, this exclusion is evidenced in whichever issues related to the economic, political, social or cultural rights of the population. The Human Rights Index in the country is the lowest of Central America and the second lowest of all Latina American countries.

For a large part of the population, the lack of human rights respect is a direct consequence of poverty, which brings with it a lack of other basic rights like health, nutrition and education. Fifty six percent of the population is poor and 16 extremely poor and some indicators show that this situation is worsening, even after 3 year consecutive years of strong economic growth.

In order to make significant progress in improving the living conditions of girls, boys and adolescents, it will be necessary to strengthen the country's legal framework and ensure its effective implementation, as well as to design and implement appropriate policies that can serve as the framework for effective programs. The Millennium Development Goals for 2015, which are a commitment for the Guatemalan state, can contribute to progressive compliance with the Rights of the Child. To achieve this, however, a lot more has to be invested in the development of children and adolescents.

The country must also improve its efforts to gather statistical information and analyses on the different situations that impact children and adolescents, some of which are difficult to quantify, frequently enough to ensure timely follow-up of the issues, progress or setbacks. These and other situations that characterize the daily lives of Guatemalan girls, boys and adolescents evidence the challenges the authorities and society as a whole must overcome in order to ensure compliance of the rights of the child. A disaggregation of most indicators highlights the marginalization of indigenous children, rural children and girls.

The debate regarding the above issues should be reactivated now that a new national and municipal administration is taking the helm. We must advocate for a renewed commitment on the part of the new administration and society at large to ensure the rights of children and adolescents.

II. Recent developments in relation to children rights (2003-2007)

1. Some positive results in the legal framework include: (1) The 2002 Decentralisation laws and local development policies that strengthen the exercise of rights, democracy and peace building in municipalities and communities, and provide a legal framework to empower local governments and encourage civic participation and other mechanisms for the universalisation of rights. A world fit for children will emerge from municipalities and communities fit for children. (2) The new Law for the Integrated Protection of Children and Adolescents that incorporates the CRC into national legislation and creates the basis for a National System of Protection, was finally passed after 11 years of resistance by powerful groups. Child victims and those in conflict with the law should now have greater access to justice, guaranteed due process, and better possibilities for rehabilitation as an alternative to incarceration.
2. With the application of the Law of Integrated Protection of Children and Adolescents underway in 2004, the Integral Public Policy for Children and Adolescents was approved for 2004-2015 (Decree 333-2004). The policy supports an integrated approach to addressing the rights of Guatemalan children and adolescents in the medium and long term in the social, economic and legal sectors and in collaboration with governmental institutions, non-governmental organisations, and international cooperation at national and municipal levels.
3. In support of the application of the Law of Integrated Protection of Children and Adolescents (2004) (Ley PINA), framed by the Convention on the Rights of the Child, the Integral Public Policy for Children and Adolescents 2004-2015 approved in 2004 was officially launched in 2005. The approval of the Legal Framework of the Peace Accords was approved in August, giving the agenda for peace, development and democracy a higher profile. The Law on the National Food and Nutritional System approved in May 2005 resulted in establishing the Secretariat for Food and Nutritional Security (SESAN), which has prepared a National Plan of Action on combating chronic malnutrition, especially in children 0-3 years old.
4. During 2006, several Government Resolutions have been adopted on the protection of children, adolescents and women. The following ones are worth highlighting: AG-75-2006, Regulations on the Law on Food and Nutritional Security; AG-112-2006, Regulations for the Protection of Working Children and Adolescents; AG-186-2006, National Executive Decentralization Policy; and AG-250-2006, Regulations for Implementation of Convention 182 of the ILO on the Worst Forms of Child Labor.

III. Summary of UNICEF capacity building and technical assistance programmes

1. UNICEF's cooperation (2005-2009) which is in agreement with the United Nations system CCA-UNDAF, consists of two programs: Public Policies and Institutional Capacity Development, on the one hand, and The Rule of Law, a Culture of Peace and Coexistence, on the other hand, as part of the Public Policy program, UNICEF has initiated a system for monitoring public expenditures in social sectors through the National Commission for Children and Adolescents. Furthermore, at the local level it has developed a successful municipal policy program in favor of children and adolescents in 72 municipalities. In the area of nutrition, UNICEF has supported the creation of the Food Security Policy and its implementation through a national chronic malnutrition reduction program. Guatemala is the country in Latin America with the highest under five malnutrition rates (50%)
2. The development of the Early Childhood Integrated Care Development National Plan has been supported by UNICEF with the participation of governmental and non-governmental sectors. With respect to HIV/AIDS, UNICEF supported the strategy for reduction of HIV/AIDS transmission from pregnant women to their babies, as well as for prevention of this disease among adolescent groups by promoting safe sexual behaviors.

3. In the area of education, as part of the Rule of Law program, UNICEF has concentrated its efforts mainly on positioning bilingual and intercultural education as a national priority. UNICEF has also helped to highlight the topic of indigenous girls in Guatemala.
4. UNICEF has contributed to the strengthening of the Child Protection System in Guatemala, promoting serious reflection in public and private institutions with regard to the construction of a rights-based protection system and the development of a culture of de-institutionalization with regard to protection. At the public level it has contributed to the establishment of new rules (regulations) in the areas of adolescents in conflict with criminal law and in the area of protection of children whose rights have been violated. With regard to juvenile justice, UNICEF has played an important role in the evaluation of the case management system and the proposal of a new model for addressing cases that enter the courts of justice and other players that will enter into effect in January 2008.
6. Regarding the issue of international adoptions, The Hague Convention was ratified on May 22, 2007 and Adoption Law 77-2007, which had been postponed for a long time due to the existence of special interests that opposed it, was approved by Congress on December 11, 2007. This approval was made possible through the mobilization of numerous players and will allow transparent and ethical international adoptions after many years of intense struggle.
7. Organization of the protective justice system was promoted by coordinating juvenile courts, local NGOs and other operators of justice throughout the country. A protocol was developed to prevent secondary victimization of child users of justice.
8. With regard to **child labor**, a model diagnostic tool on child labor at the municipal level was created. A comparative analysis of the 2000 and 2007 surveys on living conditions with regard to child labor was formulated in coordination with the ILO. Recommendations will be made to the new administration to address the problem of child labor in Guatemala.
9. With regard to **violence** and **juvenile criminal justice**, the issue of violence against children was put forward to public opinion through the identification of paradigmatic cases. The municipal-level violence prevention approach through the dissemination of community models was introduced and a violence-free space was activated in a marginal area of Guatemala City, which will serve as a model for replication in other municipalities.
10. Regarding the issue of **commercial sexual exploitation** and **trafficking**, the international *Code of Conduct for Protection of Children from CSE in Tourism and Travel*, was signed by the director of the Guatemalan Board of Tourism. In the legal area, a new bill was introduced for reform of the Criminal Code with regard to crimes typically committed in connection with CSE, child pornography and amendment of the characterization of the crime of trafficking. Implementation of the Protocol on the repatriation of Child Victims of Trafficking was promoted and an interactive course for consular officials was developed. The public policy against trafficking in persons was developed and adopted under the leadership of the Ministry of Foreign Affairs and organizations such as the Judiciary, the Ministry of Justice, the Human Rights Ombudsperson, the National Civil Police, ECPAT and Casa Alianza (Covenant House).
11. On the issue of **registration of children at birth**, UNICEF and RENAP developed the first national preliminary study for generation of indicators of the failure to register children in Guatemala. A national delegation took part in the First Latin American Regional Conference on the Right to an Identity and Universal Birth Registration in Asunción, Paraguay.