

UN CRC	Ratification Date	Care-Related Concluding Observations
	6 Jul 1990	<p>CRC/C/GTM/CO/5-6 28 February 2018</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2fCO%2f5-6&amp;Lang=en</a></p> <p><b>III. Main areas of concern and recommendations</b></p> <p><b>A. General measures of implementation (arts. 4, 42 and 44 (6))</b></p> <p>Legislation</p> <p>5. The Committee recommends that the State party expedite the approval of the Act on the comprehensive protection of children and adolescents and strengthen the national system for comprehensive child protection, including by introducing special child protection measures and social protection systems for realizing children’s rights. It also recommends that the State party ensure sufficient and appropriate human, technical and financial resources for the implementation of legislation providing for children’s rights and accountability mechanisms.</p> <p>Allocation of resources</p> <p>8. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party: (a) Increase budgetary resources for the implementation of children’s rights and, in particular, increase the budget allocated to social sectors and children in disadvantaged situations and for the implementation of measures related to birth registration, chronic malnutrition, health, education, measures to combat violence against children and deinstitutionalization;</p> <p><b>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</b></p>

		<p><b>Torture and other cruel or degrading treatment or punishment</b></p> <p>20. The Committee is seriously concerned about:</p> <ul style="list-style-type: none"><li>(a) The deplorable living conditions and maltreatment of, and reports of disappearances and trafficking of, violence against and abuse of, children in public care centres, mainly affecting girls and children with disabilities;</li><li>(b) The deaths of 41 girls, and the serious injuries suffered by 21 girls, as a consequence of a fire in the Hogar Seguro Virgen de la Asunción State care centre in March 2017, the absence of remedies and psychosocial redress for the surviving victims and the transfer of survivors to other care institutions, where they continue to be exposed to risks of violence, including corporal punishment, abuse and overcrowded conditions;</li><li>(c) The overcrowded and deficient living conditions in juvenile detention facilities and prisons, which can amount to torture or cruel, inhuman or degrading treatment of children, as well as incidents of violence and riots; (</li><li>d) The high rates of impunity and low numbers of prosecutions and convictions of perpetrators of violence against children in public care institutions and detention centres;</li><li>(e) The lack of information on remedies and redress for child victims of violence, abuse and neglect in State care.</li></ul> <p><b>21. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against children, the Committee urges the State party to:</b></p> <ul style="list-style-type: none"><li><b>(a) Adopt as a matter of urgency a comprehensive strategy to end all abuse of children in institutional care settings, systematically monitor the situation of children in institutions and prioritize investigations of all instances of violence, ensuring the identification and immediate removal of staff responsible for violence and abuse;</b></li><li><b>(b) Carry out an independent and impartial investigation into the events that took place in Hogar Seguro Virgen de la Asunción in March 2017 and into allegations of previous maltreatment of children at the centre, aimed at identifying, prosecuting and convicting perpetrators, and adopt administrative measures against staff found responsible, including suspension from their current duties;</b></li></ul>
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		<p>(c) Conduct an individualized assessment of the psychosocial situation of the surviving victims of the fire at Hogar Seguro Virgen de la Asunción and the families of all of the victims, and provide them with access to psychosocial redress and recovery. The State party should build the capacity of the Social Welfare Secretariat to address the situation of child victims from a child rights-based perspective;</p> <p>(d) Adopt a comprehensive reparations programme for all children in institutions, including measures for restitution, rehabilitation, satisfaction and compensation, as well as a guarantee of non-recurrence with respect to the incident that occurred in March 2017 in Hogar Seguro Virgen de la Asunción;</p> <p>(e) Adopt measures to monitor the situation of and protect children transferred from Hogar Seguro Virgen de la Asunción to other institutions, as well as children in family reunification processes. The State party should ensure periodic assessments, access to information and deinstitutionalization, as well as close cooperation with the Office of the Human Rights Advocate and implementation of the recommendations issued by that Office;</p> <p>(f) Expeditiously adopt a comprehensive strategy to reduce overcrowding in juvenile detention centres and improve the living conditions of children in detention;</p> <p>(g) Reinforce measures to combat impunity and ensure prompt and thorough investigations and convictions of perpetrators of violence, torture, illtreatment and/or abuse;</p> <p>(h) Establish an information management system to track the number of cases of torture and other cruel, inhuman or degrading treatment or punishment of children in all settings, as well as the number of prosecutions of perpetrators and the punishments imposed;</p> <p>(i) Establish a complaints procedure for all children in care and detention centres and provide appropriate remedies.</p> <p><b>Sexual exploitation and abuse</b></p> <p>24. While noting the mandate of and measures adopted by the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons concerning sexual violence against children, the Committee recommends that the State party:</p> <p>(a) Introduce complaint and early warning procedures in situations of sexual violence and abuse by parents, relatives or caregivers, in close collaboration with child-led organizations and other organizations working on children's rights;</p>
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		<p>destination and return, both issued jointly with the Committee on Migrant Workers, the Committee recommends that the State party:</p> <ul style="list-style-type: none"><li>(a) Develop a comprehensive, child rights-based policy to address the root causes of the irregular and unaccompanied migration of children;</li><li>(b) Establish a normative and public policy framework for the protection of children in the context of international migration and ensure that data-collection systems include disaggregated information about children in situations of migration;</li><li>(c) Adopt measures to protect children who have been subjected to deportation from other countries, including by undertaking risk assessments on the security of children in their communities of origin, and collect disaggregated data related to cases of children's repatriation, including on the reintegration of children into their families and communities;</li><li>(d) Collect disaggregated data on the situation of children in the State party left behind by migrant family members.</li></ul> <p><b>Children in street situations</b></p> <p>45. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:</p> <ul style="list-style-type: none"><li>(a) Collect data on the number and situation of children in street situations;</li><li>(b) Adopt a strategy for the protection and support of children in street situations, with the active involvement of children in street situations themselves;</li><li>(c) Set up guidelines for the police in order to prevent the institutionalization, criminalization and persecution of children in street situations.</li></ul> <p style="text-align: center;"><b>Country Report</b></p> <p><b>CRC/C/GTM/5-6</b></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2f5-6&amp;Lang=en</a></p>
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OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	9 May 2002	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	9 May 2002	
ICCPR	Accession Date	Care-Related Concluding Observations
	5 May 1992	
ICESCR	Accession Date	Care-Related Concluding Observations
	19 May 1988	
CEDAW	Ratification Date	Care-Related Concluding Observations
	12 Aug 1982	
CRPD	Ratification Date	Care-Related Concluding Observations
	7 Apr 2009	<p>CRPD/C/GTM/CO/1</p> <p>30 September 2016</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGTM%2fCO%2f1&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGTM%2fCO%2f1&amp;Lang=en</a></p> <p><b>III. Subjects of concern</b></p> <p><b>B. Specific rights (arts. 5-30)</b></p>

		<p><b>Children with disabilities (art. 7)</b></p> <p>23. The Committee is concerned at the high rate of maltreatment, abuse, corporal punishment, abandonment and institutionalization of children with disabilities; at the prevalence of the welfare and charity-based approach to their care; and at the limited scope of specific measures taken on their behalf in rural areas and indigenous communities.</p> <p><b>24. The Committee recommends that the State party:</b></p> <ul style="list-style-type: none"><li><b>(a) Amend article 13 of the Act on the comprehensive protection of children and adolescents and article 253 of the Civil Code, as recommended by the Committee on the Rights of the Child (see CRC/C/GTM/CO/3-4, para. 54);</b></li><li><b>(b) Take all necessary measures to implement an effective system for detecting the maltreatment of children with disabilities in family, educational, health-care and institutional settings, and entrust the Office of the Advocate for Children and Adolescents with addressing the issue of children with disabilities who are subjected to abuse and maltreatment;</b></li><li><b>(c) Establish the legal basis and financial support necessary to ensure that all children with disabilities are able to live in a family setting and to exercise their right to inclusive local services for children;</b></li><li><b>(d) Ensure that children with disabilities are taken into account in laws, policies and measures regarding children, on an equal basis with other children and based on the principle of inclusion in the community;</b></li><li><b>(e) Put in place safeguards to protect the right of children with disabilities to be consulted on all matters of concern to them and ensure that they receive assistance that is accessible and appropriate to their disability and age;</b></li><li><b>(f) Prohibit and eliminate corporal punishment of children.</b></li></ul> <p><b>Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)</b></p> <p>43. The Committee is concerned that the steps being taken by the State party, in response to the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6), to separate convicted prisoners and</p>
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		<p>persons with disabilities in mental health hospitals, closed institutions and prisons, and the implementation of the precautionary measures requested by the Inter-American Commission on Human Rights for persons with disabilities at the Federico Mora National Mental Health Hospital, do not adequately protect persons with disabilities and are not in line with the Convention.</p> <p><b>44. The Committee recommends that the State party duly implement the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6) and the precautionary measures requested by the Inter-American Commission on Human Rights with regard to the Federico Mora National Mental Health Hospital, in accordance with the principles and obligations set out in the Convention and these concluding observations. It also recommends establishing an independent mechanism for the monitoring of closed institutions for persons with disabilities, including those for children with disabilities, in order to prevent and protect against acts that could be considered torture or cruel, inhuman or degrading treatment or punishment.</b></p> <p><b>Freedom from exploitation, violence and abuse (art. 16)</b></p> <p>45. The Committee is deeply concerned that many persons with disabilities, especially women and children, frequently fall victim to exploitation, violence and abuse and that there are no measures for their protection, rehabilitation or compensation. It is also concerned that instances of exploitation, violence and abuse committed against such persons, especially within the family or in institutions, are not properly investigated and that the perpetrators therefore go unpunished.</p> <p><b>46. The Committee recommends that the State party redouble its efforts and adopt a due diligence framework and all the necessary measures in its laws and policies to protect persons with disabilities from exploitation, violence and abuse and to ensure the proper recovery of victims in an appropriate environment. It also recommends the inclusive and accessible provision of support for victims, the implementation of a complaint mechanism and the provision of training for police, the judiciary, social workers and health professionals. In addition, the Committee urges the State party to investigate properly all instances of exploitation, violence and abuse committed against persons with disabilities, particularly against women and children, in order to ensure that they are identified, investigated and, where appropriate, prosecuted. Lastly, the Committee requests the State party to periodically compile data and</b></p>
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		<p><b>statistics on the situation of persons with disabilities in respect of violence, exploitation and abuse, including information on trafficking, incest and femicide.</b></p> <p>47. The Committee is concerned by the lack of protocols for the registration of orphanages, hospitals, prisons, shelters and other public or private residential centres for persons with disabilities and the monitoring of conditions there.</p> <p><b>48. The Committee recommends that the State party set up an independent monitoring mechanism, in line with article 16 (3) of the Convention, to register and oversee conditions in residential institutions for persons with disabilities.</b></p> <p><b>Protecting the integrity of the person (art. 17)</b></p> <p>49. The Committee is concerned that persons with disabilities, especially women and girls who have been sexually abused, deprived of their legal capacity and/or institutionalized, are subject to sterilization, abortion and other contraceptive treatments without their consent.</p> <p><b>50. The Committee recommends that the State party adopt all possible measures to ensure that no women or girls with disabilities are subject to forced sterilization or abortion and that all medical procedures and treatments concerning persons with disabilities are contingent on their free and informed consent.</b></p> <p><b>Living independently and being included in the community (art. 19)</b></p> <p>53. The Committee is concerned by the high number of children and adults with disabilities being held in institutions. The Committee is particularly concerned by the situation of persons at the Federico Mora National Mental Health Hospital, who are isolated indefinitely. It is also concerned by the large number of children, including many with disabilities, who are currently in institutions. The Committee notes with concern the lack of local community services designed to meet the needs of persons with disabilities to enable them to live independently. In addition, it is concerned by the lack of support for the families of children with disabilities to ensure that such children are able to remain in the family environment.</p>
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		<p><b>54. The Committee recommends that the State party:</b></p> <ul style="list-style-type: none"><li><b>(a) Urgently draw up a strategy for the deinstitutionalization of persons with disabilities, with time frames, adequate resources and specific assessment measures;</b></li><li><b>(b) Allocate sufficient resources to the development of local community support services, including personal assistance, to enable all persons with disabilities, regardless of disability, gender or age, to choose freely with whom, where and in what living arrangement they wish to live;</b></li><li><b>(c) Provide support to families of children with disabilities to prevent family breakdown and institutionalization of the children;</b></li><li><b>(d) Abolish the institutionalization of children of any age.</b></li></ul> <p><b>Respect for home and the family (art. 23)</b></p> <p>57. The Committee notes that the Civil Code restricts the right to marry and the parental rights of some persons with disabilities. It further notes that children with disabilities living in poverty are at greater risk of abandonment and institutionalization.</p> <p><b>58. The Committee recommends that the State party:</b></p> <ul style="list-style-type: none"><li><b>(a) Review and harmonize the Civil Code to guarantee the right to marry and the parental rights of all persons with disabilities;</b></li><li><b>(b) Set up programmes to provide appropriate assistance to mothers with disabilities in the performance of their child-rearing responsibilities;</b></li><li><b>(c) Establish support mechanisms for families of children with disabilities to prevent abandonment;</b></li><li><b>(d) Replace measures to institutionalize all abandoned children with disabilities with measures to promote their adoption or placement in foster care and ensure that foster families receive the requisite support for their care.</b></li></ul> <p><b>C. Specific obligations (arts. 31-33)</b></p> <p><b>International cooperation (art. 32)</b></p>
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		<p>74. The Committee notes with concern that the limited funding sourced from international cooperation is frequently used to finance institutions where children and adults with disabilities are permanently segregated and that many such institutions are sustained by the growing trend towards voluntarism in Guatemala.</p> <p><b>75. The Committee recommends that the State party ensure that funding sourced from international cooperation is used in accordance with the Convention and substantially reinforce the mainstreaming of disability in the National Development Plan, K'atun nuestra Guatemala 2032.</b></p>
<b>UPR</b>	<b>Date of Consideration</b>	<b>Link to Page</b>
	24 Oct 2012	<a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/GTIndex.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/GTIndex.aspx</a>
<b>Hague Inter-country Adoption</b>	<b>Accession Date</b>	<b>Link to Country Profile</b>
		<a href="https://www.hcch.net/en/states/other-connected-states/details2/?sid=97">https://www.hcch.net/en/states/other-connected-states/details2/?sid=97</a>

**Acronyms and Abbreviations:**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Better Care Network  
[www.bettercarenetwork.org](http://www.bettercarenetwork.org)



Country Care Review:  
Guatemala

UN United Nations  
UPR Universal Periodic Review