**Contribution of the Human Rights Ombudsman**

**to the Secretary-General's report on** **child, precocious and forced marriage** ,

**in compliance with resolution 71/175 of the**

**General Assembly of the United Nations**

**Guatemala, October 2017**

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L to Resolution 71/175 of the General Assembly entitled, "child marriage, early and forced" p ide the Secretary - General before the end of his seventy - second session, to submit a comprehensive report on progress towards elimination of child, early and forced marriages throughout the world, including, for consideration by Member States, recommendations for action to end that practice, taking advantage of the information provided by Member States, bodies, agencies, funds and United Nations programs, civil society and other relevant stakeholders. L High Commissioner for Human Rights Solicit or information to national institutions, so the Ombudsman for Human Rights in Guatemala sends e l following contribution:

1. **What steps were taken to implement the recommendations of the previous report on prevention and elimination of child marriage, early   Y   forced (A / HRC / 26/22)?**

L to answer the following questions are resolved.

1. **What steps were taken to address the systemic and underlying factors of child, early marriage and forced as poverty, insecurity, lack of education, including humanitarian situations?**

In 2015 Guatemala presented the final report on the achievement of the millennium development goals (ODM), in the first of which, " Eradicate extreme poverty and hunger " , pointed out that an important involution was observed, going from 18.1 % in 1989 to 23 . 4 % in 2014/2015 , deepening the gap [[1]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftn1) .

Like other national indicators , the indigenous population, especially those living in the rural area and more particularly those living in the southwest, north and northwest regions (includes the departments of Alta Verapaz, Quiché, Huehuetenango, San Marcos and Sololá) continue to concentrate the highest incidence of poverty. Approximately 4 out of 10 people living in rural areas orbelonging to indigenous peoples are in extreme poverty, contrary to what happens with non-indigenous people or those who live in the urban area, where only one in ten people, live in such condition [[2]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftn2) .

Stunting h has had a sustained reduction throughout the measurement period went from 62.2% in 1987 to 46.5% in 2014/2015 one; however, it did not have enough progress, because even 47 % of children under 5 years of age presented a smaller size for their age; In addition, the population group suffering from chronic malnutrition is almost twice as rural (53 ) as in urban areas (34.6) and between indigenous (61.2) and non-indigenous (34.5).

It is worth mentioning that Integral Education in Sexuality was approved as part of the National Base Curriculum, but it has not been adequately implemented, due to the resistance of the ministerial authorities, due to the influence of the various churches and fundamentalist groups. For this reason, teachers have not been trained nor has didactic material been developed.

According to the database of the Living Conditions Survey (ENCOVI) 2014 , child marriage is related more to the lack of education than to poverty or living in rural areas, as can be seen in the following tables:

NNA from 12 to 17 years old

|  |  |
| --- | --- |
|   | Do you know how to read and write? |
| Yes | Do not |
| Sex | Sex |
| MAN | WOMAN | MAN | WOMAN |
| % | % | % | % |
| Civil status | UNITED | .5% | 2.0% | .5% | 1.2% |
| MARRIED | 1.4% | 5.2% | 4.0% | 12.7% |
| SEPARATED | .1% | .5% | 9% | .1% |
| SEPARATE OF UNION | .1% | .6% | .6% | 2.7% |
| DIVORCED | .0% | 0.0% | 0.0% | 0.0% |
| WIDOWER | 0.0% | .0% | 0.0% | .1% |
| Total | 2.1% | 8.3% | 6.0% | 16.8% |
| SINGLE | 97.9% | 91.7% | 94.0% | 83.2% |

1. **What has been the progress in the application of laws and policies to promote gender equality, prohibit violence against girls and women, reject discriminatory provisions   and eradicateharmful traditional practices ? What concrete measures have been adopted to follow up on the implementation of all these measures?**

The following laws have been approved:

* In 2003 the Law on Protection of Children and Adolescents (decre to 27-2003)
* E n 2008 the Law against Femicide and other forms of violence against women (Decree 23-2008)
* E n 2009 the law against Sexual Violence, Exploitation and Trafficking in Persons (decree 9-2009 )
* In 2015 amendments to the Civil Code ( Decree 8-2015 ) that raised the age for marriage to 18 years (men and women), although there is an exception whereby family judges canauthorize the marriage of persons over 16 years of age.
* In 2017 this exception was eliminated ( decree 13-2017 ) so the minimum marriage age in Guatemala is 18 years.

One of the major obstacles to the enforcement of these laws is the absence of a coordinating body of all actions performed by the i NSTITUTIONS responsible for protecting and defending the rights of girls and adolescents. The Committee on the Rights of the Child has emphasized the need to establish a high - level authority to act as the governing body for EU issues of childhood and adolescence. This institutional weakness has led to the elimination of the practices of the doctrine of irregular situation that conceptualizes children and adolescents as an object of tutelage and repression.

Moreover , the State does not invest sufficient economic resources to: 1. Improve the living conditions of children and their families, and what heightens the vulnerability of children and adolescents; 2. Strengthen the institutional framework of the Protection System for children and adolescents; 3. Sensitize the population about the rights of children and adolescents and the rights approach.

It is worth mentioning that this dynamic is similar in relation to adolescence in conflict with the criminal law, who do not receive adequate treatment that allows them to reintegrate into society.

1. **What concrete steps have been taken to promote the empowerment of girls and women and empower other stakeholders to promote social norms that support gender equality?**

Guatemala developed actions in the education system that made possible the advancement of equality of educational opportunities between men and women, particularly at the primary level and in higher education. Tre in 1995 and 2015 the gap in primary education between boys and girls was 0.07 in secondary education and basic cycle was 0.13 in the diversified cycle the goal was reached [[3]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftn3) .

The evolution of parity in education is expressed in a differentiated way between indigenous and ladino population groups . Only at the primary level and from 2009 It reached or the same proportion between men and women. Nine out of 10 ladino adolescents attending basic education are women, while in the indigenous population, there are only seven out of ten [[4]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftn4) .

Gaps in inequality in parity were reduced in the departments, but remained in the equitable access of women and men residing in urban and rural areas [[5]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftn5) .

1. **What concrete measures have been adopted to provide adequate protection and accountability mechanisms to women and girls at risk and to surviving women and girls, including those in insecure contexts?**

The Secretariat against sexual violence, exploitation and trafficking in persons (SVET) was created by decree 9-2009 Law against sexual violence, exploitation and trafficking in persons ; It is the governing body, articulator and adviser for the prevention, protection and care of victims of sexual violence, exploitation and trafficking of persons. It has 22 departmental networks againstsexual violence, exploitation and trafficking of people to support victims .

In 2010, the Interinstitutional Agreement for Action in the Care of Victims of Sexual Violence and / or Abuse was signed, initially signed between the Ministry of Public Health and Social Assistance ( MSPAS ) , the Public Prosecutor's Office ( MP ) , in the National Institute of Forensic Sciences ( INACIF ) , and the Human Rights Ombudsman's Office ( PDH ) ; expanded by addendum in 2013, including the SVET and the Attorney General's Office ( PGN ) , for the prevention, quality and warmth care for victims of sexual violence and / or abuse. They elaborated the Route of Approach in the attention in pregnancies in minors of 14 years , whose monitoring is in charge of the SVET. They determined the installation of clinics specialized in national hospitals San Juan de Dios and Roosevelt, expanding nationwide in 2016, but has not yet been achieved. The need for training for the staff of the member institutions , mainly the staff of the hospitals, was established to guarantee comprehensive care for victims of sexual violence and / or abuse.

Law against Femicide and other Forms of Violence against Women Additional property tio the State's obligation to "... ensure access, relevance, quality and financial, human and material resources for the operation of the Centers of Integral Support survivor of violence (Caimus) "Women, which are attended by civil society organizations, such as the Guatemalan Women 's Group (GGM), New Horizons Association, Women 's Association and Association for Us Ixquik Ixmukané, among others. For its part since 2010 and l Public Ministry implemented the Integral intention model A (MAI) and more recently the judiciary implemented the Comprehensive Care System (UPS). .

1. **What kind of data has been obtained? What type of research has been carried out?**

The Public Ministry is the entity responsible for criminal prosecution ; e l March 1, 2016 created the Prosecution Section of crimes against children for cases previously attended the F iscalía of Women. The Office of the Prosecutor initiated work with 16,000 files that include complaints received in 2016 and previous years. It is proposed to implement the comprehensive care model,since its services include medical, psychological and social work.

1. **What obstacles and gaps persist in eliminating this practice? How could these obstacles and gaps be overcome ?**

In reality, there is no Child and Adolescent Protection System ; the institutions that exist are weak, which determines the lack of promotion of the rights of children and adolescents ; The legal prohibition of marrying before the age of 18 has not been disclosed and p sanci ones unifying s for any type of sexual violence against children and adolescents.

In August 2017 social organizations (national and international) were accompanied by UNICEF aron present to Congress Republi ica the 5285 bill that creates a Protection System for Children and Adolescents, including a national authority; The Family Commission and the Constitutional Points Commission issued a favorable opinion , but it has not yet been presented in the Congress Agenda for approval.

The lack of implementation of Integral Education in Sexuality - part of the National Base Curriculum - prevents children and adolescents from knowing their own sexuality and what it implies; does not allow teachers to guide them or to promote preventive measures of child marriage.

Page **1** of **1**

[[1]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftnref1) Secretariat of Planning and Programming of the Presidency -SEGEPLAN-. *Final Report on compliance with the Millennium Development Goals.* Guatemala. 2015. P. 31 .

[[2]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftnref2) Ibid.

[[3]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftnref3) Secretariat of Planning and Programming of the Presidency -SEGEPLAN-. *Final Report on compliance with the Millennium Development Goals.* Guatemala. 2015. P. 146 .

[[4]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftnref4) Ibid. , pages 150-151 .

[[5]](https://translate.googleusercontent.com/translate_f%22%20%5Cl%20%22_ftnref5) I bib dem, page 153 .