



ngo group for the crc

STATE PARTY EXAMINATION OF GUATEMALA'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON CHILDREN IN ARMED CONFLICT

45TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

21 May – 8 June 2007

Contents

Opening Comments	1
General Measures of Implementation	1
The Aftermath of the Conflict	2
The Armed Forces	2
Concluding Remarks.....	2

Guatemala ratified the OPAC on 9 May 2002. On 1 June 2007, the Committee on the Rights of the Child (the Committee) examined Guatemala's Initial Report on the OPAC.

Opening Comments

Mr. Carlos Ramiro Martínez, Permanent Representative of Guatemala to the United Nations in Geneva, introduced the report. He underlined the fact that it had been 10 years since the signing of the peace agreement ending the 36-year civil war. During this time, children had suffered greatly and the state had since been rebuilding the country. He explained that the peace agreement served as a framework for the protection of children and that no children were involved in armed conflict or military service. The state had recently adopted a new law which prohibited the admittance of children in the armed forces.

The country rapporteur, Ms. Ortiz, noted that even though the civil war was over, there was still much violence in Guatemala. She noted the importance of compliance with the peace agreement, especially as it referred to disappeared persons. She also expressed concern about reports that children were still involved in the military, despite legal restrictions. She underlined the importance of the rehabilitation of child soldiers.

The second country rapporteur, Mr. Zermatten was concerned about the hierarchy of the convention in domestic law. He asked about the ratification of the Rome Statutes, the body responsible for the implementation of the OPAC, the budget available for such a body, training in humanitarian law for the armed forces, the recruitment of those under 18, the demobilisation of the army, opportunities for compensation for child soldiers and the protection of children in military schools.

General Measures of Implementation

The Committee asked if the state was planning on ratifying the Rome Statutes. The delegation responded that the Statutes were in the second reading in congress and they hoped it would be passed soon.

The Aftermath of the Conflict

The Committee asked if children who had been involved in the civil war would be compensated. The delegation replied that a National Programme had been set up to implement the recommendations of the Peace Commission. This programme had been slow to start its activities such as locating children involved in the conflict. It mentioned a bill that was being considered in congress which would establish a law on comprehensive compensation for the victims of war crimes. The Committee was concerned about whether children involved in the conflict were compensated or rehabilitated, as this could lead to violent attitudes resulting from their traumatic experiences. The Committee asked about the significant increase in violence committed by young people in gangs and asked if there were provisions made to prevent minors from acquiring weapons. The delegation responded that minors under no circumstances should bear arms, but they had been getting around this law by creating their own arms. The state was trying to discourage the use of firearms through restrictions and sanctions. The Committee also asked if there were any programmes to rehabilitate child soldiers. The delegation did not respond.

The Armed Forces

The Committee noticed that the budget for the armed forces had actually increased and asked why this was the case. The delegation responded that it was due to the participation in United Nations activities and that they were still in compliance with the peace agreement. The Committee asked if the armed forces were trained in humanitarian and children's rights. The delegation responded that a number of courses were provided to the armed forces about humanitarian law and there was a special section on children's rights and the CRC. The Committee asked if individuals under the age of 18 could be recruited into the military. The delegation responded that there was no forced recruitment of minors. The Committee noticed that the delegation had ratified the Geneva Conventions, which stated that the recruitment of minors was a crime and asked if this was also part of domestic law. It asked if there was a process to verify the age of recruits. The delegation did not directly respond to this question.

The Committee asked if military schools were optional and if it was considered a branch of the armed forces despite the fact that minors were involved. It also expressed concern that there were reports of corporal punishment and asked if these children had any complaint mechanisms to report violence. The delegation responded that there was only one military college and it only accepted students over the age of 18. Acceptance into a military school did not mean that these individuals were forced to join the armed forces.

Concluding Remarks

Ms. Ortiz thanked the delegation for the discussion. She emphasised the importance of the penalisation of the recruitment of minors and compensation for child soldiers.

Mr. Zermatten also thanked the delegation, praising their efforts in the ratification of the Rome Statutes. He expressed hope that the OPAC would be broadly disseminated. He stressed the importance of the peace process, finding those who had committed war crimes, and the rehabilitation, reinsertion and compensation of child soldiers. He noted the resurgence of armed groups in the form of gangs and hoped that the state would find a way to improve this situation.

Mr. Carlos Ramiro Martínez thanked the Committee for the frank dialogue. He expressed hope that through international cooperation, the state could implement all of the recommendations made by the Committee.