

Alternative Report On The International Covenant on Civil on Political

“Protection of Girls and Adolescents in Guatemala”



International Covenant on Civil and Political Rights

1. Asociación Red de Jóvenes para la Incidencia Política –INCIDEJOVEN- (The Youth Network for Political Advocacy), as a member of Red Latinoamericana y Caribeña de Jóvenes por los Derechos Sexuales (The Latin American and Caribbean Youth Network for Sexual Rights)–RedLAC-, in association with Asociación Guatemalteca de Humanistas Seculares, ONG (The Guatemalan Association of Secular Humanists). As organizations dedicated to the promotion and defense of sexual and reproductive rights of the youth and adolescents, as well as to ensure the respect of the secularity of the State in Guatemala, we present the following Alternative Report in the framework of the upcoming 122th period of meetings of The Human Rights Committee on the International Covenant on Civil and Political Rights. This report will especially focus on the rights of all girls and boys to protection (Article 24), the right to equality to fully enjoy the civil and political rights (Article 3), and the inherent right to life (Article 6), emphasizing that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Article 7).

2. This report seeks to analyse the various manifestations of gender-based violence that affect the lives of girls and adolescent women in Guatemala, and the lack of an efficient response by the State to address structural problems. Moreover, it will emphasize the existing link between the violence, forced pregnancies and forced maternities and the lack of access to Comprehensive Sexuality Education (CSE). Furthermore, two case studies will be presented, in order to illustrate the influence of conservative forces in Guatemalan politics, which threatens the advancement and the exercise of human rights, especially regarding the guarantee of sexual and reproductive rights for girls and adolescent women.

3. The understanding of the guarantee and the full exercise of the human rights of children and adolescents and the State responsibilities in this report is guided by the Convention on the Rights of the Child. Historically, and to some extent even today, girls, boys and adolescents have not been considered to be “full citizens” and their citizenship has often been measured against adult models of citizenships, which assume a clear correlation between the biological age and the ability to fully exercise rights (Van Beuren,2011: 31). The understanding that human rights also apply to minors is relatively new and was not formally recognized until the signing of the Convention on the Rights of the Child -CRC- in 1989, ratified by Guatemala in 1990.

4. The importance of the CRC in the conceptualization of the rights of minors cannot be stressed enough, due to its fundamental role in the recognition of each child as a bearer of rights, and as stated by Baratta, the child is no longer seen as an object of protection-repression by the State and the adult society, but as a subject of original rights (Baratta, qtd. in Viola, 2012:84). Through this understanding, it can be concluded that minors are bearers of the same rights as adults, yet, due to their condition as a group of citizens in a stage of development, they are entitled to a special protection by the state and the community. Therefore, the State has the obligation to respect, protect and implement these rights, as established in the General Comment number 5 of the CRC, in which the Committee encourages States to consider their functions consist of complying with clear legal obligations for each and every child. The implementation of the human rights of children should not be considered as a charitable process that consists in favors for children. The adaptation of a perspective based on the rights of the child (...) is necessary for the effective implementation of the entire convention (Viola, 2012:84).

5. Therefore, these considerations in CRC, together with articles 1 and 24 of the Covenant on Civil and Political Rights allow the conceptualization that all children and adolescents have the right to protection without discrimination, the State should not prohibit any specific discrimination, but guarantee equal and effective protection against any discrimination, including discrimination based on age and sex (Mititeu and Radu, 2013: 53); these principles will inform the arguments presented in this report.

6. Despite the ratification of various international covenants, conventions and agreements aimed to protect the most vulnerable segments of the population, girls and adolescent women in Guatemala constantly face violence, which takes various forms including, physical, sexual, psychological, economic, structural and symbolic violence and in the worst of cases, femicide. This is the result of a historically constructed system, profoundly marked by patriarchal and racist characteristics, which places women in a subordinated and discriminatory position, naturalizing and making invisible the violence that they are subjected to and placing them into the private sphere, which limits their mobility and actions merely to the domestic domain, assigning them with household chores and to reproductive functions and thereby limiting their development, life plans and their participation in other domains of the society.

7. It is important to mention that the violence that is exercised against the girls and adolescents in the country places them in an especially vulnerable position because they are confronted with various problems related to the full exercise of their human rights, such as the lack of access: to comprehensive sexuality health services, differentiated by age, to a secular and scientific Comprehensive Sexuality Education (CSE) based on human rights and the lack of opportunities to comprehensive development due to being forced to assume forced pregnancies and forced maternities, which affect their entire life cycle.

1. Violence against Women, Girls and Adolescents and the Right to Equality

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant. (Article 3)

8. The Convention of Convención de Belém do Pará states that violence against women is a violation of fundamental human liberties and rights, an offense to human dignity and a manifestation of a manifestation of historically unequal powers between women and men, which transcends all sectors of society, regardless of their class, race or ethnic group, income level, culture, educational level, age or religion.

9. In its 4th Periodic Report to the Committee, the State of Guatemala informs that out of the of the 58 current Public Policies, 10 include the prevention and reduction of violence, including the violence against women, among its objectives (Paragraph 53). Although the State of Guatemala has officially recognized that violence against women is one of the main challenges affecting the country, there is an alarming gap between the gravity of the problem and the quality of the state responses. The alarming statistics on the violence suffered by girls, adolescents and women demonstrate that the responses to tackle the problem have not been effective, nor sufficient. It should be noted that strategies to eliminate gender based violence must be multifaceted and sustained and must include political and legal interventions at all levels of government, as well as the participation of civil society organizations, transnational agencies and international foundations (Cosgrove and Lee , 2015: 311). Additionally, studies have found that the leadership of women in the process contributes greatly to ending the cycle of violence against them (331).

10. In Guatemala, the violence faced by women is a persistent and dangerous problem and it is reaching epidemic levels, as the alarming number of femicides reported in the country demonstrate: Guatemala has the third highest rate of killings of women in the world, as well as extreme levels of physical, sexual and psychological violence against women (Cosgrove y Lee, 2015: 309 and 313). Moreover, the violence experienced in the country has an age component; It is estimated that in Guatemala 14.5 people die daily in violent circumstances and 9.2 percent of the victims are under the age of 18 (UNICEF 2013).

11. In most cases of violence against women, the aggressors are men close to them, that is to say their husbands or boyfriends, male relatives, and bosses, furthermore, it is widely believed that the crimes against women in the country are drastically underestimated (Cosgrove and Lee, 2015: 309 and 313). The victimization and the

systematic oppression of women is rooted in a history of culturally sanctioned and maintained social relations. Historically, Guatemalan women have been repressed politically and during the armed conflict, the genocidal intentions of the army had gendered dimensions that contribute to the current normalization of violence against women that places girls, adolescents and women at risk of suffering discrimination, violence and even death (Cosgrove and Lee, 2015: 309 and 313).

12. According to the United Nations Population Fund (UNFPA), adolescent women are in a more vulnerable position to suffer violence and, on the other hand, violence and trauma they experience tend to have more extreme consequences than the violence suffered by men, because the discrimination they experience due to their gender, generally, results in a lower socioeconomic status and, therefore, they have fewer resources to escape or prevent abusive situations (Cosgrove and Lee, 2015: 310-11). The consequences of gender based violence for adolescents and girls include unplanned and unwanted pregnancies, sexually transmitted infections, depression, post-traumatic stress disorder, anxiety, among others (311).

13. Girls and adolescent women are commonly in a disfavored position within the family. In 2016, 14,000 children were hospitalized for beatings or fractures caused by disciplinary punishments by their parents, mothers and / or caregivers. Forensic doctors also report that many children have been hanged, drowned and even injured to death in these contexts (Trejo, 2017). In 2013, 36,170 cases of intrafamilial violence was reported and 3,420 of the victims were between the ages of 15 and 19 years of age (INE, 2017). Despite these alarming statistics, UNICEF estimates that only 25 percent of the violence committed against children and adolescent is registered by the institutions of the justice system and the majority of the cases are not filed due to the lack of confidence in the justice system and the state institutions (Rodríguez, 2014). Moreover, the violence against children is often not viewed as due to the authoritarian culture of “machismo” and adultcentrism, furthermore there is a strong social stigma associated with being a victim of intrafamilial violence and for openly opposing it. The victims that dare to speak out against it are often rejected by their families and communities, which contributes to the creation of a “culture of silence” and the victims tend to be left isolated and without the necessary resources (Halvorsen, 2014: 427).

14. Additionally, girls and adolescent women tend to be more vulnerable to experience sexual violence, as can be observed in available statistics; 4,7 percent of women report having experienced sexual violence in their childhood (PAHO, 2017) UNICEF states that every day 21 legal complaints of child abuse and 19 cases of sexual violence against under-aged girls are registered. Moreover, statistics on sexual crimes performed against girls and boys show that between the ages of 0 and 6 years, crimes against boys are almost at the same level as those committed against girls of the same age. However, the sexual violence suffered by adolescent girls (13 to 17 years old) is significantly higher than the sexual violence suffered by adolescent boys of the same age (PDH, 2017).

15. The data provided by PDH demonstrates the cultural attitudes regarding women and especially adolescent women. It is evident that the female bodies are viewed as male property and the violence that they fall victim to, continues to be normalized and made invisible. This is further visible in the cases of girls and adolescent women who are most often vulnerated in their family environment. The data from January 2017 shows this vulnerability and deprotection; 38,66 percent of sexual crimes were performed against adolescent girls between 13 and 17 years of age, 13,02 against girls from 7 to 12 years of age and 5,13 against girls between 0 and 6 years of age, meaning that over half of the victims of sexual violence were under-aged girls (PDH, 2017).

16. The data provided by UN Women show that, on average, 2 women die daily in Guatemala as a result of the violence. On the other hand, the figures of the Judiciary demonstrate that in 2014, 1,236 legal complaints were filed for femicide (Inter-American Commission on Human Rights 2015: 112), which demonstrates that the number of femicides in Guatemala has grown alarmingly during the last decade. The majority of women who lose their lives due to their condition of being women, are young people between 16 and 30 years of age, meaning

that the problem of femicides is not merely a reality affecting the adult population but also impacts the lives of girls and adolescent women, who constitute the most vulnerable population in society. Alarming, the mortality rate of women is reaching the same levels of female mortality as those recorded at the most critical moment of the internal armed conflict (Sanford, 2013:105 and 108).

17. The term “femicide” refers to the killings of women “because they are women”, whereas “feminicide” is a political term, which holds the institutions responsible for not protecting the integrity of women. Therefore, when using the concept of feminicide, it is assumed that the individual male aggressors are not the only ones responsible, rather, it is understood that state and judicial systems that normalize misogyny are also accountable. The Inter-American Court of Human Rights-IACHR-has declared that in the Latin American context, "The majority of cases of violence against women are not formally investigated, prosecuted, and punished by systems of administration of justice." (Cosgrove and Lee, 2015: 314).

18. Femicides in Guatemala depend on the presence of systematic impunity, historically entrenched gender inequalities and the generalized normalization of violence as a social relation, hence, several scholars have considered that femicides in Guatemala should, in fact, be understood to be feminicides, due to the fact that persistent culture of impunity has allowed most of the aggressors of violence against women to avoid punishment for their crimes (Cosgrove and Lee, 2015: 314). Gender violence is not a private matter; It has a social, legal, political and cultural character and it is a manifestation of power structures between genders. The State of Guatemala is responsible for femicides in the country due to commission, tolerance and omission of violent acts against women, especially young women, adolescents and girls. Femicides exist because the State does not guarantee the conditions of protection of women and girls (Sanders 2013, 112-113).

19. In Guatemala, the percentage of cases of sexual crimes that reached a trial account for an estimated 33 percent of the cases (Vidas Robadas, 2015: 55). As the IACHR highlights, "As a result of discriminatory sociocultural patterns, they (officials at all levels of the judicial system) do not consider cases of violence (against women) as a priority and disqualify victims, do not perform tests that are key for the clarification of those responsible, and assign exclusive emphasis on physical and testimonial evidence (...)". Moreover, studies from Guatemala have shown that some of the reasons for the low percentage of sexual crimes brought to trial in the country include the inefficiency of the investigations carried out by the Public Prosecutor's Office -MP- and the tendency to prosecute only those cases, in which it is considered to have enough evidence to obtain convictions (Vidas Robadas, 2015: 56). In addition, it has been shown that public officials of the MP, National Civil Police -PNC- and The National Institute of Forensic Sciences of Guatemala -INACIF- tend to minimize the problem, downplay, justify, omit, mock and even ridicule the victim and in most cases of sexual violence against adolescents, girls and women, their testimony "is put in doubt or they are blamed for the aggression" (Mujeres Transformando el Mundo, 2014: 84).

20. In 2015, the processes of investigation and prosecution in cases of intrafamilial and sexual violence took, on average, a year and the impunity in these cases continued to be extremely high; from January to October, the Public Ministry (Ministerio Público) received 11,449 reports of physical and sexual violence against women; however, during this same period of time, a mere 527 convictions were issued for sexual or physical violence against women, meaning that only 4,6 percent of these cases resulted in a sentence (UNHCR, 2016: 9). There are severe structural problems in the justice institutions that adversely affect women's access to justice, including the lack of economic and human resources to carry out effective investigations, and to prosecute and sanction cases; the limited scope of state institutions in rural, poor and marginalized areas; lack of state provided lawyers for the victims; the weakness of the Public Ministry; the lack of special units of prosecutors and police with the technical knowledge to address violence against women. In a study conducted by Planned Parenthood, authorities

confirmed that "they do not have the resources of personnel, infrastructure, equipment, and budgets to carry out their task of investigating and prosecuting crime." (Vidas Robadas, 2015: 56)

21. The tragedy that occurred on March 8, 2017 at the children's home, Virgen de la Asunción, an institution under the responsibility of the Ministry of Social Welfare, demonstrates the endemic and structural violence against girls and adolescent women in the country and the devaluation of their lives by the State and the society. Since 2002, reports of child abuse and sexual and physical violence had been presented in the children's home and between the years 2012 and 2016, the Human Rights Ombudsman had received and passed on 45 reports of abuse in the home to the Public Ministry, which, however, failed to act upon the received information and the State did nothing in regards to the situation of the children and adolescents under its care. In 2013 various employees of the children's home were found guilty of sexual abuse and in 2016, a judge from the Family Court found that the practises of the children's home, including punishments resembling torture, violated the human rights of the girls and adolescents (Goldman, 2017). As stated by one of the neighbors, "Anyone who lives around here, knows that that place is like hell." (Nómada, 2017)

22. The girls and adolescents tried to escape this continuum of violence to which they had been subjected to for a long time, and days before the tragedy, they succeeded. On March 7, 60 girls and adolescent women escaped. On March 8th, they were violently returned to the home by State authorities and placed under lock and key, in inhumane conditions. In the process in which the girls and adolescents demanded to be allowed to leave, a fire occurred and, when the fire became unsustainable, despite the cries for help from the girls, the state authorities prevented them from leaving. The result was the death of 43 girls and adolescents and 13 resulted with severe burns. (Goldman, 2017). The State of Guatemala is responsible for the deaths of these girls and adolescents, as an accomplice to the systematic violence in the Virgen de la Asunción Home. In addition, it is incomprehensible why it took so long for help to arrive at the scene to rescue the girls and adolescents. On the day of the tragedy, basic safety rules established in regulations of the National Coordinator for Disaster Reduction -CONRED- were completely ignored. (Goldman, 2017).

23. This case reflects the severe social conditions of violence and discrimination faced by girls and adolescents in Guatemala and, above all, the little or no concern on the part of the government to guarantee their right to a dignified life, as well as the lack of compliance with its obligations established in the International Covenant on Civil and Political Rights, especially the obligation to protect children and ensure the conditions for them to live a dignified life. This tragedy should not be understood as an isolated event, but rather as the consequence of a system that allows and invisibilizes the violence that is exercised against the children and adolescents under the responsibility of the State.

24. Pregnancies of girls and adolescents cannot be considered as a phenomenon outside of these structures of normalized and invisibilized gender based violence in the country. Pregnancies in girls and adolescents are manifestations of the violence against women in the country throughout their life cycle and evidence of the mechanisms of asymmetric power among men and women. Moreover, they highlight the inability and unwillingness of the State of Guatemala to protect women, especially girls and adolescents, who are in the most vulnerable position. In addition, the problem of pregnancies crosses several sectors of human rights, such as education, health and the rights of children and women (Vidas Robadas, 2015: 62-63).

25. Therefore, this report considers that pregnancies of girls and adolescents is not a problem isolated from the general situation of women, but rather a consequence of the systematic violence that they face. The following section will study these pregnancies in greater detail, highlighting that it is not only a challenge to public health, but a question of a set of violations and lack of protection of human rights of the segment of the population that is

at most in need of protection. As established in article 24 of the International Covenant on Civil and Political Rights, the State has the obligation to protect girls and adolescents due to their status as minors. However, the statistics clearly demonstrate the contrary and pregnancies of girls and adolescents should be considered as one of the consequences of this State abandonment.

2. Forced Pregnancies and Maternities and the Right of Children and Adolescents to be Protected

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. (Article 24)

26. In its 4th Periodic Report to the Committee Guatemala states that "The National Plan for the Prevention of Pregnancies in Adolescents and Youth of Guatemala 2013-2017, among its objectives is the reduction of adolescent pregnancies by 5%, raising awareness to increase the age of first pregnancy, access to comprehensive instruction in sexuality, promote family planning methods [...]" However, the constantly growing number of child and teenage pregnancies in the country serve as evidence that the State policies have been highly ineffective.

27. According to CEPAL, the countries with the highest rates of adolescent and child pregnancies are found in Central America: In the year 2009, OSAR (Observatorio en Salud Reproductiva) registered 41,529 births given by girls and adolescents between 10 and 19 years of age, while in the first six months of 2017, 35,823 births given by the same age-group were registered (osarguatemala.org).

28. According to the statistics provided by La Secretaría contra la Violencia, Explotación y Trata de Personas (The Secretariat against Violence, Exploitation and Human Trafficking), -SVET-, from January to July 2017, there were 1,244 pregnancies of girls under the age of 14, while -OSAR- reports 1,138 registered births given by girls under 14 years of age in the period of January to June of 2017. Therefore, the data from the different institutions is contradictory and demonstrate the lack availability of reliable statistics. To further elaborate on this point, for example, SVET reports 75 cases of pregnancies of girls under the age of 14 in the department of Guatemala, while OSAR reports 135 of these pregnancies in the same department in the same month. Furthermore, it is important to highlight that due to their illegality, abortions are not registered in the country and neither are all of the births given and therefore there is no reliable data on the true number of pregnancies that occur in girls and adolescent women. However, despite the underreporting of these pregnancies, the existing data highlights the severity of the problem and the State must assume its responsibility and take immediate action to create long term, comprehensive policies in order to address this issue, to prevent forced pregnancies and to attend to the needs of those already facing a forced pregnancy, ensuring that they can live a dignified life.

29. Adolescent and child pregnancies are one of the public health problems that most affects women, however, it is important to highlight that they are not merely a challenge for public health, but also for the ability of women, girls and adolescents to fully exercise their rights (Vidas Robadas, 2015: 6). Violence against women must be understood as a form of discrimination and it requires an intersectional analysis given that "people do not face discrimination in a vacuum, but within a specific social, economic, and cultural context, in which privileges and disadvantages are constructed and reproduced." Research on child and adolescent pregnancies have found that they often occur in a context that puts girls and adolescent women in a position of vulnerability, among the factors are: lack of access to education, and persistent poverty in the country (Vidas Robadas, 2015: 62-63).

30. There is an important link between sexual violence and child and adolescent pregnancies in girls, as an estimated 90 percent of pregnancies of girls under the age of fourteen are a product of sexual violence (Vidas

Robadas, 2015: 14) and according to the data provided by the Human Rights Ombudsman (PDH) in most cases, the aggressors are relatives of the girls

30. Existe un vínculo importante entre la violencia sexual y los embarazos en niñas y adolescentes y se estima que el 90 por ciento de los embarazos en niñas menores de catorce años son producto de violencia sexual (Vidas Robadas, 2015: 14) y según los datos de la Procuraduría de Derechos Humanos- PDH- en la mayoría de los casos, los agresores son familiares de las niñas (Mujeres Transformando el Mundo, 2014: 9).

31. A study carried out by Mujeres Transformando el Mundo on forced pregnancies of Guatemalan girls under the age of fourteen showed that violence against women is present in all spheres of the society, highlighting that "thousands of girls and adolescents suffer sexual violence in different regions of the country and among different ethnic groups [...], there is sufficient evidence to argue that this scourge is common among various social groups and is not associated with the social class or geographical area, nor the education of the perpetrators (Mujeres Transformando el Mundo, 2014:60).

32. In case of the pregnancies that are not a direct result of a violation, it should be mentioned that "sexual coercion exists as a continuum, from forced rape to other forms of pressure that push girls and adolescents to have sex against their will. Maybe a child or adolescent affected does not identify it as a violation, even if it was a situation against their will but "accepted" because they could not oppose it."(Vidas Robadas, 2015: 14); this is a situation that is highly common in Guatemala due to the systematic normalization of the oppression of the women in the country.

33. It is also important to highlight the structural violence that can be said to be the root cause of the problem. Undesired and/or unplanned pregnancies of adolescents are manifestations of the lack of opportunities for the youth in the society and of the persistent inequality between men and women. According to the gender inequality index, in 2014, Guatemala, together with the Republic of Syria, held the 119th place out of 155 countries (UNDP Human Development Reviews). The asymmetric power relations between men and women is illustrated in the following survey; 63 percent of adolescent women between 15 and 19 years of age reported having to ask for the permission of their partners to use contraceptive methods (Guttmacher Institute, 2014) and according to The National Maternal and Child Health Survey (ENSMI- 2008-2009), 81,6 percent of the guatemalan men considered that their wife or partner required their permission to leave the house, 58,9 percent to use contraceptive methods, and 67,0 percent to use the household income (ONU mujeres). Other factors contributing to the problem includes the lack of sexual education and deficient sexual and reproductive health services (Wulfhorst,Independent.co.uk,2017).

34. In Guatemala, one in every ten adolescent women between 15 and 19 years of age report having had sexual relations (Guttmacher 2014). However, the public policies tend to deny the reality of the sexuality of adolescents (Richardson and Birn, 2011:184). The limited or non-existent investment in sexual and reproductive health by the State has resulted in deficient knowledge on the topics; 55 percent of sexually active, never married, 15 to 19 years old adolescent women have an "unsatisfied need for contraception", meaning that they are not planning on having a child in the next two years but nonetheless, are not using any method of contraception (Guttmacher Institute 2014). Furthermore, studies have shown that there is a lack of knowledge regarding fertility in the menstrual cycle, which is an important indicator of sexual and reproductive health knowledge. A mere 15 percent of Guatemalan women knew when they were most likely to get pregnant during their menstrual cycle.(Richardson & Birn, 2011: 184).

35. In the 4th Periodic Report, the State of Guatemala emphasizes that, "The MSPAS (Ministry of Health) established the adolescent pregnancy surveillance system, improving the data collection. In 2012, the PLANEA

was approved, coordinated with CONJUVE. It aims to reduce the prevalence of teenage pregnancies, promoting sexual and reproductive health in adolescents and young people and seeks to improve access to services and programs that enable their integral development and better quality of life; implement the access of contraceptive methods to adolescents and young people in friendly spaces" (Paragraph 90).

36. However, it is worth mentioning that while the National Plan for the Prevention of Adolescent Pregnancy - PLANEA- establishes an interinstitutional mechanism for the prevention of adolescent and child pregnancies, it does not include indicators that would allow the evaluation of the progress in its implementation. Due to this limitation, a pilot plan of actions is currently being realized in five municipalities of the department of Alta Verapaz, however, this coverage is evidently not widespread or representative enough. Moreover, it is important to highlight that CONJUVE is not an executive entity, which limits the coverage and the sustainability of PLANEA as a state policy.

37. Moreover, the "friendly spaces" do not have a focus on human rights, much less on sexual and reproductive rights. Furthermore, they are informal spaces where a variety of actions, not necessarily related to sexual and reproductive rights, are realized.

38. In paragraph 91 of the State's report informs that "The MSPAS and MINEDUC (The Ministry of Education) carry out actions within the Framework of "Prevent with Comprehensive Sexuality Education", which has the objective to include sexual education within the school programs adolescents to be able to: a) make decisions about their bodies and their sexuality; b) delay the start of sexual intercourse and with fewer partners; c) incorporate preventive behaviors of unwanted pregnancies and use contraceptive methods and other prevention practices [...] "

39. In the year 2008, in the framework of the XVIII International Conference of HIV, the first Meeting of Ministers of Education and Health in Latin America and the Caribbean was realized, in which the Ministerial Declaration "Prevention with Education" 2008-2015 was signed. In the declaration, the countries commit to integrate Comprehensive Sexuality Education (CSE) in all educational levels and to open up "friendly spaces" for the youth and adolescents. These actions were monitored by The Mesoamerican Coalition for Integral Education in Sexuality (La Coalición Mesoamericana por la Educación Integral en Sexualidad), which was responsible for the evaluation of the advances made in: the incorporation of CSE in the National Base Curriculum, the elaboration of educational materials for teachers and students, and the incorporation of all the themes, that the full implementation of CSE implies, including the supply of modern contraceptive methods, "friendly spaces" for adolescents and young people, and the fulfillment of the goals of both ministries. Despite these advances, it is clear that there is little political, which is reflected in the limited budgetary expenditure for the implementation of the programs that address nationwide education on sexual and reproductive health and rights.

40. Admittedly, Guatemala has made minor advances in the themes related to the implementation of CSE and sexual and reproductive health, for example designing and printing educational materials, training teachers through the pilot plan in some departments, and working in an inter institutional manner in the framework of the Strategy for Comprehensive Sexuality Education and Prevention of Violence and the National Policy of Promotion and Integral Development of Women (Estrategia de Educación Integral en Sexualidad y Prevención de la Violencia –EIS-PV- y la Política Nacional de Promoción y Desarrollo Integral de la Mujer –PNPDIM-). Unfortunately the progress of these processes have been limited due to the changes in government from 2012 to 2017.

41. Considering the statistics on the situation of the children and adolescents of the country and the failure to fully implement the commitments made, it is evident that the State of Guatemala has not guaranteed the full exercise of their fundamental rights, such as providing them with: protection from the continuum of violence that they are subjected to, access to education and health services, as well as ensuring that they live a dignified life free of discrimination. Due to its failure to prevent, investigate and punish the cases of violence against girls and adolescent women, the State of Guatemala is responsible for maintaining and reproducing a context that permits the naturalization of the continuum of violence. The forced pregnancies and maternities faced by girls and adolescent women should be understood as a consequence of failure of the State to care for its youth and of the neglect of their fundamental rights.

42. Forced pregnancies and maternities are dangerous to the health of girls and adolescents, as it is evident that young bodies are not developed enough to go through the process of pregnancy and childbirth without adverse consequences (Boletín de la Organización Mundial de la Salud, 2009). Scientific studies have demonstrated that pregnancies present severe dangers to the life and health of adolescents, particularly in the case of girls under 15 years of age: Public health statistics in Latin America (2000-2008) show that maternal mortality rates of girls between 10 and 14 years of age is 2 to 3 times higher than that of adolescents between 15 and 19 years of age. On the other hand, a study conducted by Conde-Agudelo found that in the region, girls aged 15 or younger had a 4 times higher probability of maternal mortality than women between 20 and 25 years of age (Mujeres Transformando el Mundo, 2014: 8).

43. A qualitative study on pregnancies of girls under fourteen years of age, in four countries in Latin America (including Guatemala), conducted by Planned Parenthood, found that most participants suffered some form of complication during their pregnancy, including anemia, nausea, urinary or vaginal infections, ruptured membranes and premature births. Other risks associated with pregnancies in adolescents and girls include increased risk of maternal death and mortality and neonatal morbidity (Vidas Robadas, 2015, 6 y 13).

44. In the case of Guatemala, the study found that none of the pregnancies studied were desired and 55 percent of the girls had a cesarean delivery, which is worrisome because at their age, it presents "serious risks immediately after surgery, late complications (including the formation of adhesions), and risks during the subsequent surgery, as well as a high probability of having to have cesarean deliveries with their future pregnancies. " It should be mentioned that a significant proportion of girls and adolescents had symptoms of depression, anxiety, post-traumatic stress, fear, and restlessness, especially in the case of girls who had suffered sexual violence (Vidas Robadas, 2015: 28, 13 y 27).

45. Furthermore, the study found that the vast majority of the participants had not returned to study at the time of their follow-up interview, although the interviews were conducted months after they had given birth (Lives Stolen, 2015, 6-7). Only 2 of the 20 Guatemalan girls interviewed in the study continued with their studies and the others, had "left school altogether" after having realized that they were pregnant, and after childbirth, only 4 of the participants said that they were building a life plan and 12 of them had no economic activity (27). Moreover, a study conducted in Mexico and Guatemala showed that adolescent motherhood is positively associated with several indicators of poverty (34).

46. It is evident that a pregnancy in childhood or adolescence involves a drastic change in life, ending the educational cycle, causing health problems, including death, their work prospects fade and they are in a position more vulnerable to poverty, exclusion, violence and dependency (Vidas Robadas, 2015: 13).

47. It is important to emphasize that the consequences of an unwanted pregnancy vary depending on the context in which they occur. In Guatemala, there are serious deficiencies to address the problem in all of the State institutions, including ensuring the access to sexual and reproductive health services. The situation of pregnant girls and adolescents is aggravated by the social conditions in which they live and by the absence of the State. Additionally, the Planned Parenthood study found that none of the girls, victims of sexual violence, had access to emergency oral contraception and abortion was not presented as an option for them (Vidas Robadas, 2015: 68). It is also worth mentioning that the responses that girls and adolescents receive from the institutions are conditioned by the attitudes and beliefs of the providers of the services. The MTM study found that the personnel in charge of the care and accompaniment of pregnant girls and adolescents demonstrated stereotyped attitudes, prejudices and their personal beliefs affected the way they dealt with girls' cases (Mujeres transformando el Mundo, 2014: 84).

48. The 4th Periodic Report of the State of Guatemala states that "In October 2016, the MSPAS, MIDES, MINEDUC, RENAP, PGN, MP and SVET presented the strengthening of the Comprehensive Care Route for Pregnant Girls under 14 years of age. The Route establishes the procedure to be followed for the adequate care of pregnant girls under the age of 14 who are victims of the crime of sexual violence, it seeks not to revictimize the minors and to ensure that their attention is prompt and effective "(Paragraph 97). However, studies have found that despite the existence of several route protocols for victims, in the context of Guatemala, due to the weakness of the institutions and structures of the State, inter-institutional coordination is difficult. For example, SVET is not present in all departments and several of the other institutions do not have offices in all municipalities. Additionally, PGN, INACIF, PDH and some other institutions are only present in the departmental capitals. In addition, "staff is scarce and lacks the qualification required to address cases with gender, ethnic, and age perspective." (Mujeres transformando el Mundo, 2014: 96).

49. Despite the fact that the State has adopted some measures to address the rampant gender-based violence, the criminalization of abortion, including in situations of sexual violence, hinders its ability to fully address the issue effectively. Forcing a girl or adolescent woman to carry out an unwanted and unplanned pregnancy, especially when it is the product of a violation, must be considered as a violation of her fundamental rights set forth in the International Covenant on Civil and Political Rights and other instruments International Human Rights (Vidas Robadas, 2015: 15). The next section of this report will analyze the criminalization of abortion in Guatemala and the implications it has for Guatemalan women, particularly for girls and adolescents.

3. Abortion and the Right to Life

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. (Article 6)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. (Article 7).

50. In its list of issues for the State of Guatemala, the Committee requests that the country provide information on how access to the voluntary interruption of pregnancy and exceptions to the prohibition of abortion provided for in the legislation is guaranteed. In this regard, the Committee requests that the State include information about the training provided to health professionals and justice operators, as well as up-to-date statistical data on the number of cases in which the voluntary termination of legal pregnancy occurred and in which it was refused and the reasons.

51 Every year, an estimated 65,000 unsafe abortions are performed in Guatemala. It is important to mention that the most affected with this problem are young women living in conditions of poverty and extreme poverty, who

do not have the resources to pay for the services of private clinics or to travel abroad to perform an abortion in safe and legal conditions. On the other hand, those who oppose the approval of legal, safe and free abortion in Guatemala, are conservative groups with economic and political power, and the opportunities to pay for a private abortion service and, therefore, are able to ignore the reality of most Guatemalan women (Richardson & Birn, 2011: 189). Furthermore, this context makes a public debate on the topic impossible, which has made abortion a reality that nobody talks about.

52. In Guatemala, the legislation explicitly “recognizes” the personality and humanity of the fetus and treats it as a bearer of rights, particularly in regards to the right to life and therefore abortion is categorized under the same crimes as homicides and murders (De Jesus, 2013: 2-5). Article 137 of the Criminal Code establishes that “An abortion performed by a doctor, with the consent of the woman, is not punishable, after a favorable diagnosis by at least one other doctor; if it was carried out without the intention of directly procuring the death of the product of conception and for the sole purpose of avoiding a danger, duly established, for the life of the mother, after all scientific and technical means have been exhausted.”

53. Paragraph 87 of the Periodic Report of Guatemala mentions that in Guatemala the “regulations regarding abortion are still in place, however, a significant achievement is the approval of a protocol to treat therapeutic abortion in order to guarantee the life and health of women. In the case of induced or forced abortion, the national health system is obliged to assist women who require it.” However, many of the doctors and service providers in the health centers and hospitals are not aware of therapeutic abortion and therefore, this right cannot be effectively exercised (Mujeres Transformando el Mundo, 2014: 115) and it should be noted that Guatemalan legislation considers that therapeutic abortion should be a last resort and all other alternatives should be considered first (De Jesus, 2013: 5). It is clear that abortion is considered a sin and is typified as a crime, penalizing the woman who practices it and those who assist her (Piekarewicz-Sigal, 2015: 9).

54. Ensuring the access to a safe and legal abortion should be part of a comprehensive response to address the needs of victims of sexual violence. Despite several recommendations by the international human rights instruments urging the State to decriminalize abortion in Guatemala, the interruption of pregnancy continues to be criminalized and socially stigmatized, even when the pregnancy is the product of sexual violence. It is clear that “preventing the access of girls, victims of sexual violence who decide to interrupt a pregnancy is condemning them to forced motherhood”. In its 4th Periodic Report to the Committee, the State of Guatemala emphasizes that “Decree no. 3-2012 approves the Rome Statute of the International Criminal Court (2.b).” It should be mentioned that forced pregnancy was declared a war crime and a crime against humanity by the Rome Statute (1998) when committed in the framework of an armed conflict, “but girls who go through that experience in times of peace also suffer serious consequences, which mark their lives forever. That is why it is important to use this concept to define those situations, due to its high symbolic and clarifying impact” (CLADEM, 2016: 8). However, the actions taken by the State to address the problem of high rates of maternal mortality among girls and adolescents is the result of an attitude that protects motherhood instead of the health and the right to a decent life of girls and teenagers, condemning them to forced maternities (Vidas Robadas, 2015: 60).

55. There is solid evidence showing that prohibitions have never stopped women from aborting, they simply worsen their situation because they generate clandestine abortions in unsafe conditions and cause serious complications to their health and, in many cases, result in death. Criminalizing abortion does not diminish its practice and has been shown to be a completely ineffective policy that singles out poor women (Zuñiga-Fajuri, 2014: 842). Banning abortion does not end the practice of abortion, but rather makes it a risk (Gutmacher, 2016).

56. Institutional violence can be defined as “physical and psychological harm to people as a result of inadequate structural conditions of public institutions and systems. It should be noted that such violence may also be “generated by laws, policies or practices that limit the exercise of rights, including reproductive rights.” By this definition, forced maternities should be considered as institutional violence because “the laws that totally criminalize abortion perpetuate cultural patterns of stigma and discrimination; create barriers to access to justice for women and disproportionately affect specific groups of women” (Vidas Robadas, 2015: 66).

57. The profound harm caused by rape and sexual violence leaves mental and physical scars that can never be fully compensated for and after a girl has experienced such a traumatic event, the State makes a vital decision

between: 1) complying with its international obligations and providing the victim with a remedy for the damage inflicted upon her. In this manner, the State assures that the traumatic event the child went through does not become the event that defines the rest of her life (Major, 2012: 34). 2) On the other hand, as in the case of Guatemala, the State can use its criminal legislation to threaten and punish women if they do not continue with the pregnancy that was the result of a violation. This decision by the State constitutes a violation of its international obligations in the matter of human rights, since the "State imposes on women and girls a future lacking in choice and dignity" and "their voice is extinguished and their wishes not taken into account "(Major, 2012: 35). It is understood that the importance of the International Covenant on Civil and Political Rights derives from the conceptualization that a person who enjoys these rights in fact enjoys "humanitas dignitas", that is, human dignity. The ratification of the Covenant by the State implies the recognition of the inherent dignity of the people and the equal and inalienable rights of all humanity. The States Parties have the obligation to ensure the recognition of these rights and their legal protection, as well as their full exercise (Mititeu and Radu, 2013: 47). Article 6 of the Covenant establishes the Right to Life as an inherent right of all persons and that right must be protected by law (49). As highlighted by the Inter-American Court of Human Rights, the right to life encompasses the right to a dignified life and therefore the right to life is not violated only when there is death, but the State has the obligation to guarantee the structural conditions, which include food, sanitation, medical care, for the enjoyment of a dignified life (Vidas Robadas, 2015:72).

58. States have an obligation to prevent acts that seriously harm people's mental and physical health. The right not to be subjected to torture does not merely refer to acts that cause physical pain, but also includes psychological suffering. It is clear that forced pregnancies and motherhoods and their consequences are cruel and inhumane acts and the suffering caused by being forced to carry out a pregnancy, especially when it is a product of rape, should be considered torture. In this regard, the Committee Against Torture has emphasized that carrying a pregnancy to term in this situation constitutes constant exposure to the violations committed against them (the girls and adolescents), which is a serious traumatic stress with the risk of suffering prolonged psychological problems, such as anxiety and depression. (Vidas Robadas, 2015: 68) and that laws that criminalize abortion in all cases are acts of torture that violate women's basic human rights (Zuñiga-Fajuri, 2014: 842).

59. Furthermore, preventing the access to a safe abortion, the lack of access to comprehensive sexual and reproductive health services and the inability of the State to effectively prevent violence against women, girls and adolescents constitutes an act of discrimination, due to the fact that these are services that only this segment of the population requires and therefore it violates their right to be free from discrimination based on gender (Vidas Robadas, 2015: 70), as established in article 26 of the Covenant: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

60 Considering article 8 of the Covenant, "No one shall be held in servitude", Ferrajoli emphasizes that the prohibition of abortion and the resulting forced maternity impose not so much the obligation not to abort, but a vital disorder with incalculable consequences. Women forced into pregnancy and giving birth will have to give up many life goals to raise that child, therefore, they will enter into various types of servitudes "(cited in Zuñiga-Fajuri, 2014: 842).

61. It is important to mention that in the case of Peru, in its recommendations the Committee of the Convention on the Elimination of All Forms of Discrimination Against Women -CEDAW- stressed that the prohibition or limitation of sexual and reproductive health services (for example, abortion)) is intimately related to the stereotyped vision of the reproductive function of women and the Committee recognized that the decriminalization of abortion in cases of sexual violence is necessary, basing its argument on the fact that limiting abortion in these cases reinforces stereotypes related to gender, according to which, women are perceived as sexual objects and vessels of reproduction and therefore their rights are not fully recognized. "(Qtd. in Vidas

Robadas , 2015: 70). Taking into account the aforementioned factors, this recommendation could also be applicable to the situation of women in Guatemala.

62. In this sense, Zuñiga-Fajuri argues that the theory of human rights tends to not address the issue of abortion because of the tacit belief that because of their condition, pregnant women inherently lose their right to the full exercise of their human rights and that they should be prepared to even give up their lives for the unborn child. Zuñiga-Fajuri emphasizes that an adequate reading of human rights theory should include the right to abortion in the first two trimesters of pregnancy based on the fact that basic freedoms can only be limited for the sake of freedom itself (Zuñiga-Fajuri, 2014: 841).

63. Lastly, the debate on abortion should not be framed solely on whether or not we agree with abortion: legal or not, statistics show that women will abort. Legislating abortion is a decision between the life or death of these women and therefore, criminalizing abortion is opting for death (Zuñiga-Fajuri, 2014: 842).

64. In conclusion, the criminalization of abortion should be considered a violation of the human rights of women, girls and adolescents, particularly in cases of sexual violence because human rights are subjective rights, granting rights that can only be restricted to protect others. They can not be restricted or annulled by collective, utilitarian or consequentialist interests, nor by abstract values such as the concept of "human life" or "potential human life". Such concepts are often advanced by religious or ideological groups in the abortion debate, however, these individual beliefs can not be a basis for restricting the human rights of women, even if they are defended by the majority of the population (Zuñiga-Fajuri, 2014: 842).

65. Human rights are intrinsic, universal, global and absolute: They are absolute because they replace any and all other moral requirements and must be respected independently; they are prima facie rights, and therefore cannot they be suppressed and can only be limited by the rights of others; they are individual, not aggregated: nobody, not the State, the majority, the common good or any other similar construct has concurrent rights, which justifies moral suppression. This includes religious and metaphysical constructs such as "the sanctity of human life" or "the potential human life" (Zuñiga-Fajuri, 2014: 843). As Judith Janis Thompson analyzes, "Having the right to life does not guarantee that one has the right to use another person's body", meaning that even if we consider that the fetus has the right to life and needs the woman to survive, its right does not include using a woman's body without her consent. "(qtd. in *Mujeres Transformando el Mundo*, 2014: 110).

4. Obstacles in the Guarantee of Human Rights

66. For the Observatory on the Universality of Rights (Observatorio sobre la Universalidad de los Derechos) the term religious fundamentalisms refers to "authoritarian manipulation and the use of extreme interpretations of religion by specific state or non-state actors with the aim of achieving power and money, in addition to extending its social control (Observatorio sobre la Universalidad de los Derechos, 2017: 8).

67. In Guatemala, the forces opposing sexual and reproductive rights are powerful, well organized and well financed; and they have a strong presence. Their relationship with the government and other conservative forces hamper the advance of rights and the Catholic Church (often together with other churches and conservative actors) has played a central role in the censorship of an open debate about issues such as sexual and reproductive rights. (Richardson & Birn, 2011: 188). This strong religious and conservative influence also contributes to the unwillingness of legislators to regulate issues such as abortion from a scientific perspective, based on the fundamental rights of women (Piekarewicz-Sigal, 2015: 8 and 10).

68. Although Guatemala is officially recognized as a secular state, there has been a growing influence and interference of religion in public affairs, not only by the Catholic Church but also with right-wing conservative parties. These groups tend to use their power to advocate against the advancement of issues such as sexual and reproductive rights (Richardson & Birn, 2011: 188).

69. In this context, it is important to mention two recent examples of the power and influence that these actors and groups hold in the country's politics; the first example is the bill 5272 and the second the case of the Human Rights Ombudsman (Procurador de los Derechos Humano, -PDH-). These case studies will be studied with more detail in the following section.

The case of the bill 5272

70. On April 27, 2017, Member of Congress Anibal Estuardo Rojas Espinoza, with the National Evangelical Coordinator, introduced an initiative called "Law for the Protection of Life and the Family" (Ley para la Protección de la Vida y la Familia) (number 5272). The reason given for the presentation of this initiative was "currently there are minority groups of Guatemalan society that follow an agenda of international order and propose currents of thought and practices that are inconsistent with the right to life, the natural order of marriage and family." The Initiative was left for the approval of the Legislation and Constitutional Points Commission (Comisión de Legislación y Puntos Constitucionales.)

71. An analysis on the bill 5272 verified that it contained aspects that violated to human rights, particularly those of the LGTBI community, women, marriage / family and human rights defenders and therefore, several organizations mobilized in order to ensure that the bill would not be approved.

72. On October 18th of the same year, the Commission in charge, issued a favorable opinion with modifications, in which all the articles that promoted the regression of the current Guatemalan legislation were eliminated completely. The prohibition of marriage and de facto union of people of the same sex, limitation of the actions of the defenders working for sexual and reproductive rights were further eliminated. Only the increase in penalties for abortions that were caused violently against women were left in the bill.

73. The bill is currently in the process of approval in the Congress of the Republic, in accordance with the current Guatemalan legislation, the following steps will be carried out before the Plenary Session of the Congress, for its possible approval. However, the bill requires 105 votes in order to be approved because it holds an article that has a modification of an entity with constitutional status. This situation may be favorable, yet Congress Members may request amendments on the bill, which would, once again, most likely undermine the human rights of the population, especially those of the LGTBI community and regarding abortion.

74. In its List of Issues for Guatemala, the Committee requests that the State provide information on the measures adopted, including awareness-raising campaigns, and their impact, to prevent and provide effective protection against violence and discrimination based on sexual orientation or gender identity (...) In its 4th Periodical Report, the State provides information on various campaigns and training actions to address the issue of discrimination. However, the aforementioned measures do not have a comprehensive or sustainable approach, demonstrating a lack of commitment to the obligations of the State. Moreover, bills such as the 5272 show the influence that fundamentalist groups have within Congress and the lack of understanding about the concept of the Lay State and the principle of non-discrimination.

Resolution of PDH

75. On April 12th, 2013, The Conference "Framework of Human Rights, with a gender perspective, including Sexual and Reproductive Rights and Sexual Diversity" ("Marco de los DDHH, con perspectiva de género,

incluyendo los Derechos Sexuales y Reproductivos y Diversidad Sexual”) was held, for the purpose of strengthening the knowledge and capabilities of the staff of the Human Rights Ombudsman's Office (PDH). Derived from this event, the need to follow up on issues related to the integral vision of Human Rights was identified; sexual diversity; specialized attention to people of the LGTBI community; debate on roles and behavior that limit the participation and development of women in equal conditions and equal opportunities; and, masculinities. That same year, PDH and UNFPA signed a Letter of Agreement, from which resulted in a Training Manual for Educators of the PDH, called “Sexual and Reproductive Rights and Pregnancy Care in Girls and Adolescents”, which was tested on June 17th of 2015. On March 26th, 2016, according to the official letter CH2549 / 2016, a total of 3,000 copies of the printed manual was sent to the Human Rights Ombudsman, and it indicated that the document was made for internal use by the institution.

76. On June 22nd of 2017, the Association the Family Matters, -AFI- filed an injunction arguing that there was a threat that the PDH, with the manual issued, was not guaranteeing the constitutional rights to life and protection of the person, because the manual made mention of abortion as part of sexual and reproductive rights.

making reference especially to the Section 2.3 of the Manual, which states: "Abortion in conditions of risk: Promoting the legality of the right to abortion does not imply at all compelling women to have an abortion, as some conservative sectors erroneously suggest, but it means leaving pregnant women the freedom to choose on the termination of their pregnancy. Legalizing induced abortion implies that those who are now forced to perform it under conditions of risk, clandestinity and unhealthiness, have access to decent health services, without exposing themselves to the risk of a complication, and without being criminal, religious, moral, social and family persecution" According to AFI, the paragraph presented, "institutionally express the promotion of the legality of the right to abortion, which means leaving pregnant women the freedom to decide on the termination of pregnancy. In this virtue, we find an obvious illegality and arbitrariness in the issuance of the above-mentioned manual, which violates existing constitutional and legal provisions."

77. Following this, the Supreme Court of Justice of Guatemala, who by virtue of the Constitution, is the relevant body to hear such complaints, resolved the complaint in December 2017 as follows: "Suspend the presentation and distribution of the manual "Human rights, sexual and reproductive rights and care of pregnancies in girls and adolescents"; B. Orders the authority to cease its presentation, distribution, and refrain from issuing any manual or carry out any activity that involves supporting and promoting abortion or abortion practices, its presentation as a right, the promotion of its legalization or the transgression of the right to life from its conception, and the other fundamental rights recognized and guaranteed by the Political Constitution of the Republic of Guatemala and by any other measure related to such effects. "

78. Following this verdict, several civil society organizations protested against it, alleging among others: the right to access to information and the protection of sexual and reproductive rights. These organizations appealed before the Constitutional Court, which, at the moment, is in the phase of collecting information on the issue in order to open the corresponding hearing where the organizations can pronounce themselves and the Court can then issue a verdict that hopefully will be more coherent with the Guatemalan Constitution.

79. Therefore, the question submitted by the Committee to the State of Guatemala in its list of issues is still pending; "Please explain the measures taken to ensure that the Human Rights Ombudsman has sufficient human and financial resources, in accordance with the principles relating to the status of national institutions (The Paris Principles). Also, please provide information on the measures adopted to guarantee the independence and proper functioning of the prosecutor." It is clear that the actions mentioned earlier, carried out by the highest powers of the State, do not allow the independence and proper functioning of the PDH and present an immediate risk to the guarantee of the human rights of the citizens of the country, and evidence of the lack of commitment by the State of Guatemala to its international obligations, as well as national ones, established by law.

5.Recommendations

1. Raise awareness among the authorities and staff of the State institutions, especially judges, about the laws that protect girls and adolescents, particularly the Law for the Comprehensive Protection of Children and Adolescents, the Law to Prevent Punishment and Eradicate Violence Intrafamily Violence, Law Against Femicide and Other Forms of Violence Against Women, and the Law of Sexual Violence, Exploitation and Trafficking in Persons, in order to apply these laws without any type of stereotype that may exist in the social imaginary obstructing justice for girls and teenagers .
2. Carry out long-term and systematic campaigns to eradicate stereotypes and harmful practices that violate the rights of girls and adolescents and raise awareness among students, teachers, parents, and leaders of the community.
3. Implement Comprehensive Sexuality Education, based on secular, scientific, and human rights principles, in all educational centers of the country in a gradual manner, and increase the budget of the educational system assigning a percentage to Comprehensive Sexuality Education, in a proportional manner and ensure quality education with a specific gender focus.
4. Monitor and ensure the supply of modern contraceptive methods in all health centers and guarantee access to sexual and reproductive health services specific to the needs of adolescents and young men and women.
5. Guarantee access to therapeutic abortion in order to reduce maternal deaths of adolescents and unsafe abortions in the country. In addition, it is essential to expand access to abortion due to sexual violence, considering the high rates of violence against girls and adolescents and review the legislation on abortion and broaden the debate on the legalization of abortion.
6. The State should consider not only the fact that 43 girls died in the fire of the Virgen de la Asunción Home, showing that this is only the tip of the iceberg of many other situations of violence that occur in this type of homes, which threatens the integral development of the Guatemalan youth. Moreover, the State must guarantee the reparation to the affected families and assume its error.
7. The three State Organizations should consider the prevention of forced pregnancies as a priority in their work plans, recognizing that these pregnancies are linked to violence against girls and adolescents; and therefore forcing a girl or adolescent to carry out a forced pregnancy and assume forced motherhood is a form of torture.
8. The State must respect the secularity of the State and prevent and combat the interference of conservative and religious groups in the formulation of public policies. In addition, it is essential that the State respect the autonomy and independence of human rights institutions, such as the PDH.

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