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Guatemala Country Case Study: Child Rights

Commissioned by Norad and Sida

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EXECUTIVE SUMMARY

1. This study asks what factors and conditions have generated positive results of Norwegian and Swedish assistance to promote child rights in Guatemala. The evaluation is concerned with specifying strategies and interventions that function well, as well as with identifying gaps and failures in existing policy and practice.
2. The methodology employs semi-structured interviews with key stakeholders in ten sampled interventions, combined with the reading of a large amount of secondary material. A severe limitation was the time constraint which adversely affected the depth of analysis.
3. Guatemala has a legal basis for the protection of children and young people and ratified the United Nations Convention on the Rights of the Child in 1990, which was domesticated in 2003 with the passage of the Law on the Integral Protection of Children and Adolescence.
4. With a population of 11.2 million, made up of 22 different ethnic groups, Guatemala is a multicultural and multi-lingual country. The majority live in rural areas. Nearly seven million are below 18 years of age and make up 51 per cent of the entire population. If we add the population below 24 years a very youthful age structure emerges: 65 per cent of all Guatemalans are younger than 24 years.
5. Guatemala occupies the 122nd place on the human development index. With the very high Gini index (indicating inequality in the distribution of income and consumption) of 53.7 in 2006 the country is characterised by deep social inequalities. About 57 per cent live in conditions of poverty and 22 per cent in extreme poverty. Approximately 67 per cent of children and adolescents aged 0–18 live in poverty.
6. Extreme violence has grown in recent years in Guatemala. On a daily basis 17–20 people are murdered, mostly by the use of firearms. So far in 2010 violent crime has killed four children per month. Hundreds of children and adolescents have been orphaned owing to a high murder rate of mothers and fathers. A serious aspect of violence is the recruitment of children and youth into gangs (*'pandillas'* or *'maras'*) operating in marginalised urban areas.
7. The country invests a mere 1.6 per cent of its public investment budget in sanitation services and only 1.3 per cent in health services – the lowest levels in Central America. This results in high infant mortality (44 deaths for every 1,000 live births), and chronic malnutrition which affects 49.3 per cent of children under five years of age.
8. While 95 per cent of the children have access to primary education, the quality of education is questionable. Half of the children never complete primary school.
9. The pregnancy of very young women is a public health problem; 24,258 girls and women between the ages of 10 and 24 became pregnant in 2008. A problem related to young motherhood is the high number of abandoned children and the vulnerability of their mothers to being manipulated or conned into giving up their children for adoption.
10. The youthful population of Guatemala possesses considerable potential in terms of electoral power. In 2007, voters between the ages of 18 and 25 accounted for 23 per cent of all registered voters. Political parties are wooing the youth but no party has formulated policies geared to cater for the interests of young people.
11. Guatemala has ratified the CRC and both its optional protocols on (a) the sale of children, child prostitution and child pornography; and (b) the involvement of children in armed conflict. Guate-

mala submitted its fourth periodic report in 2008. However, the ‘Concluding Observations’ with reference to the 2008 report are not yet available. The latest ‘Concluding Observations’ by the CRC Committee date from 2001 with reference to the previous state report.

12. The Committee expressed concern about the insufficiency of resources committed to children in view of the very high poverty rate among children. While commending the government for having strengthened the data collection system, it recommended that a system of social indicators be established to cover the entire gamut of child rights. The Committee was also concerned about the low minimum marriage age and the non-registration of a large numbers of children, in particular girls in poor rural and urban areas. Furthermore, the CRC Committee was deeply concerned about the lack of supervision of adoption and reported allegations on the sale and trafficking of children for inter-country adoption, which led the Committee to recommend full suspension of adoption until a system was put in place to eliminate the sale and trafficking of children.
13. The points of departure of this evaluation are the general principles of the CRC: (a) non-discrimination (Article 2); (b) the best interest of the child (Article 3); (c) the right to express views and be heard (Article 12); and (d) the right to life, survival and development (Article 6). The international cooperation strategies of both Sweden and Norway stress the necessity to strengthen the rights of children. Are the interventions of Norway and Sweden designed and function in practice in accordance with the international norms? What mechanisms and interventions function well and which do not, and under what conditions?
14. Guatemala has a long history of collaboration with and support from Norway in key areas: democratisation, indigenous peoples, peace accords, women, children and youth. However, The Norwegian Embassy is gradually scaling down its aid programme and currently channels assistance through CSOs only.
15. The general objective of Sida’s strategy for development cooperation with Guatemala is to create conditions for consolidating peace and reducing poverty. In 1999 Sida developed a strategy for integrating a child rights perspective into its bilateral cooperation.
16. Save the Children Guatemala and the Alliance for Communitarian Youth Development (ADEJUC) are promoting the rights of the child with citizen participation through two programmes: ‘Re-Writing the Future’ and the ‘Programme for the Rights of Children’. The former aims to strengthen the Ministry of Education and to improve the quality of the educational system. The latter promotes the participation, organisation, public presence and expression of children and adolescents in communities and focuses on children and youth between 7 and 25 years of age.
17. UNICEF and Sida have been working together on child protection since 2005. The central aim is to promote and assist the formation of a system of protection, inclusion and development for children, adolescents and women. Efforts are being made to decentralise services; to articulate a protection system that is fragmented; to strengthen the legal system; and to institute legal reform.
18. Plan International has supported the Children’s Refuge which currently shelters 18 girls and young women from the age of 12 upwards, most of whom are victims of abuse. An important aspect is awareness-raising among girls and young women through a new model with integrated care and community therapy.
19. Most interventions do not explicitly subscribe to mainstreaming as a deliberate strategy but child rights are brought in ‘through the back door’ because they are closely related to the main thrust of the interventions.

20. The Indigenous Women's Ombudsman (DEMI) was established in June 1999, phase 2 of which was financed by Sweden. By 2007, DEMI covered seven locations in the country and sustainability was enhanced through the public matching of funds from Sweden. DEMI does not explicitly mainstream child rights but children are recognised as being affected as women are.
21. The Swedish Cooperative Centre has made gender mainstreaming a priority and a requirement in agreements with partners. The SCC does not transfer funds directly to state institutions. While gender is mainstreamed, child rights are not as a deliberate part of its strategy. Nonetheless, work with children is indirectly linked to the training of female leaders.
22. Red Cross Norway first entered Guatemala in an emergency response to the devastation caused by Hurricane Stan. Subsequently a rehabilitation programme was developed with three key components: (a) community health; (b) HIV and AIDS prevention; and (c) organisational development for improved management. In 2008, a new project was started – Public Health and Emergencies (AIEPI) – to increase the capacity of communities to respond to natural disasters, as well as to strengthen Red Cross Guatemala to respond to crises and to manage the distribution of drinking water.
23. Much Norwegian and Swedish assistance has gone into institution building. Norwegian Church Aid has assisted the Institute for Sustainable Development Training (IEPADES) in peace-building and democracy based on social justice and communitarian self-development. One element is 'Working to Control Arms in Guatemala', targeting youth to prevent their recruitment into violent gangs. Swedish Diakonia works on central themes such as democratisation, gender, human rights, and economic justice, particularly in collaboration with the Mayan Association *Uk' u'x b'e*. The general objective is to strengthen the capacity and impact of young Mayan leaders in defence of the collective and historic rights of the Mayan people.
24. Important advances have been made in reforming the legal basis of the protection of children and adolescents in Guatemala. Notwithstanding these improvements, the overall level of implementation and enforcement of the rights of children and young people remains extremely low. A patronising attitude to children and militarised policing of youth gangs undermine child rights. The weakness of the state in child rights promotion is also reflected in civil society; few CSOs are dedicated to working on childhood issues.
25. The assistance by Norway and Sweden in favour of child rights is important and relevant. It has contributed significantly to raising political awareness and spurring debate on these issues in domestic Guatemalan politics. Even so, child rights remain a limited concern in domestic development. Despite increasing participation by young people, the attitude of adult-centricity is entrenched. Given that there is little recognition of cultural diversity in the country, the efforts of Diakonia and *Uk' u'x b'e* and the study conducted by DEMI and UNICEF have been important in putting the situation of indigenous girls on the agenda.
26. All organisations purport to be willing to mainstream child rights. However, despite their awareness and openness the persisting weakness of both Norad's and Sida's partners is discernible in their failure to create space for a discussion of the rights of children and adolescents. A general assertion was that there are few spaces for meeting, discussing and sharing experiences, synergising and strategising.
27. Children and young people aired the view that they learn best through active and participatory methodologies that integrate fun and recreational activities, and appreciated the opportunity to express opinions freely. Mayan children saw knowledge and value of their culture as important.

28. Sweden and Norway should continue providing financial assistance to strengthen child rights in Guatemala; the level of support should not be reduced. Engagement in a dialogue with local partners was seen as desirable. Strategic political assistance should be considered and high-level consultation on issues linked to child rights. Research projects could assist the work of local partners and enhance the visibility of child rights, and provide inputs to the design and production of teaching materials for children and young people. Finally, Sweden and Norway should continue to prioritise democratisation, human rights, sustainable development, gender equality and indigenous peoples' rights as key strategic objectives in the contemporary development of Guatemala.

Acronyms and abbreviations

ADEJUC	Alliance for Communitarian Youth Development
AIEPI	Atención Integrada a las Enfermedades Prevalentes de la Infancia
CIPRODENI	Institutional Coordinator for Children's Rights
CNA	National Adoption Council
CNEM	National Maya Education Council
CNNA	National Commission on Children and Adolescents
COCODE	Departmental Level Development Council
COINDE	Council of Development Institutions
COMUDE	Municipal Development Council
CONACMI	National Committee for the Prevention of Child Abuse
CRC	United Nations Convention on the Rights of the Child
CREA	Resource Centre for Education and Learning
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DEMI	Ombudsman for Indigenous Women
FLACSO	Faculty of Latin American Social Sciences
FUNDESCO	Foundation for Community Development
GTQ	Guatemalan quetzal (currency)
ICEFI	Central American Institute for Fiscal Studies
IDPP	Institute for Public Criminal Defense
IEPADES	Institute for Sustainable Development Training
INE	National Institute of Statistics
MFA	Ministry of Foreign Affairs
MINEDUC	Ministry of Education
MP	Ministry of Public Policy
MoU	Memorandum of Understanding
MSPAS	Ministry of Public Health and Social Assistance
NCA	Norwegian Church Aid
NCP	National Civilian Police

NGO	Non-governmental organisation
NOK	Norwegian krone (currency)
Norad	Norwegian Agency for Development Cooperation
OECD	Organisation for Economic Cooperation and Development
ODHAG	Human Rights Organisation of the Archbishop of Guatemala
OXFAM	Oxford Committee for Famine Relief
PGN	Attorney General
RENAP	National Registry
SBS	Social Welfare Secretariat
SCC	Swedish Cooperative Centre
SCG	Save the Children Guatemala
SEGEPLAN	General Planning Secretariat
SEK	Swedish krona (currency)
Sida	Swedish International Development Cooperation Agency
ToR	Terms of Reference
UN	United Nations
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children's Fund

Introduction

This report presents the results of a qualitative evaluation of Norwegian and Swedish assistance to child rights in Guatemala. The evaluation was carried out between May and August 2010 by a team from the Faculty of Latin American Social Sciences (FLACSO) and the Chr. Michelsen Institute (CMI).

On account of Norway's and Sweden's commitment to the United Nations Convention on the Rights of the Child, the Norwegian Agency for Development Cooperation (Norad) and the Swedish International Development Cooperation Agency (Sida) decided to carry out a joint evaluation in order to analyse the extent to which their assistance to Guatemala had strengthened the position of child rights in the country.

The central goal of the evaluation has been to obtain an understanding of the effects of aid efforts, to draw conclusions and lessons learned, and to make recommendations for the future. Simply put, the study asks: what factors and conditions have generated positive results? As such the evaluation is concerned with specifying strategies and interventions that function well, as well as identifying gaps and failures in existing practice. The terms of reference (ToR) emphasise the need to study the mainstreaming ('*transversalidad*' in Spanish) of child rights into different types of intervention – the goal not being to evaluate them *per se* in isolation, but to consider the way in which child rights are incorporated from the design phase through to completion. It follows that the evaluation does not only focus on selected organisations that work directly with childhood issues, but also covers projects in other sectors and areas such as gender, the environment, maternal health, HIV and AIDS among others. Such a focus was applied to a sample of ten interventions assisted directly by Sida, Norad or the Norwegian Ministry of Foreign Affairs (MFA) through different channels and partners, e.g. bilateral cooperation and state institutions, multilateral agencies and civil society organisations (CSOs). The evaluation and the quality criteria stipulated in the ToR underscore adherence to those of the OECD/DAC: relevance, effectiveness and sustainability of interventions.¹

The evaluation was carried out by a team of local consultants, in cooperation with and overseen by a lead Norwegian consultant. As a result of extreme weather conditions (tropical storm Agatha) and a volcanic eruption the lead consultant was unable to enter the country and changes to both the schedule and operation of the evaluation team were necessitated. A revised schedule for the country study was drawn up and it was decided in consultation with the Steering Group that the field work be carried out by the local consultants on their own in order to not overly delay its completion parallel to the other country studies of Kenya, Mozambique and Sudan as the basis for the synthesis report. The lead consultant provided guidance on the interpretation of the ToR, translated the Spanish language report into English translation and finalised it.

The methodology used for the evaluation was in accordance with the ToR based on a series of semi-structured interviews carried out with key actors in selected interventions, and focus groups with children, adolescents and other beneficiaries. It also included two workshops with stakeholders: the first to present the objectives and methodology of the evaluation and to draw a sample of ten interventions to be studied in some depth, and the second one to present and discuss the principal findings.² A total of 17 interviews and three focus group discussions were carried out. Of the 17 interviews, 14 were with individuals and three with several individuals at the same time. A total of 25 people were interviewed (18 women and seven men).³ A total of 37 children and adolescents and 34 women from the Infant Maternity Group at the Norwegian Red Cross took part in the three focus groups. These groups comprised a total of 71 participants.

¹ Terms of reference: "*Joint Evaluation of Norwegian Ministry of Foreign Affairs/Norad & Sida Support to the Rights of the Child*. Oslo, 17 December 2009.

² The first seminar was held on 4 June and the second on 19 August 2010.

³ See appended list of key informants.

A severe limitation encountered in undertaking the present study was the time constraint. It has to be recognised that this had a direct adverse impact on the depth of analysis. What has been produced in this report must to be seen as a quick glance at highly complex issues that in an ideal world would warrant much more time and care. The initial ToR allocated only 14 working days to the local consultants. This time was to include the organisation of two workshops with stakeholders, 20 interviews, three focus groups and write-up of the report. As a result of the changes made in response to the extreme weather conditions in Guatemala, additional resources equivalent to the cost of 10 working days originally allotted the Norwegian team member were transferred to the local team. Many of the sampled projects in the evaluation operate in rural districts of the country, requiring travel to different departments and municipalities. Interviews were also carried out at various sites within the capital city.⁴ Having to schedule (and often reschedule) interviews with key informants spread across large distances further delayed the completion of the work.

Despite these drawbacks, the evaluation team found the work extremely interesting. Moreover, the team was impressed on the whole by the commitment of the organisations and individuals with whom they interacted.

Background

“... There are no clearer indications about the development of a country than those referring to childhood, in them the health and sickness of a people become clear.”

Monseñor Juan Gerardi Conedera

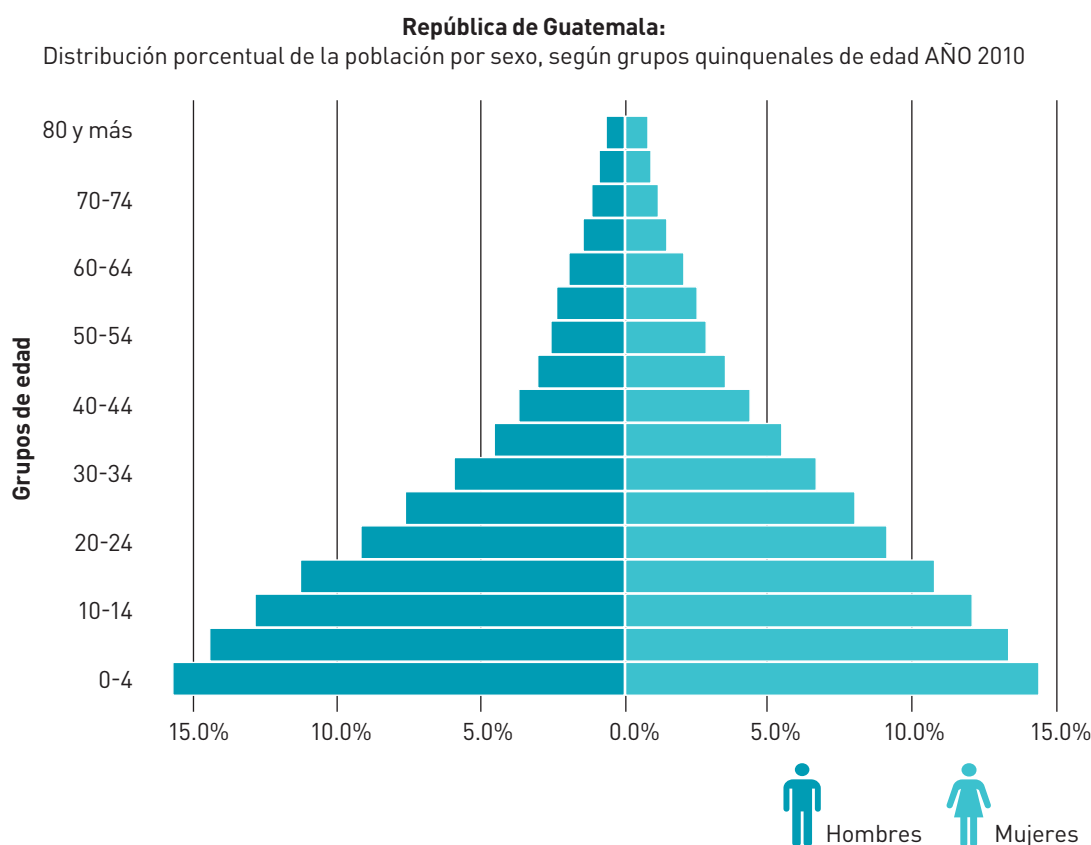
Guatemala has an operational legal basis for the protection of children and young people. In 1990 the country ratified the United Nations Convention on the Rights of the Child. This instrument was further developed in 2003 with the approval of the Law on the Integral Protection of Children and Adolescence (Ley PINA) in which the Guatemalan state defines children and adolescents as subjects of law. These normative legal foundations were further complemented by the approval of the Law of Adoption and Convention on Protection of Children and Co-operation in Respect of International Adoption (December 2007).⁵ By means of Government Decree No. 333–2004 (19 October 2004), the Presidency furthermore agreed to assume as official public policy the Integral Protection of Childhood and Adolescence and approved the National Action Plan in Favour of Children and Adolescents for the period 2004 to 2015. In March 2009, Congress ratified Decree Number 9 and the Law against Sexual Violence, Exploitation and Trafficking of People. This norm created a penal code that complemented the adoption law and the law against organised crime. It is also important to note the importance of the Law of National Registry – RENAP, Decree Number 90 (2005) – that guarantees rights to both name and identity.⁶

With a population made up of 22 different ethnic groups Guatemala can be defined as a multicultural and multi-lingual country. Demographically speaking, the country has a total population of 11.2 million, of which the majority live in rural areas (53 per cent). Within the 0–18 age bracket there are an estimated total of 6.9 million children and adolescents who make up 51 per cent of the entire population. If we add to this statistic the population under 24 years of age we encounter an age structure with a very youthful profile: approximately 65 per cent of all Guatemalans are below 24 years of age. This is evident in the figure below:

⁴ The field work included visits to Chimaltenango, Quetzaltenango and Retalhuleu. Interviews were carried out in the following zones of Guatemala City: 1, 2, 4, 6, 9, 10, 11, 13 and 14.

⁵ UNICEF, El Sistema de Protección de la niñez en Guatemala, 2007.

⁶ International organisations estimate that one in ten Guatemalans are born without registration, implying that circa 1.3 million Guatemalans (adolescents and adults) lack registration papers, and 600,000 children have not been registered. Ligia Flores. Diario La Hora, Nacionales, 03/07/2009.



Fuente: Proyecciones de población en base al Censo del 2002

Figure 1 Distribution of population according to gender and age

Economically the country is characterised by deep social inequalities. Guatemala occupies the 122nd place in the human development index, with the very high Gini index (indicating inequality in the distribution of individual and household incomes) of 0.537 in 2006.⁷ Until 2000 this indicator was among the highest in Central and Latin America.⁸ Exclusion and inequality represent two of the greatest obstacles to the nation's development. Poverty and extreme poverty affect the entire country. It manifests itself in its most severe manner among the most vulnerable social groups: indigenous peoples, women and children. More than half of the Guatemalan population (57 per cent) lives in conditions of poverty and 22 per cent in extreme poverty. It is estimated that approximately 67 per cent of children and adolescents aged 0–18 live in poverty.

The effect of poverty on children's quality of life is manifested in different ways. For example, it is estimated that about one million children and adolescents work, more than half of whom are between 5 and 14 years of age.⁹ Another aspect of child poverty is the high level of infant malnutrition (43 per cent, of which 16 per cent suffer from severe malnutrition). According to available statistics, indigenous children are most affected by malnutrition (59 per cent), and six out of every ten indigenous children are severely malnourished. It has furthermore been observed that six out of ten children whose mothers lack any education experience chronic problems of malnutrition, while only two of ten children to mothers with secondary or higher education show signs of chronic malnutrition.¹⁰

⁷ World Bank, *World Development Indicators 2010*, Washington D.C.: World Bank, 2010 p. 95.

⁸ Peace and Development Association. Boletín Informativo N° 26. Guatemala, septiembre 2004.

⁹ Ibid.

¹⁰ Preliminary Report, National Mother Child Survey 2008/09 (ENSMI-2008/09). Ministerio de Salud Pública, Guatemala, octubre 2009.

Context of child rights in Guatemala

Despite the fact that Guatemala has a legal basis for the protection of children and adolescents there are many weaknesses in the system and children remain low on the state's order of priority. Every day children and young people face situations that threaten their fundamental rights and dignity: poverty, the lack of access to education, health services and housing; violence, sexual abuse; work and exploitation, malnutrition, hunger and preventable diseases, etc.

Extreme violence has grown in recent years in Guatemala. On a daily basis 17–20 people are murdered in the country, mostly by the use of firearms. According to Adriano González Regueral, a representative of UNICEF in Guatemala, this criminality has so far in 2010 caused the deaths of four children per month. On 13 July 2010 altogether 312 children were reported to have been killed as a result of violence in the country.¹¹ In addition to the number of children killed by direct armed violence, it is also important to highlight the serious problem of hundreds of children and adolescents who have been orphaned as a result of the high levels of female murders (*feminicidios*). In Guatemala, 722 women were brutally killed in 2008; more than 700 were murdered in 2009 and to date in 2010 (August) 415 women have been killed. About 98 per cent of these murders are not investigated, despite the fact that the victims commonly have 1–6 children.¹² Many children are also made orphans because their fathers are killed, particularly due to traffic accidents and public transport attacks. The Association of Public Transport Widows (Avistrap) maintains a register of about 200 children who have lost their fathers in attacks on buses. According to statistics produced by the Home Ministry, 65 drivers have been assassinated so far (August) in 2010, as well as 44 assistants and 41 passengers.¹³

Another serious effect of poverty and violence is the recruitment of children and youth into gangs (*pandillas* or *maras*) operating in marginalised urban areas. Children and adolescents join the gangs in search of an identity and a sense of family belonging. Despite their perpetration of violence the gangs provide a sense of security, company, income and food to their members. Lack of education, access to recreational spaces and activities and family disintegration all further encourage children and youth to join these groups of organised criminals.¹⁴ The *maras* are known in the country for their involvement in the drug trade, robbery of vehicles and trafficking of children for prostitution.

The country only invests 1.6 per cent of its public investment budget (PIB) in sanitation services and 1.3 per cent in health services – these lowest levels in Central America. As a result, Guatemala suffers from high infant mortality (44 deaths for every 1,000 live births), mostly as a result of easily preventable diseases and conditions such as diarrhoea, respiratory illnesses and chronic malnutrition.¹⁵ Chronic malnutrition affects 49.3 per cent of children under five years of age. This is the highest level in Latin America. The indigenous population is affected even more seriously with 69.5 per cent of under-fives suffering from chronic malnutrition, which makes them a particularly vulnerable group.

The statistics on access to schooling are also discouraging, indicating that bottlenecks still exist in the system. According to data from the Ministry of Education 95 per cent of the children have access

¹¹ Orozco, Andrea. *Cuatro niños mueren mensualmente por balas perdidas en el país*. Diario La Hora, Nacionales. Guatemala, 16 de julio de 2010. <http://www.lahora.com.gt/notas.ph>

¹² Ortiz, Flor de María. *Niñez huérfana por la violencia, sin políticas para ser atendida*. Diario La Hora, Nacionales. Guatemala 23 de febrero de 2010.

¹³ Pérez, Lilian. Presidenta de Avistrap. En: *El Dolor tras la muerte de los pilotos*. Mariela Castañón, Diario La Hora. Guatemala 29 de julio de 2010.

¹⁴ The level of schooling in Guatemala is extremely low. The National Statistics Institute (NSI) estimates that the median length of study is only 2.3 years. It is even less in indigenous municipalities (1.3 years). According to the Ministry of Education (2005), the overall primary education enrolment rate is 84 per cent and 33.2 per cent at the secondary education level.

¹⁵ Plan Internacional. *Agua limpia en Guatemala para reducir la mortalidad infantil un 26%*. Guatemala, 22/03/2010. <http://plan-espana.org/prensa-y-publicaciones/noticias/plan-guatemala-agua>

to primary education. However, the corresponding figure for the pre-school level was only 50 per cent.¹⁶ While the enrolment rate at the primary education level is quite good, the quality of education is in question. According to the Central American Institute for Fiscal Studies (CAIFS), the poor quality of education has had serious consequences for the country, creating low competitiveness and little employment. As a result:

- 1 out of 2 children do not complete primary school;
- 1 out of 2 children are unable to write when they leave primary school;
- 1 out of 5 children who leave secondary schools fails the mathematics test.

According to the Attorney General for Human Rights in Guatemala, seven out of ten children suffer from sexual abuse – an astoundingly high figure.¹⁷ However, as with other crimes impunity is common, coupled with incapacity to detect and prosecute such abuse. For example, only three children’s judges serve the entire central region of the country and its municipalities. The Attorney General has only three investigators to follow up all court cases. As a result, the backlog of cases is extremely long, with some scheduled for April 2011 (as at August 2010).¹⁸

The pregnancy of teenage and young women is another major public health problem in Guatemala. According to official statistics 24,258 girls and women between the ages of 10 and 24 became pregnant in 2008.¹⁹ The number of single mothers is rising and adds to the vulnerability of children. In the metropolitan area 20 per cent of mothers live alone with their children, while the figure rises to 28 per cent in the rural areas. The report ‘Adoption in Guatemala: Protection or Market?’ highlights that out of every thousand young mothers aged 15–19, 114 give birth each year.²⁰ A central issue related to young motherhood is the high number of abandoned children and the vulnerability of their mothers to being manipulated or conned into giving their children up for adoption.²¹

Table 1: Births by Young Mothers

Births by young mothers		Percent mothers aged 20–24
Urban areas	113 per 1,000 births	14%
Rural areas	85 per 1,000 births	54%

Source: Observatorio sobre la niñez y juventud en Guatemala. ODHAG.

In terms of politics, the youthful population of Guatemala possesses considerable potential in terms of electoral power. In the last election in 2007, FLACSO documented that 295,000 young people between the ages of 18 and 25 had registered to vote.²² This statistic accounts for about 23 per cent of the total number of Guatemalans who had registered to vote.²³ Recognition of these high and rising figures has resulted in efforts by national political parties to woo the young population in order to gain their vote. However, no party has formulated a clear policy to defend the legal basis of the rights of the child or generated public policies geared to children and young people.

¹⁶ Ibid.

¹⁷ UNICEF, *Desarrollando un Sistema de protección para los niños y adolescentes guatemaltecos*. Guatemala, octubre de 2008.

¹⁸ Interview with Jueza Noemí Téllez, Juzgado 2do, de la Niñez y Adolescencia. Guatemala, jueves 15 de julio 2010.

¹⁹ ODHAG, *Informe situación de la niñez y adolescencia en Guatemala 2008*.

²⁰ ODHAG, *Nacimos para ser felices*. Observatorio sobre la niñez y juventud en Guatemala. Guatemala, 18 de mayo de 2009. www.odhag.org.gt/observatorio/

²¹ Ibid.

²² Berganza, Gustavo. *Los jóvenes, los medios y las elecciones*. En publicación: “Diálogo, Nueva época”, No. 64. FLACSO, Facultad Latinoamericana de Ciencias Sociales, Sede Guatemala: Guatemala, mayo 2008. Acceso al texto completo: <http://www.flacso.edu.gt/dialogo/64/dialogo.pdf>

²³ In the national elections in 2003, a total of 834,487 young people aged 18–25 were registered to vote, i.e. 18 per cent of the total number of registered voters. See Gustavo Berganza (2008).

Guatemala and the CRC

Guatemala has ratified the CRC and both its attendant optional protocols on (a) the sale of children, child prostitution and child pornography; and (b) the involvement of children in armed conflict. As a state party to the CRC, Guatemala is required to submit periodic reports on the status of the implementation of the convention in the country. Once the CRC Committee has debated the report and raised a number of issues to which the Government of Guatemala would respond, the treaty body would then make some ‘Concluding Observations’ pointing out areas in which improvement is expected.

The latest ‘Concluding Observations’ by the CRC Committee are from 2001²⁴, while those appertaining to the optional protocols are from 2007.²⁵ Guatemala submitted its fourth periodic report in 2008.²⁶ Following the standard procedure the treaty body drew up a list of issues to be taken up in consideration of the state report²⁷ and the Guatemala government prepared written responses to the issues raised.²⁸ At the time of writing (August 2010), the ‘Concluding Observations’ with reference to the 2008 report were not yet available. As a result, we have no updated authoritative source to consult in order to determine whether Guatemala has complied with its obligations under the CRC. Therefore, in the absence of a more recent reference point, we had no choice but to use the somewhat dated ‘Concluding Observations’ from 2001 to make an assessment of degree of compliance. This is not entirely satisfactory, but in the circumstances it is the best that could be done.

Among the ‘Concluding Observations’ from 2001, the CRC Committee was concerned about the postponement of the entry into force of the Children and Adolescent Code of 1996. The Act on Comprehensive Protection of Children and Adolescents eventually came into force on 19 July 2003. The Committee also recommended setting up a coordinating mechanism for implementing the CRC at both national and local levels. Since then, the National Commission on Children and Adolescents (CNNA) has been established as a lead agency for coordinating public policies on children and adolescents, comprising both state and CSO representatives. The Committee was also concerned about the insufficiency of resources committed to children in view of the very high poverty rate among children. The 2008 periodic state report states that 2.8 per cent of the budget was allocated to children and adolescents in 2007, up from 1.3 per cent in 2004. The source is the education budget of the Ministry of Finance and it is not clear whether the figures cited are only for education or include other social sector allocations as well. The budget allocation for the National Commission was expected to be doubled in 2009, but due to economic problems and low tax receipts it remained at less than GTQ 500,000.

The Committee noted that data collection had been strengthened by the setting up of a social indicator system and that a national survey on maternal and child health had been conducted, and recommended that a system of indicators and data collection covering the entire gamut of child rights be established. The government says in its 2010 written response that a report of statistical data on the rights of children and adolescents has been published by the UNDP and UNICEF. Further, a National Survey of Living Conditions was conducted in 2006 and a follow-up National Survey on Maternal and Child Health was carried out in 2008–2009. Preliminary results showed that while infant mortality rates were

²⁴ CRC/C/15/Add.154. 9 July 2001.

²⁵ CRC/C/OPSC/GTM/CO/1. 9 July 2007 (sale of children) and CRC/C/OPAC/GTM/CO/1. 8 June 2007 (armed conflict).

²⁶ CRC/C/GTM/3–4. 25 April 2008.

²⁷ CRC/C/GTM/Q/3–4. 5 February 2010.

²⁸ CRC/C/GTM/Q/3–4/Add.1. 23 April 2010.

down, there were persistent health differential between indigenous and non-indigenous peoples and the level of chronic malnutrition was unchanged.

The Committee recommended that efforts be made to translate information material into indigenous languages and that creative methods be used to promote the Convention, particularly at local levels and that training be provided to professionals working with children. In this regard, technical assistance could be sought from the UN and other development agencies.

The CRC Committee further recommended that the minimum marriage age be raised to 18 years for both boys and girls. The government noted in its 2008 state report that early marriage between boys aged 16 and girls aged 14 is accepted among Mayans provided parental consent is given. The 2010 report stated that the authorisation of early marriage is exceptional and only granted when parental consent is given.

The CRC treaty body also expressed concern that the general principles of non-discrimination, the best interests of the child, and respect for the views of the child were not fully reflected in legislation, judicial practices, policies and programmes. This applied specifically to indigenous groups, poor children, especially girls, children with disabilities and displaced children. In the 2008 report, the government listed relevant legislation and programmes, some prepared and implemented with the assistance of the UNDP (juvenile justice) and UNICEF (training programme for justices of the peace), as responses to the Committee's recommendations. We are not in a position, however, to determine whether these actions are sufficient to ensure compliance with the Convention.

The Committee was also concerned about the non-registration of a large numbers of children, in particular girls in poor rural and urban areas. The 2008 state report noted that there is no legal provision preventing the registration of births, but cultural practices, poverty and low educational status, particularly in rural areas, lead to under-registration. However, the report does not provide information on the extent of non-registration or on progress made towards full registration. The Committee recommended social assistance to families to help them with parental responsibilities as a means to reduce the number of children in institutional care.

Furthermore, the Committee was deeply concerned about the lack of supervision of adoption, in particular considering the high rates of inter-country adoption and reported allegations on the sale and trafficking of children for inter-country adoption. Under these circumstances, the Committee recommended full suspension of adoption until a system had been put in place for the prevention and elimination of the sale and trafficking of children. The government informed in its 2008 state report that the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption was adopted in 2002, but due to legal technicalities, it entered into force only in 2007. The Adoption Act also entered into force in 2007, which made adoption conditional on authorisation by a juvenile court judge after consideration of the medical, social and psychological aspects of the child's case and after having established that family reunion was no longer possible. Concurrently with the Act, the National Adoption Council was established with legal personality and a mandate to ensure the protection of children and adolescents during the adoption process.

Several of the Committee's observations concern issues relating to the life and development of children in general. It noted discrimination against children with disabilities who to a large extent tend to be institutionalised; the inadequate health standards of children, particularly in poor rural and urban areas; malnutrition among infants and children under five; early pregnancies, sexually transmitted diseases, drug abuse and the rising number of HIV and AIDS cases among adolescents; high drop-out rates, high pupil-teacher ratios, high incidence of absenteeism in the school system; and that bilingual education was offered only in a few indigenous languages. To address these issues the government was advised to seek international assistance, including from UN agencies.

The Committee recommended special protective measures for children affected by armed conflict, including investigating cases of children being forcibly abducted, launching national reparation programmes, and supporting the resettlement of displaced groups with particular attention to protecting displaced children. Second, the Committee was deeply concerned about the large number of children exploited economically, particularly those below 14 years of age. Third, the Committee was concerned about the rising phenomenon of commercial sexual exploitation of children, in particular girls. Fourth, it remained concerned about the living conditions of street children, in particular reports of rape and ill-treatment and torture and even murder for the purpose of ‘social cleansing’. Finally, it expressed serious concern about the juvenile justice system, particularly the practice of prolonged pre-trial detention during which children with no previous criminal record were incarcerated together with children with criminal records. On all these special protection issues, the government was advised to seek international assistance as might be required.

The government has recognised the severity of these issues by ratifying both optional protocols to the Convention, dealing with children in armed conflict and the sale of children, child prostitution and child pornography. Both the 2008 state report and the 2010 written replies to the list of issues raised for consideration by the CRC Committee provide an overview of activities undertaken to address these issues, many with considerable international assistance, showing that outside agencies are assisting Guatemala in making progress towards achieving the standards set by the CRC.

Approach and methodology

The points of departure of this evaluation are the general principles of the CRC: (a) non-discrimination (Article 2); (b) the best interest of the child (Article 3); (c) the right to express views and be heard (Article 12); and (d) the right to life, survival and development (Article 6). Marking the 20th anniversary of the Convention, the donors and partner governments have endeavoured to adhere to these principles. Furthermore, they have affirmed their commitment to the Millennium Development Goals (MDGs) by defending the social, economic and cultural rights of children.

Sweden and Norway both stress in their international cooperation strategies the necessity to strengthen the rights of children. As a result, the present evaluation is carried out as a joint effort, in order to benefit from synergies and to identify the coincidences and gaps that exist in their prioritised work for child rights.²⁹

The evaluation seeks answers to two key questions:

1. Are the interventions of Norway and Sweden designed and function in practice in accordance with international norms and recommendations established by the supervisory Committee of the Convention on the Rights of the Child?
2. Given the normative understanding of the CRC, what mechanisms and interventions function well and which do not, and under what conditions?

The strategy and methodology for the collection of information were based on three main sources: (i) secondary documentary sources; (ii) qualitative semi-structured interviews with key informants; and (iii) focus groups. We also remained open to other methods of interaction with the central organisations (stakeholders) and children.

²⁹ Ibid.

In order to safeguard the independence and impartiality of the evaluation, the initial selection of interventions was made by the local team in consultation with the project leader and key stakeholders, including the local embassies.

First phase

A first workshop was organised with the help of representatives from the Norwegian and Swedish embassies in order to discuss plans for national level investigations and to create a common understanding of the evaluation task. The workshop highlighted the central role of FLACSO in leading the field work at the national level, created a call for potential participants in the study, and agreed on the agenda of the workshop and the writing of the workshop minutes. Apart from defining the key objectives of the evaluation with the stakeholders, the first workshop was used to identify and agree on a sample of ten interventions (five supported by Norway and Sweden each) to be studied in more depth. These projects included (see appended table for key parameters):

Table 2: Sampled interventions supported by Sweden

Intervention title	Executing agency and local partners	Period	Budget
Constructing development with protection of children and mothers in Guatemala	UNICEF	2005 – 2008 Extended 2009 – 2012	USD 1.8 million (Approx.)
Institutional Strengthening of the Indigenous Women's Ombudsman	UNDP: Indigenous Women's Ombudsman DEMI	2003 – 2006 Extended with funding from other donors	USD 662,260
Rural Citizenship, Democratic Participation and Development with Equity. Project Guatemala Phase 2	Swedish Cooperative Centre (SCC)	2009 – 2011	SEK 6.2 million (SEK 3.1 annual) Q.2,989,000.000 annually
Integrated Attention for Children and Adolescents whose Human Rights have been violated	Plan Sweden Alliance House Children's Refuge	Jan 2008–Dec 2009 Extension to Children's Refuge Jan – Dec 2010	Phase I: USD 427,631 Phase 2: USD 243,681
Formation and Youth Connection Kemon K'aslem Mayan Youth in Santa Cruz del Quiché and Chichicastenango	Diakonia and Uk' u'x b'e	2007 – 2010	USD 99,900

Source: Compiled by FLACSO on the basis of the information contained in the provided shortlist.

Table 3: Sampled interventions supported by Norway

Intervention title	Executive agency and local partners	Period	Budget
Children's Rights Programme Education Programme	Save the Children Guatemala	2006 – 2009	2006: GTQ 4,500,000 2007: GTQ 5,000,000 2008: GTQ 6,000,000 2009: GTQ 7,000,000
Bilingual Education Programme	UNICEF and MINEDUC; DIGEBI; DICADE; APEDIBIMI; (child rights NGOs)	2004 – 2008	NOK 20,000,000
Community Health Programme	Red Cross Norway	2006 – 2008 Extended 2009 – 2012	NOK 2 million per year

Intervention title	Executive agency and local partners	Period	Budget
Working for Arms Control in Guatemala	Norwegian Church Aid (NCA) Instituto de Enseñanza para el desarrollo sostenible (IEPADES)	2005 – 2009	Total NOK 508,000 2005: NOK 28,000 2006: NOK 60,000 2007: NOK105,000 2008: NOK 215,000 2009: NOK 100,000

Source: Compiled by FLACSO on the basis of the information contained in the shortlist provided. It is important to note that we repeatedly contacted UNICEF by telephone and e-mail to secure documentation for the intervention on Bilingual Education and to organise interviews with key informants connected to the project, but in vain. The only information we were able to obtain regarding this project came from the Norwegian Embassy. It was not possible to get an interview with representatives of UNICEF regarding the intervention.

Second phase

Field work for the evaluation included perusal of documentation provided by the partners involved, a range of NGOs, donor agencies and governments departments, etc. A series of semi-structured interviews were also conducted with key informants attached to the selected projects, a sample of partners and stakeholders; as well as focus group discussions with intended beneficiaries, i.e. children and adolescents.

Third Phase

Following a period of field work and data collection, the preliminary findings were presented to the partners and key informants in a second validation workshop. The idea was to receive feedback on the preliminary findings. Despite some limitations, children and adolescents were also included in the second workshop through the use of participatory techniques and appeals to their differing levels of understanding. We considered it important to adopt an open position with regards to diverging opinions.

A particular feature of the evaluation was the involvement of children and young people as respondents in the process of assessing results, identifying possibilities for improvement and formulation of recommendations to the donors. Having defined and negotiated the difficulties that such a methodology entails, we arranged for the children and adolescents to take part in the focus group discussions and the workshops. These were organised to ensure that the children and young people could freely express their opinion and see that their ideas and recommendations were taken into account. The focus groups were a central means to consult and engage with the children and adolescents.

Donor interventions

This section reviews in some detail the various interventions supported by Norway and Sweden. It covers interventions through state institutions, multilateral agencies and CSOs. By way of introduction a general overview is given of the policies of Norway and Sweden with regard to children.

Norway

The Norwegian Ministry of Foreign Affairs adopted in 2005 a general strategy for children and youth by means of the white paper ‘Three billion reasons – Norway’s Development Strategy for Children and

Young People in the South'. The strategy is oriented towards promoting the rights and improving the living conditions of children and young people in poor countries until 2015.³⁰ Norway includes three complementary aspects and means designed to strengthen rights, i.e. the application of a rights-based approach; a focus on the vulnerability of certain groups of children; and a focus on gender and sexual abuse.³¹ The Norwegian strategy is furthermore based on the Millennium Development Goals and the aims of reducing poverty, promoting primary education, gender equality, and infant health.

Four areas are highlighted as priorities:

- a) The right of children and youth to development, focused on education;
- b) The right of children and youth to survival, focused on health;
- c) The rights of children and youth to protection;
- d) The right of children and youth to participate.³²

Guatemala has a long history of collaboration with and support from Norway in connection with a series of key areas: democratisation, indigenous peoples, peace accords (negotiation, signing and implementation), women, children and youth. The Norwegian Embassy does not produce an annual strategy for Guatemala, but has established a series of general principles for cooperation with the country. Existing documentation includes reports and plans of action, each with a focus on particular themes and reference to both the national and global context of policy on the subject.³³

The Norwegian Embassy is gradually scaling down its aid programme in Guatemala. In that connection, the decision has been made not to assist bilateral projects which involve state institutions directly. Previously, a series of agreements of this kind had been concluded, for example with the National Civilian Police (2004–2007) and the Institute for Public Prosecution (2002–2004). Cooperation currently exists with Norwegian NGOs operating in Guatemala and/or with multilateral agencies such as the United Nations. Within this framework the Maya programme receives assistance – a joint undertaking by the UNDP and the Embassy.³⁴ The Maya programme is the result of a Norwegian initiative based on over 25 years of cooperation with indigenous communities in Guatemala (1983–2008) and the participation of Norway in the Peace Accord process. The general objective of the programme is to contribute to improved protection of indigenous rights, i.e. the rights of the Maya, Garífuna and Xinca peoples, and the exercise of these rights in the legal, education and political system.³⁵

From the agreed list of sampled projects of the evaluation, only two of the involved Norwegian organisations have an operational base in Guatemala. The others are based in Norway, i.e. Save the Children, FOKUS and Norwegian Missions in Development ('Bistandsnemda'). With regard to other partners, the list includes Save the Children Guatemala, and state institutions include the National Mayan Education Council and multilateral agencies such as UNICEF and the UNDP. In terms of the strategic objectives of the sampled projects there are clear differences regarding specific issues they seek to address, their foci and groups of beneficiaries. This said, all of the projects are rights-based and seek to promote ultimate goals such as the observance of human rights, the strengthening of civil society, active participation in the building of peace and democracy, efforts to encourage the creation of a more just and equal Guatemala, and work with impoverished groups and marginalised people in the country.

³⁰ Norwegian Ministry of Foreign Affairs. *Three billion reasons – Norway's Development Strategy for Children and Young People in the South*. Oslo, May 2005.

³¹ Inception Report. *Joint Evaluation of Norwegian and Swedish Support for Child Rights*. CMI. March 2010.

³² Ibid.

³³ Information provided by Marianne Gulli, Norwegian Embassy, Guatemala. August 2010.

³⁴ Norwegian Ministry of Foreign Affairs. Maya Programme, Mayib' Chak. *Para el pleno ejercicio de los derechos de los pueblos indígenas de Guatemala*. Guatemala, enero 2009.

³⁵ Ibid.

UNICEF and Save the Children are the only organisations in the sample that work specifically with children. On account of Save the Children's size and extensive work in the country the local consultants decided to include two of its projects in the evaluation: education and the rights of children. The former aims to improve the quality of education through teacher training, as well as the participation by children. The latter aims to ensure that rights are respected in public policy at the municipal level, and operates networks to promote the rights of the child. Other organisations supported by Norad, such as the Red Cross and Norwegian Church Aid, do not work specifically with children, but they do include awareness of child rights throughout their wider activities. The Mother-Infant Health Programme of the Norwegian Red Cross focuses attention on mothers (many of them under the age of 24) and children aged 0–5 suffering from chronic malnutrition. The HIV and AIDS programme is addressing children at risk, young pregnant women, sex workers, homosexuals and children and adolescents aged 10–18. The NCA aims in general to enhance political awareness. With funding from 2004 it has developed in conjunction with its local counterpart IEPADES a project aimed at training young people at risk.³⁶ Through awareness-raising the project seeks to reduce violence and support a campaign against armed conflict directed at children and adolescents in all educational institutions of the country. After eight years this evolved into the programme 'Hands without Guns, Hands free from Violence'.³⁷

Sweden

The general objective of Sida's strategy for development cooperation with Guatemala (2008–2012) is to create conditions for consolidating peace and reducing poverty from a perspective of fundamental rights and a bottom up (i.e. from the perspective of the poor) understanding of poverty. A key strategic objective is to nurture a political will to achieve peace, national reconciliation, human rights, inclusion, and poverty reduction. Particular attention is given to women, children and indigenous peoples.³⁸

In 1999 Sida developed a strategy for integrating a child rights perspective into its bilateral cooperation with Guatemala. The general Swedish strategy for advancing the rights of children was enunciated in a White Paper in 2001. This official policy document included 10 practical points, including social reform; health; education for all; combating HIV and AIDS; and assistance to children with disabilities. With respect to humanitarian aid, Sida accepted the CRC as the reference point of all such work.³⁹ Sweden has decided to include the rights of the child throughout all its interventions by means of mainstreaming. Indeed, as a matter of policy Sweden insists on negotiating with its partners regarding the inclusion of child rights and reporting on the extent to which the CRC is made operational and implemented in practice.

Sweden has in common with Norway a long history of commitment to and cooperation with Guatemala. For the period 2008–2012 the goals have been peace, the rule of law and democratisation as the overriding ambitions. Otherwise, Sweden has contributed to work against sexual discrimination, for indigenous rights as well as structural economic changes that affect the distribution of wealth. The Interventions supported by Sida aim to strengthen individual fundamental rights, to combat impunity, and to improve access to basic services in health and micro credit. During the period 2007–2009 Sweden approved an annual cooperation budget for Guatemala of USD 26 million (SEK 181 million).

In the sampled list of interventions, only a few are directly targeting children and youth as beneficiaries (e.g. UNICEF, Save the Children and Plan Sweden). Most of them are oriented towards broader cate-

³⁶ Instituto de Enseñanza para el Desarrollo Sostenible.

³⁷ *Hands free from Arms, Hands free from Violence*

³⁸ Ministry of Foreign Affairs, Sweden. *Estrategia de Suecia de Cooperación para el desarrollo con Guatemala*. September 2008–December 2012.

³⁹ Terms of Reference: "Joint Evaluation of Norwegian Ministry of Foreign Affairs/Norad & Sida Support to the Rights of the Child. Oslo, 17 December 2009.

gories of beneficiaries, e.g. they include children alongside their mothers and entire communities. But some elements are targeting children.

In its programme supported by Sida, UNICEF focuses on infant protection in various ways: (a) cultural: modification of attitudes and habits; (b) articulation of an infant protection system at the municipal level; (c) better access, aid and follow-up by the legal system; and (d) support of laws and legal reform in favour of infants. Plan Sweden also works on infant protection, but from another perspective: on the one hand, prevention, and, on the other, legal protection, psycho-social protection and coordination with different institutions and public awareness-raising. The project included in the shortlist, i.e. Children's Refuge, aims to assist children and adolescents who have been victims of abuse. The project runs a home where the children may stay and receive help: psychological, legal, familial, education, etc. The UNICEF-DEMI project aims at building the framework needed for an Ombudsman to develop recognition of the rights of indigenous women. It highlights three areas of attention: legal aid and the social and psychological position of indigenous women. Parallel with this work, strategies have been developed to address the problems faced by the children of indigenous women, e.g. participatory models of psychological care for children who have suffered abuse.

The Rural Citizenship programme of the Swedish Cooperative Centre is aimed at rural development⁴⁰, with a strategic focus on the mainstreaming of gender to improve female participation in decision-making, budgeting, land ownership and access to credits. In the course of this work the need to incorporate young people into these processes has slowly been recognised. In the rural areas it is often only this group of youth who knows how to read and write, or speak Spanish.

Diakonia has received support from Sida for twenty years in support of work primarily focused on the strengthening of civil society in Guatemala and to stimulate structural change. Over the last four years Diakonia has included Mayan children and youth in its work to support actors for change, and organised education and training sessions with a view to encouraging the new generation to rise above the racist, sexist and exclusionary prejudices in Guatemalan society. In 2007 the key protagonists of this work were identified as women, indigenous organisations and young people. Cognizant of the cultural diversity in the country, Diakonia has specialised in working with young indigenous people. The project 'K'emon K'aslem' was carried out by Uk' U'x b'e – a local NGO – on behalf of Diakonia and aims to assist indigenous children and youths with training in political understanding and preparedness. The project draws on a curriculum (Ser Mayab' o) based on indigenous concepts of a good life, holism and integration of these ideas with the political, artistic and spiritual spheres. One of the goals of the Maya Association is to facilitate the social participation of indigenous children and youth, towards which a Youth Council has been formed within its organisational structure.

Modalities of assistance

The donor community extends assistance to beneficiaries through many forms, channels and modalities. In this evaluation we draw attention to two contrasting modalities – targeting and mainstreaming – with a view to assessing their respective advantages and disadvantages. We look into the targeted interventions first, followed by those that are mainstreamed.

⁴⁰ This programme in Guatemala consists of ten projects, developed with ten different partners. Three of these are women's associations, three cooperatives, and also include the Comité de Unidad Campesina CUC (an important indigenous/peasant organisation) and the Latin American Institute for Social and Economic Development. A total of GTQ 8 million has been invested in the project by Sida.

Interventions targeting children and adolescents

In the paragraphs below we discuss in some detail a number of interventions ostensibly targeting children and youth.

Save the Children Guatemala

Save the Children Guatemala and the Alliance for Communitarian Youth Development (ADEJUC) are promoting the rights of the child with citizen participation as an indispensable vehicle towards improving children's and adolescents' conditions of life. To that end they pursue the following objectives:

- a) Promotion and fulfilment of child rights;
- b) Strengthening of citizen participation and local power;
- c) Institutional strengthening;
- d) Development of knowledge and technology.

To realise these objectives in practice, Save the Children uses a series of different strategies, among them the promotion and recognition of children and women and the strengthening of municipal and local development councils (COMODES, COCODES). Save the Children furthermore assists in the making of local development plans and municipal policies, often through strategic alliances with key people in the local, departmental and national governments. The activities aim to develop local capacity at the municipal level and to fit local development plans into the official requirements of a five-year time frame. Assistance is given to develop leadership and to strengthen the organisation of communities.

Following the first phase there is an extension period lasting up to two years, in which assistance is channelled through local community institutions that were developed in the first intensive phase, ensuring that local leaders and promoters take responsibility for the integration and outcome of the plans and projects.

In addition to supporting municipal development planning, Save the Children also carries out a series of other projects and programmes in Guatemala: Quality Education, Rights of the Child, Citizen Participation; Protection from Violence and Sexual Abuse, Participation of the Child and Communication; Education for Working Children and Adolescents, etc.

In the context of this evaluation, two projects have been chosen to demonstrate the work with children and young people in more depth: the Education Programme 'Re-Writing the Future'⁴¹ and the Programme for the Rights of Children.

Through the programme *'Rewriting the Future'* Save the Children Guatemala (SCG) aims to strengthen the work of the Guatemalan Ministry of Education to promote and fulfil the educational rights of the child, and to guarantee quality education.

The programme includes the following elements:

- a) Opportunities for Education: attention to pregnant women, providing training for mothers and voluntary promoters on the care of children aged 0–6. The SCG has developed materials for this purpose as well as 'baby libraries' (*'bebetecas'*) and other spaces where books and other educational materials are available for children between 0 and 3 years of age.

⁴¹ Reescribamos el futuro.

- b) Pre-primary Education: providing teacher training, establishment of libraries and educational resource centres (CREA); promoting training projects and didactic educational manuals and materials.
- c) Primary Education: providing updated training to teachers, formation of libraries, corners of learning and CREA. The SCG also assists the organisation of school boards and supports educational festivals, exchange programmes, etc.
- d) Basic and Diversified Education: providing teacher training and updating, setting up computer centres and launching student newspapers; exchanges and intercultural festivals.
- e) Literacy: aimed at parents and mothers to strengthen their community leadership and reduce the levels of illiteracy in the country.

The SCG promotes an active methodology in its work that permits the teachers to modify the rigid criteria of earlier teaching in order to create a more active, democratic and participatory pedagogy. This involves integrating five important components: child protagonism, areas of learning, cultural identity and inter-cultural exchange, rights of the child, and bilingualism.

The '*Programme for the Rights of Children*' promotes the participation, organisation, public presence and expression of children and adolescents of communities and municipalities where the SCG is present. It focuses on children and youth between 7 and 25 years of age. The programme encourages communities to organise groups of children and youth to promote activities around themes of common interest. It also attempts to forge alliances with other local spaces at the municipal level where they can carry out actions in cooperation, i.e. local radio programmes, municipal public policies favouring children and youth, the formation of municipal child and youth commissions to supervise demands and identify violations of child rights, the organisation of Child and Youth Commissions in the Departmental Development Commissions (CODODES); and securing funds for solidarity with youth interests in the department, etc.

In order to reinforce the impact of its assistance, the SCG has formed an alliance with UNICEF in order to work on municipal public policy in 20 municipalities. To date, 60 public policies at the municipal level have been approved and financed as a result of this initiative. Children and adolescents participate actively in all SCG projects. A focus on child rights is maintained throughout the SCG organisation and can be claimed to inform all activities. The educational materials designed by the SCG focus either directly or indirectly on child rights. There is, however, no structure within the organisation of these projects to ensure the participation of children and young people in decision-making.

UNICEF

UNICEF and Sida have been working together on child protection since 2005. The first phase of the programme was developed in the period 2005–2008 and the second during 2009–2012. The central aim of the programme is to promote and assist the formation of a system of protection, inclusion and development for children, adolescents and women. This system is based on legal mechanisms and institutions that serve to guarantee the sustainability and active participation of children, adolescents and women as subjects of law. UNICEF has played a central role in strengthening this system of protection, as well as public and private institutions by providing advice and training, facilitating discussion on legal rights as distinct from the patronising and instrumental approach which is still prevalent in many institutions; lobbying and consultation for the approval child-friendly laws (such as the Adoption Law); training of technicians and creating protection networks, etc. The strategies through which the objectives are to be achieved are:

A. *Decentralisation of Services*

One of the main problems of the system of protection for children and adolescents in Guatemala is its centralised character. The majority of services and discussions of the matter takes place in the capital city. Faced by this problem UNICEF promotes the organisation of Protection Commissions for Children and Adolescents at the municipal level and the creation of child-friendly municipal public policies.

B. *Articulation of a System of Protection for Infancy at the Municipal Level*

Child rights should not be considered in isolation; many public institutions are involved (SBS, PGN, MP, PNC, CNA, RENAP, INACIF, Ministry of Health, Courts). UNICEF promotes inter-institutional coordination and cooperation agreements between these institutions. It has also assisted the formation of protection networks in a number of municipalities (Quetzaltenango, Chimaltenango, Escuintla, Zacapa, Alta Verapaz, Jutiapa, Petén and Guatemala City). It furthermore guides this process by carrying out diagnostic studies at the level of local communities. These studies help to raise awareness as well as to collect important information, i.e. regarding the number of children not enrolled in school, the number of violent attacks, rape, child and youth suicides; and the number of children promised in marriage, at work, or in conflict with the law, etc.

C. *Strengthening the Legal System*

UNICEF also aims to increase the number and coverage of judges specialised in dealing with the interests of children and adolescents in the regions of the country.⁴² The number of these specialised lawyers has increased in recent years, but the coverage is still insufficient in most regions. For example, the Department of Guatemala has only three judges, indicating an absence of legal representation at this level.⁴³

In addition, UNICEF directs attention to and follows up cases dealing with children and adolescents. It also aims to reduce the backlog of pending cases. The AECI and UNICEF have developed a new model for the management of cases that is more rapid, effective and direct than previous approaches. It encourages the use of the *Cámara de Gesell* for children and adolescents so that they can express themselves freely without inhibition.⁴⁴

D. *Legal Reform*

UNICEF promotes the approval of child-friendly laws, such as passage of the Adoption Law and the Law against sexual violence, exploitation and trafficking of persons. At the moment UNICEF is assisting the legal process leading to a Law of Alternative Care and a Law to increase the minimum age for marriage (currently 14 years in Guatemala).

Plan International/Sweden: Children's Refuge

Supported by Plan International/Sweden and its partner Children's Refuge was designed to extend over a period of two years (2008–2009). The project 'PPIII: A Just Country for Childhood and Adolescence'⁴⁵ aims to contribute to creating conditions conducive to guaranteeing the protection of children and adolescents by the state and society. The project was initially executed with the assistance of Casa Alianza (2008), but due to the financial crisis it was closed down in 2009. In 2009 the Children's Refuge

⁴² Before 1998 there were only three judges specialised on children and adolescents, in 1998 there were eight, and now there are 20 throughout the country. Information Justo Solórzano, Protection Specialist, UNICEF.

⁴³ Information from interview with Jueza Noemi Téllez, June 2010.

⁴⁴ La Cámara Gesell (Gesell chamber) is an air-conditioned room designed to permit the observation of people. It is formed as two separate spaces with a window between, each with audio equipment so that they both can be taped and listened to. The aim of the chamber is to avoid the victimisation of women, underage children, people with disabilities, etc. who are witnesses or victims in different cases. See: www.poder-judicial.go.cr

⁴⁵ Un País Justo para la Niñez y Adolescencia. See Campang, José. Plan Guatemala/Sweden. Guatemala, 2007.

took over the partnership role in the project. As a result, the renewed programme currently covers 20 communities in Escuintla, 19 communities in Bajo Verapaz, three communities in Alta Verapaz, five communities in Izabal and ten communities in Jalapa. Owing to time constraints, however, the evaluation team was only able to observe work carried out in the Central Region of Guatemala.

The Children's Refuge includes a residential programme – which the evaluation team visited in the course of its field work – currently sheltering 18 girls and young women from the age of 12 upwards. These girls and women have been victims of various kinds of abuse. One of the main objectives of the refuge is to try and avoid the long-term institutionalisation of the girls by looking for ways to reintegrate them with their wider families. As a result, the programme assumes the role of strengthening families and working with them both socially and legally.⁴⁶

One of the most important interventions is the process of awareness-raising among girls and young women. The programme teaches them about their rights and to be aware as to when and how legal action can be taken; to strengthen families and to inform them about the legal process. The accompanying support to those involved in such processes includes professional and technical assistance, coordination and agreements with local authorities and legal representatives: judges, the Attorney General, the Police, the Home Office, etc.

The Refuge works with girls through a new model, i.e. integrated care and community therapy. This involves generating capacity among couples to address sexual abuse through psychological and social assistance within the institution to rebuild self-esteem, work with life projects, knowledge of rights and basic services, spaces for participation and expression of ideas.

In the processing of legal cases of abuse and exploitation the Refuge coordinates with local authorities, and with the legal and penal system. The Refuge cooperates with UNICEF and other organisations towards elaborating a bill to regulate Children's Homes and another one for alternative care. In respect of awareness-raising and training, the Refuge has also organised workshops with up to 800 adolescents from the districts most affected by inter-family violence: the Verapaces and the East. In 2009, the Refuge also worked with several other institutions to facilitate a public discussion forum: 'Childhood in Extreme Conditions' in which were discussed the realities of extreme poverty; safeguarding human rights in conditions of violence; exploitation; and mechanisms and challenges of prevention.⁴⁷

Mainstreamed interventions

This section deals with interventions in which child rights are to some extent mainstreamed, with a view to ascertaining the effectiveness of this approach to child rights promotion. It should be noted, however, that many interventions do not explicitly subscribe to mainstreaming as a deliberate strategic tool. Even so, child rights are often brought in 'through the back door', in a manner of speaking, because they are closely related to the main thrust of the interventions.

UNDP: DEMI – Indigenous Women's Ombudsman

The Indigenous Women's Ombudsman (DEMI) was established in June 1999 as a government institution under the jurisdiction of the Presidential Commission for Human Rights (COPREDEH).⁴⁸ The creation of DEMI fulfilled one of the commitments expressed in the Peace Accords. The agreement on identification and the rights of indigenous peoples acknowledged the special vulnerability of indigenous women resulting from sexual and ethnic discrimination. DEMI was the first institution in Guate-

⁴⁶ The family programme is assisted by Plan Sweden and UNICEF.

⁴⁷ Niñez en Situación Extrema.

⁴⁸ This was governed by the Governmental Decree 25–99, with respect to the proposal presented by the Permanent National Commission for the Rights of the Indigenous Woman CNP-DMI in December 1997

mala with a mandate to defend the rights of indigenous women.⁴⁹ The project ‘Institutional Strengthening of the Indigenous Women’s Ombudsman Phase II’ (2003–2008), was financed by Sweden⁵⁰ with a view to ensuring the institutional consolidation of DEMI through a process of internal decentralisation, autonomy, legal, social and psychological care, the defence of indigenous women’s rights and the training of personnel. This also includes inter-institutional coordination, mechanisms for internal and external communication and the dissemination of information on the rights of indigenous women.

The execution of the second phase led to several important achievements, among them the expansion by 2007 of the coverage of DEMI from three to seven locations in the country.⁵¹ Another important achievement was enhanced sustainability through the public matching of the funds from Sweden. In 2005 the Guatemala government allocated GTQ 1.9 million to the budget of DEMI. By the end of the project it had an annual budget of GTQ 11 million (with 6 million from international donors).⁵² Another important result was the design and practice of a model of psychological treatment for the beneficiaries, incorporating elements of Mayan cosmology. The model was designed by psychologists from the DEMI team and aims at enhancing empowerment, commitment and capacity. This model made the treatment of cases better integrated across the fields of psychology, law and society.

The mainstreaming of child rights was not an explicit objective of the project, nor was the DEMI team aware of this perspective in Swedish assistance. However, when asked about it in the context of the evaluation, DEMI staff responded that while not explicitly mainstreaming child rights into their work with women who are victims of violence, children were recognised as being similarly affected and in need of specialised care. The psychologist working for DEMI had designed methods and educational materials meant for the children of these women. During the project’s execution the study ‘Intra-familial violence towards indigenous women’ was carried out for DEMI by Sida and the World Bank.⁵³ It resulted in the publication ‘Look at me: the situation of indigenous girls in Guatemala’, released by UNICEF and DEMI in 2007. The research and the publication of its results were important elements in making the reality of indigenous women and children more visible in the country.

Swedish Cooperative Centre (SCC): Rural Citizenship

The Swedish Cooperative Centre (SCC) was established more than 50 years ago to assist poor women and men to improve their living conditions in different parts of the world: Africa, Latin America, Asia and Eastern Europe. The work of the SCC is based on the principle of self-help, with the goal of assisting democratic organisations and associations to develop the capacity to articulate their rights and needs.⁵⁴ In Guatemala the project ‘Strengthening the democratic capacities for citizenship: economic and social participation of organised women and men in political decision-making’ was carried out in conjunction with several local partner organisations. These partners included the Peasant Union Committee, Integral Association of Guatemala Indigenous Women, National Committee of Cooperative Women, and the Guatemalan Association of Community Forestry Ut’z Che.⁵⁵ These four partners

⁴⁹ PNUD, Proyecto del Gobierno de Guatemala: Fortalecimiento institucional de la Defensoría de la Mujer Indígena, Fase II. Guatemala, August 2003.

⁵⁰ The first phase of the project was also financed by Sweden (200–2003) and was geared toward contributing honouring the commitments to indigenous women in the Peace Accords and the international commitments on the elimination of all forms of discrimination against women.

⁵¹ Quiché, Alta Verapaz, Suchitepéquez, Quetzaltenango, Huehuetenango, Cobán and Guatemala.

⁵² Ex DEMI Ombudsman, Teresa Zapata. Guatemala, 16 de julio de 2010.

⁵³ De la Cruz, Marisela Et. Al. Evaluación externa de medio término del Proyecto “Fortalecimiento institucional de la Defensoría de la Mujer Indígena, Fase II”. Guatemala, agosto 2006.

⁵⁴ SCC, Estrategia Regional para América Latina, 2007 – 2011. Costa Rica, febrero de 2007.

⁵⁵ Comité de Unidad Campesina (CUC), Asociación Integral Guatemalteca de Mujeres Indígenas Mam (AIGMIM), Comité Nacional de las Mujeres Cooperativistas (CNMC) y la Asociación de Forestería Comunitaria de Guatemala Ut’z Che. SCC. Programa Regional de Ciudadanía Rural, Informe Final, Anexo B, Informes por Proyecto. Abril, 2010.

represented about 300 local committees, associations and cooperatives comprising 40,000 peasant and indigenous women and men in the rural area.⁵⁶

The intervention was focused on three central areas – rural development, democratic participation and gender equality – and operated at three levels: individuals, organisations and society at large. It centred on local territories to strengthen interaction between the local, regional and national levels. Priority was given to the Western Highlands of the country in order to respond to the strong presence of indigenous communities and small landowners (*minifundios*) in this area. It furthermore prioritised at the local level a series of agricultural productive projects and the more equitable participation of women in local organisations.

The SCC has made gender mainstreaming a priority in everything it does, as well as a basic requirement in its agreements with partners. The SCC does not transfer funds directly to states or state institutions. It considers its political role to be assisting and encouraging CSO partners in negotiation and consultation with the state. While gender is mainstreamed, child rights are not as a conscious part of SCC projects and plans. Nonetheless, work with children is seen as indirect linked to the training and nurturing of female leaders. Educational materials for children are designed and produced for use parallel to the training of women. Violence against women as mothers is seen as having repercussions on their children. The importance of including young people in local organisational structures is acknowledged, particularly in monolingual indigenous communities where youth are often the only Spanish speakers. For this reason the SCC has prioritised the inclusion of young people as an expression of mainstreaming in its strategy for Latin America towards 2011.

Red Cross

Red Cross Norway has operated in Guatemala since the organisation entered the country in 2005 to respond to the effects of Hurricane Stan. The devastation caused by the hurricane in much of the southern region of the country induced the Red Cross – with funding from the Norwegian Ministry of Foreign Affairs – to launch a programme of rehabilitation of the water and sanitation systems in the country.

In 2006, the Red Cross developed a programme to complete this rehabilitation work. Financed by Norad, it included three key components: (a) community health; (b) HIV and AIDS prevention; and (c) organisational development for the better management of volunteers, administrative and financial systems. These projects were carried out in the southern departments of Suchitepéquez, Retalhuleu, Quetzaltenango and San Marcos. In 2008, the Red Cross started a new project, Public Health and Emergencies (AIEPI), which aimed at increasing the capacity of communities to respond to natural disasters, as well as the strengthening of Red Cross Guatemala and its ability to respond to crises and the distribution of drinking water. Red Cross Norway has also assisted Red Cross Guatemala to respond to a series of other disasters: Hurricane Felix (2007); Tropical Storm 16 (2008); the landslide at San Cristóbal, Chicamán (2009); the outbreak of the flu virus A-H1N1 (2009); and the earthquake at Izabal (2009).⁵⁷ In 2010, Red Cross Norway has also collaborated with its national partners in the response to the volcanic rain produced by the eruption of Pacaya and tropical storm Agatha.

The regional alliance *AIEPI – Atención Integrada a las Enfermedades Prevalentes de la Infancia* (Integral Programme on Preventable Sickness in Infancy) was established in January 2000 to assist with the implementation of the community component of the AIEPI strategy. This was based on a five-year agreement between the Pan-American Health Organisation, the Red Cross USA, its International Federation and the national office.

⁵⁶ SCC. Programa Ciudadanía Rural: Participación Democrática y Desarrollo con Equidad. Proyecto Guatemala Fase II, (2009 – 2011).

⁵⁷ <http://www.noruega.org.gt/Embassy/Cooperacion-Noruega-en-Guatemala/ONGs-Noruegas-en-Guatemala/Cruz-Roja-Noruega/>

Guatemala is the first Latin American country to identify the AIEPI strategy as a best practice and to develop the only officially sanctioned model for the integral care of newborn children aged 0–5 in family planning. The model addresses the needs of the most vulnerable part of the population and puts into operation the care norms established by the Ministry of Public Health and Social Assistance.⁵⁸ In the south of the country the AIEPI community strategy seeks to ensure that “men and women are capable to take informed decisions about the size of their families and the spacing of children”. It also endeavours to ensure that parents are able to maintain the children they have, to secure their welfare and a dignified life. In this way the model is expected to reduce infant mortality and promote gender equality.

In 2010 the AIEPI project was introduced into 27 communities in four districts of the country: El Palmar, Coatepeque, Serchil and Concepción Chiquirichapa. It comprises more than 723 mothers. The AIEPI strategy operates through collaboration between Red Cross Guatemala, the Ministry of Health and other social actors. The communities are selected on the basis of poverty indicators, difficulty of access to and lack of health centre coverage. Each project location forms local community health teams consisting of volunteers who receive training to enable them to mobilise communities to organise educational discussions on health and preventable diseases. They also organise house visits to record the growth and development of children. These activities are organised along participatory lines in order to buttress sustainability and local ownership by the community.

In offering training Red Cross takes into account the ethnicity and gender of the selected trainees. This has facilitated the acceptance of the project in indigenous communities. Again, young people have been employed for their language skills and abilities to act as cultural intermediaries between local communities and national society. Also, the organisation demonstrates that it has designed materials explaining the goals of the project to children and young people. They have used puppets, balloons, face painting, theatre, books and stories with children’s pictures to address issues such as nutrition, hygiene, etc.

*Red Cross has since 2003 also worked with other partners to develop an HIV and AIDS Prevention Programme. It uses the methodology ‘Together we can’ which has been developed by Red Cross Jamaica and shown to have had success in the Caribbean area. This approach has now been adopted by the Red Cross Federation as well as Red Cross Guatemala.*⁵⁹

The programme is implemented by Red Cross Guatemala with financing from Red Cross Norway. It is carried out in the five districts worst affected by this virus: Quetzaltenango, El Palmar, Retalhuleu, Coatepeque and Petén.

In Guatemala 94 per cent of the HIV-positive have contracted the virus through unprotected sex, and 5 per cent by transmission from their mothers.⁶⁰ The target population of the project includes school children and children out of school, people with HIV and AIDS, sex workers, homosexuals and other vulnerable groups including indigenous peoples and youth at risk. In 2009 the programme assisted 29,346 beneficiaries.

There are four main components of the project:

- a) Prevention of infection (training);
- b) Expanded treatment, care and assistance;
- c) Reduction of stigma and discrimination;
- d) Strengthening the technical capacity of Red Cross Guatemala, including fundraising.

⁵⁸ Cruz Roja Noruega, Guatemala. Informe Narrativo Anual, Proyecto Programa AIEPI (2009 – 2011). Guatemala, December 2009.

⁵⁹ Nordic Consulting Group. Draft Final Report. Organizational review of Norcross. Oslo, October 31, 2008.

⁶⁰ Information collected from visit to HIV Aids Program, South West Region. Retalhuleu, June 2010.

Childhood is directly linked to the HIV and AIDS programme which offers training in methodologies aimed at school children from 10 years upwards. A series of agreements have been made with the directors of schools and public institutions to encourage dissemination of knowledge: they choose two or three children or youth in each class, who, in turn, are capacitated to teach their class mates.

Another concern is children who have been orphaned because one or both parents contracted the virus and died. Efforts are made to prevent the transmission of the virus from HIV-positive mothers to their children through the provision of information. Infected children are allowed to use the services of Red Cross units. Vehicles are used to transport nurses, and other travel costs are covered to ensure that these children receive the necessary care and attention wherever they might live. The programme also indirectly benefits many other children and adolescents through the training of their mothers, the promotion of voluntary testing for HIV and integrated health assistance.

Assistance to child rights institutions

Below we discuss some interventions designed to strengthen institutions dealing with child-related matters.

Norwegian Church Aid: IEPADES – Institute for Sustainable Development Training

Norwegian Church Aid (NCA) is an ecumenical Christian organisation, and one of the ‘big five’ Norwegian NGOs working in Guatemala in the area of development. Guatemala was the first country in Latin America to receive assistance from the NCA, following the earthquake in 1976. In addition to development cooperation, the NCA provides humanitarian assistance in situations of emergency. The NCA is one of the few Norwegian agencies of cooperation that still maintains a country office in Guatemala.⁶¹

The Institute for Sustainable Development Training (IEPADES) is an NGO founded in 1991 and is engaged in peace-building and democracy based on social justice and communitarian self-development. It works in two specific areas: action and local power; and credit. Its themes include proposals for security; gender; control of arms; preventive security; community policing; agricultural production and rural commercialization; community organisation, and credit provision.⁶² The IEPADES has its main office in the capital city, but also maintains offices in a number of departments (Petén, Alta Verapaz, Baja Verapaz) and coverage in 25 municipalities in seven departments (Alta Verapaz, Baja Verapaz, Huehuetenango, Petén, Sololá, Sacatepéquez and Guatemala).

The NCA started its assistance to the IEPDAS project ‘Working to Control Arms in Guatemala’ in 2008 with a two-year agreement until the end of 2010. The objective is to educate young people about peace and create incentives for participation in activities aimed at preventing violence. Key initiatives under this project include a children’s painting competition ‘Hands without arms, hands without violence’, and the formation of a legal system to deal with court cases involving young people and fire-arms. The people benefiting from this work include circa 15,000 children between 7 and 12 years old, 5,000 aged 13–15 and another 5,000 of various ages. They have received materials explaining the causes of armed violence and were put in touch with education centres and other civil society organisations. One of the key strategies of IEPADES is the establishment of networks of partners dealing with

⁶¹ <http://www.noruega.org.gt/Embassy/Cooperacion-Noruega-en-Guatemala/ONGs-Noruegas-en-Guatemala/Ayuda-de-la-Iglesia-Noruega/>

⁶² See: www.iepades.org/

youth, and strategic alliances with diverse civil society organisation working on justice issues.⁶³ One of the central activities of IEPADES are efforts to prevent young people at risk from getting involved with the *mará* youth gangs on account of their residence in marginalised peri-urban and urban areas. Part of the strategy is to choose young people to act as ‘Volunteers for Peace’ after having received extensive leadership training. The idea is that they would, in turn, act as multipliers, i.e. disseminate the information to other young people.

The painting competition sought to promote the participation of children in depicting violence and its consequences. The competition had two age categories: 7–12 years and 13–15 years. The paintings were evaluated by professional artists who selected the best pictures to be included in a calendar. The calendar was distributed to thousands of people throughout the country, and is seen by the IEPADES as a popular and powerful tool for public awareness-raising.⁶⁴ Another of IEPADES’ awareness-raising activities is the campaign against ‘war toys’. Coinciding with the commercial run-up to Christmas the campaign is directed at adults to make them think twice about the kind of gifts they purchase. The campaign is also waged in schools and other social spaces, often meeting both children and their parents.

Diakonia: the Maya Association Uk’ u’x b’e

Diakonia started working in Central America in 1980, with regional headquarters in San José, Costa Rica.⁶⁵ The organisation characterises its work as being focused on the assistance and follow-up of victims of internal armed conflict, i.e. refugees, displaced peoples, returnees, and victims of natural disasters. In Guatemala, Diakonia works on central themes such as democratisation, gender, human rights, and economic justice. In its 2007–2010 strategy for Guatemala, Diakonia identified three central actors and beneficiaries: women, indigenous peoples and youth. During the last four years Diakonia has emphasised young people as central actors in its work to raise political awareness and to combat the patronising, patriarchal and racist attitudes that still predominate in society.⁶⁶ Diakonia has the vision of specialisation on Mayan youth. Geographically the programme is concentrated in the western and northern departments of the country, which are populated primarily by the Maya who often live in conditions of extreme poverty.

The Mayan Association *Uk’ u’x b’e* started its relationship as a partner with Diakonia in 2007 with the approval of the project ‘Youth Formation and Impact *Kemon K’aslem*’.⁶⁷ *Uk’ u’x b’e* defines itself as a Mayan organisation with capacity to promote the reconstitution of the Mayan People (*Mayab’ Tina-mit*). From the perspective of Mayan cosmology and culture, the association aims to contribute to the inter-generational formation of Mayan leadership and the re-vindication and exercise of Mayan historic rights. Their main objectives include education, health, teaching and research.

The political education programme ‘*Kemon K’aslem*’ is geared towards children and young people aged 7–25, who are selected for their demonstrated leadership qualities. The formative process is systematic, with regular monthly meetings over a period of three years. The intervention covers three linguistic areas in the west of the country: *kiche’*, *kaqchiquel* and *tz’utujil*. It is also located in the following municipalities: Chimaltenango, Chichicastenango, Santa Cruz del Quiché, San Pedro Yepocapa, Sololá and Sacualpa. The general objective is to strengthen the capacity and impact of young Mayan leaders in defence of the collective and historic rights of the Mayan people. The project specifically

⁶³ Red por la Vida, Red de Acción Juvenil por la Vida y la Paz: la Red de Acción Juvenil por la Vida y la Paz AJUVIP, Asamblea Nacional de Jóvenes de Guatemala, Caja Lúdica, Centro Cultural Universitario, other organisations specialised on juvenile justice, Departmental Justice Centres, Civil Society Organisations at the departmental level.

⁶⁴ Ibid.

⁶⁵ See <http://www.sa.diakonia.se/guatemala.html>

⁶⁶ Interview with Sotero Sincal, National representative of Diakonia in Guatemala.

⁶⁷ *Formación e incidencia juvenil Kemon K’aslem*

emphasises “creating a political foundation of that responds to the needs of young people and permits the inter-generational transmission of knowledge and historic struggles of the Mayan People”.

The programme seeks to transform the Guatemalan education system due to its failure to take into account an ethnic and gender perspective. The first group included 80 young people, which increased to 280 following evidence of local demand for Mayan youth training and the previous success of the project. The programme produces education materials which are distributed in schools and private and public institutions. These materials include magazines meant for children and young people about the history and culture of the Mayan people, as well as other relevant contemporary themes such as mining, exploitation, sexuality, etc. The methodology used in the formative modules is participatory and interactive, and includes literature and dance festivals, audio-visual materials, radio programmes and sports, a Mayan lottery, stories and legends, and art workshops. In order to stimulate the participation of young people, Youth Councils were created to validate and develop the content and methodology of the modules as well as the calendar of activities. The project also encourages members of these councils to participate in exchanges between young people at the international level, e.g. the First Indigenous Meeting of Abya Yala; IV Summit of Indigenous Peoples and Nationalities; and the UN Permanent Forum for Indigenous Peoples. Such networking is also promoted through a series of strategic alliances with other indigenous organisations.⁶⁸

Analysis and evaluation

In recent years, important advances have been made in reforming the legal basis of protection of children and adolescents in Guatemala, and in the country’s commitment to the UN Convention on the Rights of the Child.⁶⁹ This reform has produced important processes of consultation between the Guatemalan state, civil society and the international community. However, despite these improvements, the overall level of implementation and enforcement of the rights of children and young people remains extremely low. Recognition of child rights is still weak, and children as subjects and rights holders are not very visible. Functionaries of the state in general continue to replicate the patronising attitude to children seen elsewhere in Guatemalan society. While this vision results in occasional bouts of assistance, there is no real effort to establish an integrated public policy framework at national and municipal levels to strengthen the rights of children in the short and long run. Similarly, efforts to meet the persistent contemporary challenges of protection, violence, nutrition, access to education, health and a dignified life leave much to be desired. Indeed, rather than fulfilling its role as duty-bearer with respect to child rights, many of the actions taken by the state – such as the targeting of youth criminality through increasingly strong arm tactics and militarised policing – result in the further weakening of fundamental rights. Critics of the government’s handling of the problem of violence argue that the government itself and the weakness of state’s legal institutions are responsible for the creation of the climate of impunity in which the *maras* are able to operate efficiently.⁷⁰ Critics of the government’s economic policy also argue that free trade agreements have opened the borders to further breaches

⁶⁸ E.g. Comité de Unidad Campesina CUC, Asociación de Forestería Comunitaria Utz’ Che’, Coordinadora de Viudas de Guatemala CONAVIGUA, Movimiento Mojo Maya, Asociación Ak’ Tenamit.

⁶⁹ Law for the Integrated Protection of Childhood and Adolescence (LEY PINA), Adoption Law, Law against Sexual Violence, Exploitation and trafficking of Persons, RENAP Law.

⁷⁰ This climate of impunity is demonstrated by Guatemala’s one-digit conviction rate (1.4 per cent) for murder in general and the even more dramatic failure to convict in cases related to the killing of women in recent years. The implications of these findings are, as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, has commented, that ‘Guatemala is a good place to commit murder, because you will almost certainly get away with it’ (Alston 2006:17).

in human rights in the country, including a marked rise in the trafficking of children for illegal migration, adoption, prostitution and organ donation.⁷¹

The weakness of the state in infant and child care is also reflected in the work of civil society. There are few organisations dedicated to working on childhood issues in the country. Even more distant is children's participation in decision-making regarding their own lives. Both civil society and the state thus have a considerable way to go to meet the obligations contained in the CRC. There are some ongoing efforts to strengthen children's participation through student councils, community councils, municipal committees, a Children's Parliaments, etc. However, these initiatives are up against powerful obstacles owing to the entrenched adult-centricity of Guatemalan society. There is a clear need, therefore, for reinforced mechanisms that permit the genuine participation of children.

In this context, the assistance given by Norway and Sweden in favour of child rights is clearly important. While there is still little international cooperation addressing child rights, support provided by Norway and Sweden has significantly contributed to raising political awareness and sparking debates on these issues within domestic Guatemala politics. As a result, the assistance provided by Sida to organisations such as UNICEF, Plan International and the Children's Refuge is highly relevant. Support by Norway through Save the Children on educational quality and the strengthening of child rights importantly challenges persisting barriers and prejudices in the traditional set-up of the education system in the country. Moreover, the political awareness-raising assisted by Sida through Diakonia (Uk' u'x b'e), and by Norway through the NCA (IEPADES) is generating important sources of empowerment and leadership for both marginalised indigenous and urban young people. These experiences should be celebrated, but caution must also be taken with regard to the continuing necessity of improving and expanding these interventions.

In general, child rights remain a limited concern in domestic development. Indeed, Guatemalan civil society organisations see this matter as something 'specific' or sectoral, to which a few are dedicated while others are not. While all claim to have integrated or mainstreamed child rights as a cross-cutting concern, the majority of the projects selected for this evaluation shows that it is an overstatement. Of the sampled partner organisations only three are exclusively dedicated to child rights, i.e. UNICEF, Save the Children and Plan Guatemala.⁷²

The theme of youth is more visible as a result of this target group being recognised as potentially important actors and promoters of change. However, despite increasing participation by young people in projects and programmes, the attitude of adult-centricity is still evident. While young people are increasingly welcomed into community and project organisations they are often relegated to technical and operative tasks, and kept out of spaces where decisions are taken. Of the organisations sampled for this evaluation only Uk' ux' b'e has considered the integration of a Youth Council within its structure, giving space for young people to evaluate and approve the formative process offered young Mayan children and young people.

The general treatment and discussion of childhood and youth conforms to broad and homogeneous notions which accords some consideration to gender and the differential treatment of girls and boys, but no recognition of the cultural diversity. In this light it is appropriate to highlight the efforts of Diakonia and Uk' u'x b'e with regard to the specific treatment of indigenous children and youth. The

⁷¹ See McNeish & Lopez Rivera (2009).

⁷² Diakonia has only recently included youth as a key issue in its strategy and its partner Uk' u'x b'e is dedicated, through special treatment, to the political formation of young indigenous people. IEADES (the partner of the NCA) has a specific component aimed at the formation of young people. The rest of the partners, i.e. the AIN, the SCC, and DEMI/UNDP, the Norwegian Red Cross, highlight their work with children as being an indirect consequence of their work with women. These organisations have chosen to privilege the mainstreaming of gender, indigenous peoples, the environment, HIV and AIDS.

study being conducted by DEMI and UNICEF has also been important in terms of putting the situation of indigenous girls on the agenda.⁷³ It is interesting to note that several of the assessed organisations have increasingly integrated children into their work as a consequence of their focus on women, above all indigenous women. Although they have not mainstreamed child rights, several organisations have carried out direct interventions in response to child rights. DEMI, Red Cross and the SCC are cases in point.

All the organisations covered by the present study understand the seriousness of the situation for children and youth in Guatemala, and have demonstrated sensitivity to the challenge. They have further demonstrated their openness and willingness to discuss the possibility of mainstreaming child rights in their work. They accept that child rights are directly linked to violence against women, level of poverty (nutrition, education, and housing), security, etc. However, despite this awareness and openness the persisting weakness of both Norad's and Sida's partners is discernible in their failure to create space for a discussion of the rights of children and adolescents. There is a general lack of awareness of child rights mainstreaming as a tool and a strategy. Indeed, several NGOs were surprised that their projects had been selected for evaluation on this issue, arguing that "they do not work directly with children, and that they therefore do not form part of their strategy".

A general assertion of Norwegian and Swedish partners was that there are few spaces for meeting and discussion. Sida meets once a year with four of its partners for training purposes, e.g. for technical assistance for planning and focus on results.⁷⁴ The Norwegian partners also meet only once a year to discuss coordination and synergies as well as programmatic and administrative issues.

Many of the functionaries interviewed in the course of the evaluation recommended that Sida and Norad find ways to encourage more communication with their partners in order to:

- Know what their partners are doing;
- Exchange experiences and methodologies;
- Create synergies and coordination;
- Discuss mainstreaming of child rights;
- Discuss strategy more often;
- Discuss the focus of their work in greater depth, and reflect on how goals are reached.

In the focus group discussions with children and young people, as well as in interviews with key respondents from partner organisations, we asked what factors might guarantee success. The following responses were given:

- a) Children and young people learn best through active and participatory methodologies that integrate fun and recreational activities. Children mentioned their particular attraction to participation in radio programmes, story-telling, histories and child materials;
- b) Creative and colourful teaching resources. The children demonstrated great enthusiasm in the use of posters, pictures, colouring books, riddles and other materials than are didactic and involve action. Save the Children, IEPADES and Red Cross have made efforts to design materials that accommodate these interests;
- c) The opportunity to express oneself, to participate and speak freely. The children and young people stated that before the interventions they were timid and afraid to express themselves;

⁷³ Ex Ombudsman Teresa Zapeta.

⁷⁴ UNICEF.

- d) Exchange with other children and young people from other parts of the country, or other cultures. The children and young people voiced the opinion that they had especially enjoyed and learned a lot from the opportunities provided through participation in national and international events. These were seen as empowering and experiences that broadened their horizons;
- e) In the case of Mayan children and young people, knowledge and value of their culture and an understanding of the reality of their country (history, problems, causes and possible solutions) were seen as important.

In the case of representatives of organisations that do not work directly with children, but more generally with human rights, democratisation, gender, rural development, and HIV and AIDS, the most important elements of their projects were:

- a) The empowerment of women has multiple effects;
- b) The strengthening of the subject of rights promotes political sustainability;
- c) Encourage and train people to sustain their own projects and process of change;
- d) It is vital to form a serious, committed and creative team;
- e) The establishment of synergies, alliances and coordination between different actors and organisations strengthens sustainability;
- f) Work with the state, to strengthen institutional and technical capacities that buttress sustainability, assists policy impact and – both directly and indirectly – the rule of law.

With respect to factors that most severely constrain the achievement of objectives the following were highlighted:

- a) A patronising attitude towards children;
- b) Division and fragmentation in social movements;
- c) Lack of funding and budgetary constraints;
- d) High level of legal impunity.

Conclusions

This section draws some general conclusions and some related to such issues as mainstreaming vs. targeting; long-term perspectives; participation by children; and some political reflections.

General conclusion

Sweden and Norway assist a diverse range of organisations working with vulnerable and marginalised segments of the population: children and young people, women, indigenous peoples, and peasants. Ostensibly they have all adopted a human rights-based approach in their work. There are also many similarities between Sida/Norad and their partners with respect to the political necessities and problems of the country, in the identification of actors and political subjects that can generate change, and

in the key strategies needed in future work. Sida and Norad share democratic principles and aims. The results achieved by the organisations supported by Sweden and Norad are considerable and can be seen as contribution to the achievement of several of the Millennium Development Goals and the implementation of the Peace Accords.⁷⁵ It is also evident that Norwegian and Swedish aid has made significant contributions to Guatemala's efforts to respond to the 'Concluding Observations' by the CRC treaty body. The strengthening of the rule of law, better knowledge and social capacity to demand rights, better conditions for the political participation of civil society, empowering of children, young people, women and indigenous peoples are, according to our respondents, important contributions in the context of the country and the need to reconstruct peace. However, the challenges facing Guatemala are so many and so formidable that two donors like Norway and Sweden cannot be expected to make more than a modest contribution to meeting them.

Mainstreaming

While the strengthening of child rights is part of the strategies of both Sweden and Norway, this is still not visible in all aspects of the work undertaken by Sida's and Norad's partners. However, while mainstreaming has not yet been applied consistently – as one would have expected at least in the case of interventions supported by Sida – there is openness and interest in discussing and considering this strategic approach, including in Norwegian-supported interventions that are not explicitly required to be mainstreamed. While Sweden is explicitly committed to mainstreaming, this strategic matter has so far not been encouraged in discussion with its partners. As a result, partners have not adopted the mainstreaming of child rights as a requirement as is the case with other cross-cutting issues such as gender and the environment. In general terms, there is a need for more dialogue and self-reflection on this issue between Sweden and Norway and their partners.

Long-term vision

It is interesting to note that Sweden and Norway have taken a long-term perspective in the majority of their supported interventions, allowing for the formulation of broader programmes of longer duration rather than short-term projects. NGOs expressed their appreciation for this posture and method of planning, but also mentioned that in some cases budgetary constraints had hindered long-term programmatic initiatives.⁷⁶ According to CSO partners the strengthening the child rights, in terms of the general principles of the CRC, requires an integrated strategy with a long time horizon.

Participation by children

Organisations working with children and young people argue that participation is a means and an end, as well as a necessity. It also conforms to Article 12 of the CRC. The value of children's participation is demonstrated student councils, municipal commissions, networks for children, etc. However, the organisations point out that these entities are new and still in the process of finding their bearings and gathering clout before they can secure the genuine participation of children and young people in decision-making processes. It is also important to note the element of ethnicity in discussions about childhood and youth which until recently was absent is currently part of the discussion of child rights. Acceptance of ethnicity as a defining criterion opens up important reflections on the meaning and possible plurality of childhood.

⁷⁵ In the case of organisations that work directly with children (UNICEF, Plan and Save the Children) there is clear coherence with the CRC.

⁷⁶ IEPADES has an annual budget of GTQ 150,000 and Uk' u'x b'e an annual budget of GTQ 100,000.

Political assistance and consultation

As a result of their level of support to Guatemala over considerable time, both Sweden and Norway are recognised and well positioned politically vis-à-vis the Guatemalan state and multilateral organisations. This may afford both Sida and Norad considerable influence on issues such as legal reform and the application of law. In this regard, it is important to acknowledge the potential power of strategic political alliances with partner organisations to push for further change. The consultations that Sweden carried out on adoption contributed to the passage of the Adoption Law, which transcended the pre-existing level of respect for child rights and are instructive in this regards. Technical assistance and financial assistance granted to partners could be further strengthened through strategic political support on issues of common interest and relevance to the country.

Recommendations

1. Sweden and Norway should continue providing financial assistance to strengthen child rights in Guatemala; the level of support should not be reduced. Interventions should adopt a long-term perspective which allows for integrated and nuanced development;
2. Sweden and Norway need to engage in a closer dialogue with their local partners about the rights of children. In the case of Sweden this should specifically deal with mainstreaming;
3. Consideration should be made to giving strategic political assistance, and to high level consultation on issues linked to child rights. Within these consultations attention should be drawn to the current security policies and the current situation of legal impunity in the country;
4. Support should be given to research projects that may assist the work of local partners and enhance the visibility of the specific challenges encountered, and provide inputs to the design and production of teaching materials and resources for working with children and young people;
5. Sweden and Norway should continue to prioritise democratisation, human rights, sustainable development, gender equality and indigenous peoples' rights as key strategic objectives in the contemporary development of Guatemala.

Appendix 1. Overview of Norwegian and Swedish interventions*

Title	Type	Local Partner	Duration	Amount*
Norway:				
Children's Rights in town planning	Targeted	Redd Barna with local partner	2006–2009	NOK 4.6 mill.
Education models	Targeted	Redd Barna with local partners	2006–2009	NOK 4.4 mill.
Bilingual education		UNICEF with local partners	2006–2009	NOK 20 mill.
Community health	Main-streamed	Norwegian Red Cross with local partners	2006–2008	NOK 7.3 mill.
Social awareness about armed violence	Targeted	Norwegian Church Aid with IEPADES	2008–2009	NOK 162,000
Sweden:				
Protection of children and mothers in Guatemala	Targeted	UNICEF	2005–2012	SEK 27.4 mill.
Indigenous Women's Ombudsman	Main-streamed	UNDP with local organisations DEMI	2003–2006	SEK 4 mill.
Rural Citizenship, phase II	Main-streamed	Swedish Cooperation Centre with local partners	2009–2010	SEK 6.2 mill.
Integrated Attention to Children and adolescents whose human rights have been violated	Targeted	Plan Sweden with Alliance House/ Children's Refuge	2008–2010	SEK 4 mill.
Youth Formation and Impact	Main-streamed	Diakonia with Mayan Association Uk' u'x b'e	2007–2010	SEK 2.4 mill.

* The Norwegian database covers the 2001–2008 period and the Swedish 1998–2010.

Appendix 2. Persons consulted

Alvarado, Rubelci, Programme Director, Save the Children, Guatemala City

Bac, Maria Berta, Facilitator, Uk' u'x b'e, Chimaltenango

Castañeda, Félix, Programme Coordinator, Norwegian Red Cross, El Palmar

Chávez, Rosa, Facilitator, Uk' u'x b'e, Chimaltenango

Chun, Elva Amariles, Local Facilitator AIEPI, Norwegian Red Cross, Retalhuleu

Chun, Juan Jeremías, Regional Coordinator South-West, Norwegian Red Cross

Donis, Amada, National Adviser, Plan Guatemala, Guatemala City

Dubón, Leonel, Executive Director, Children's Refuge, Guatemala City

Estrada, Claudia, 5th grade teacher, Save the Children, Guatemala City

González, Beatriz, Administrative Director, Children's Refuge, Guatemala City

León, Karla de, Regional Programme Coordinator, Norwegian Red Cross, Retalhuleu

León, Mayda de, Programme Coordinator, IEPADES, Guatemala City

León-Escribano, Carmen Rosa de, Executive Director, IEPADES, Guatemala City

López, Ana Paula, Country Coordinator, Swedish Cooperative Centre, Guatemala City

Marroquín Santamaria, Beatriz, National Coordinator, Norwegian Red Cross, Retalhuleu

Matzir, María, Programme Coordinator, Uk' u'x b'e, Chimaltenango

Mendoza, Ricardo, Country Representative, Norwegian Red Cross, Comunidad Fraternidad

Monzón, Sandra, Childhood Adviser, Save the Children, Guatemala City

Ovalle, Sandra Elena, Director, Save the Children, Guatemala City

Rabanales, Alexander, Child and Youth Officer, IEPADES, Guatemala City

Sagastume, Verónica, Project Officer, Norwegian Church Aid, Guatemala City

Sagui, Mayra, Programme Coordinator, Asociación de Forestería Comunitaria Ut'z Ch'e

Sam, Helder Alexander, Local Facilitator, Norwegian Red Cross, Quetzaltenango

Serech, Miriam de, Education Adviser, Save the Children, Guatemala City

Sincal, Sotero, National Representative of Diakonia Guatemala, Diakonia, Guatemala City

Solórzano, Justo, Child Protection Specialist, UNICEF, Guatemala City

Tellez, Noemí, Child and Adolescent Judge, Juzgado 2do. de la Niñez, Guatemala City

Zapeta, Teresa, Former Ombudsman for Indigenous Women, DEMI, Guatemala City

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Guatemala Country Case Study: Child Rights

Guatemala has a legal basis for the protection of children and young people and ratified the United Nations Convention on the Rights of the Child in 1990, which was domesticated in 2003 with the passage of the Law on the Integral Protection of Children and Adolescence. This study asks what factors and conditions have generated positive results of Norwegian and Swedish assistance to promote child rights in Guatemala. The evaluation is concerned with specifying strategies and interventions that function well, as well as with identifying gaps and failures in existing policy and practice.

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