

UNEDITED VERSION

COMMITTEE ON THE RIGHTS OF THE CHILD

CRC/C/HND/CO/3

Forty-fourth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Honduras

1. The Committee considered the third periodic report of Honduras (CRC/C/HND/3) at its 1208th and 1209th meetings (see CRC/C/SR.1208 and 1209), held on 19 January 2007, and adopted at the 1228th meeting, held on 2 February 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, as well as the replies to the list of issues, which provide further information on the situation of the children in Honduras (CRC/C/HND/Q/3/Add.1). It further notes with appreciation the dialogue with the high-level and inter-sectoral delegation of the State party.

B. Follow-up measures undertaken and progress achieved by the State Party

3. The Committee welcomes the adoption of the National Plan of opportunities for children and adolescents in 2005.
4. The Committee notes with appreciation the State party's agreement concluded with UNICEF for the period 2002-2006 to support the implementation of the Convention.
5. The Committee further welcomes the establishment of an inter-institutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in 2002.
6. The Committee also welcomes that the State party has adhered to the following international instruments:
 - a) the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography respectively on 14 August and 8 May 2002;
 - b) the International Convention on the Elimination of all Forms of Racial Discrimination, on 10 October 2002;

- c) the International Convention on the Protection on All Migrant Workers and Members of Their Families, on 9 August 2005;
- d) ILO Conventions No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 25 October 2001;
- e) the Rome Statute of the International Criminal Court, on 1 July 2002;
- f) the Inter-American Convention on the Forced Disappearances of Persons, on 28 April 2005.

C. Factors and difficulties affecting the implementation of the Convention

7. The Committee recognizes that - despite the fact that almost 9 years have passed since - the State party is still healing from the effects of the devastating hurricane Mitch occurred in 1998, which -among other things- caused thousands of deaths, destroyed most of the infrastructure and left over 20% of the population homeless.

D. Main subjects of concern and recommendations

1. General Measures of Implementation

(arts. 4, 42 and 44, paragraph 6 of the Convention)

Committee's previous recommendations

8. The Committee notes that some concerns and recommendations (CRC/C/15/Add.105, June 1999) made upon the consideration of the State party's second periodic report (CRC/C/65/Add.2) have been addressed. However, it regrets that other of its concerns and recommendations have been insufficiently or partly addressed, including, *inter alia*, those related to: the need to establish adequate coordination; the insufficient financial and human resources of the Honduras Institute of Children and the Family (IHNFA); non-discrimination; birth registration, abuse and ill-treatment of children; limited access to health services; adolescent health; economic and sexual exploitation; children working and living in the streets; juvenile justice.
9. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the third periodic report.**

Legislation and implementation

10. The Committee is concerned that - as indicated in the State party's report - despite the adoption of the Children and Adolescent Code and of various

relevant pieces of legislation, there is still insufficient harmonization of the national legislation with the provisions of the Convention.

11. **The Committee recommends that the State party increase its efforts to guarantee the full harmonization of its domestic law, including the Family Code and the Code on Children and Adolescents with the Convention on the Rights of the Child and other applicable international standards.**
12. **The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

National Plan of Action

13. The Committee notes with appreciation the adoption of the National Plan of opportunities for children and adolescents in 2005 which was elaborated taking into account the document “A World Fit for Children” adopted by the General Assembly special session in 2002, but regrets the lack of information about the resource allocated for its implementation. The Committee also notes that several other specific plans of actions and programmes (see e.g. para. 72, 74 and 78 *infra*) have been adopted in the last years, but is concerned that they may not be adequately coordinated with the National Plan of opportunities for children and adolescents.
14. **The Committee recommends that the State party effectively implement the National Plan of opportunities for children and adolescents with the aim of realizing the principles and provisions of the Convention, including by allocating adequate resources for its implementation both at national and local level. The Committee further recommends that all other specific programmes and plans which may have impact on children take into account the National Plan of opportunities for children and adolescents and that their implementation is adequately coordinated with the implementation of the National Plan of opportunities for children and adolescents.**

Coordination

15. The Committee notes the State party’s efforts towards an institutional reform of the Honduran Institute for Children and the Family (IHNFA) aimed at reinforcing it. However, it is concerned that the IHNFA still lacks an adequate institutional structure to efficiently perform its coordination mandate throughout the country and notes that its concerns on the lack of adequate human and financial resources of the IHNFA expressed upon consideration of the State party’s second periodic report, remain still valid. Furthermore, the Committee is concerned that most of the budget allocated to IHNFA is spent on

recurrent expenses and that large part of its staff has not been adequately trained yet.

16. The Committee recommends that the State party:

- a) **complete the institutional reform aimed at strengthening IHNFA;**
- b) **provide IHNFA with adequate human and financial resources - including the necessary continuity of an adequately trained staff - to be able to properly carry out its mandate, i.e. to develop and coordinate the State policy on children and all the activities aimed at the implementation of the Convention.**

Independent Monitoring

17. The Committee welcomes the work of the National Commission for Human Rights (CONADEH), which has, *inter alia*, the mandate to receive and consider complaints for violation of children's rights, as well as the activities of the municipal human rights commissioners which should incorporate the functions of "defensores de la niñez". However, the Committee is concerned that an independent human rights institution focused on children is still lacking and the municipal commissioners only exist in a limited number of municipalities.

18. The Committee recommends that the State party take the necessary measures to expand the presence of the municipal commissioners to all municipalities. It further recommends that the State party, taking into account the Committee's General Comment No. 2 on national human rights institutions (2002) and the Paris Principles (General Assembly resolution 48/134, Annex) establish an Ombudsman for Children at the national level provided with adequate human and financial resources. This Ombudsman should coordinate its activities with those of the municipal commissioners and be explicitly mandated to deal with complaints from children in a child-sensitive and expeditious manner.

Resources for children

19. The Committee is concerned that the increase in the amount of funds available through, *inter alia*, the Poverty Reduction Strategies, debt reduction programs and the international cooperation, did not result in a proportionate strengthening of the mechanisms for the integral care and protection of children at national and/or at local level. Furthermore, the Committee is concerned that among the main causes of poverty in Honduras are the unequal distribution of the income and the misuse of resources which severely impact on the enjoyment by children of their rights.

20. The Committee recommends that the State party, in accordance with article 4 of the Convention:

- a) **increase budget allocations for the implementation of the rights recognized in the Convention both at the central and at the local level;**
- b) **ensure a more balanced distribution of the income throughout the country and prioritize budgetary allocations to ensure**

implementation of the economic, social and cultural rights of all children, including those belonging to disadvantaged groups, such as indigenous children, children with disabilities and children living in remote areas;

- c) use the Poverty Reduction Strategy as a significant opportunity to increase social expenditure for children under a rights-based approach, with a view to strengthening the system of integral care for children;**
- d) establish an effective mechanism for tracking and monitoring allocation of resources from the national budget and international sources from a child rights perspective..**

Data collection

- 21. The Committee welcomes the measures taken by the IHNFA to improve the system of data collection in Honduras, including the joint project between IHNFA and non-governmental organizations aimed at setting up a database to study the extent of commercial sexual exploitation of children. However, it is concerned that information on children are still insufficient especially with respect to vulnerable groups such as street children, children with disabilities, indigenous children etc., and that there is no centralized data management system to monitor progress of the implementation of the Convention.
- 22. The Committee recommends that the State party continue and strengthen its efforts to develop a comprehensive system of data collection on the implementation of the Convention covering all persons below the age of 18 years and disaggregated by those groups of children who are in need of special protection. The Committee also encourages the State party to continue its cooperation in this respect with UNICEF.**

Training/dissemination of the Convention

- 23. The Committee notes that – despite the chronic lack of resources – training courses were carried out for concerned professional groups and activities of dissemination of the Convention were organized, especially with UNICEF and civil society support. However, the Committee is concerned that level of awareness of the Convention is low, in particular among indigenous groups and in rural areas.
- 24. The Committee recommends that the State party strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professionals working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators, social workers and others as required. The Committee further recommends that the State party include human rights in general, and the rights of the child in particular, in the curricula at all levels of education, including in Universities, where appropriate.**

25. **The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness about its principles and provisions, in particular among children themselves, parents, teachers and local authorities as well as among indigenous groups and in rural areas. The State party is encouraged to continue cooperating with UNICEF in this respect.**

Cooperation with NGOs

26. The Committee notes with appreciation the involvement of non-governmental organizations in several relevant activities for the implementation of the Convention.
27. **The Committee encourages that the State party continue, and where possible strengthen, the collaboration with non-governmental organizations, including children's organizations, in the development and implementation of programmes and activities aimed at improving children's rights.**

International cooperation

28. **The Committee notes that various programs and projects have been and are implemented in the framework of international cooperation, including the technical assistance and cooperation of UN agencies and programs. In this respect, the Committee recommends that the State party continue to undertake measures within the framework of international cooperation, while at the same time seek to strengthen, through it, its institutional structure for the implementation of the Convention.**

2. Definition of the child

(article 1 of the Convention)

29. The Committee notes that its concerns expressed in its previous concluding observations about the use of the biological criterion of puberty to set different ages of maturity between boys and girls (i.e. that childhood ends at twelve years for males and fourteen for females, while adolescence starts at these ages and ends at eighteen years) remain valid.
30. **The Committee, reiterating its previous recommendation made upon consideration of the State party's second periodic report, recommends that the State party abolish in all domains the biological criterion of puberty to set the different legal age-limits for children.**

3. General Principles

(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

31. The Committee, while noting the State party's efforts aimed at combating all forms of discrimination, including the adoption of the Act for Equal Opportunity of Women in 2000 and the ratification of the International

Convention on the Elimination of all Forms of Racial Discrimination in 2002, is concerned that discrimination and stigmatization continue to exist towards certain vulnerable groups, such as indigenous children, street children, children living in rural and remote areas and towards certain children because of their appearance (e.g. way of dressing, tattoos, symbols). The Committee is also concerned at the persistence of traditional patriarchal cultural attitudes that discriminate against girls making them more vulnerable to human rights violations.

32. The Committee urges the State party to:

- a) **continue revising its legislation in order to bring it in full compliance with article 2 of the Convention, and to ensure full implementation in practice of all legal provisions prohibiting discrimination;**
- b) **combat discrimination by ensuring equal access to education, health care facilities and poverty alleviation programmes and pay special attention to the position of the girls;**
- c) **carry out comprehensive public education campaigns to prevent and combat all forms of discrimination;**
- d) **include specific information in the State party's next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's General Comment No. 1 (CRC/GC/2001/1) on the aims of education.**

Best interests of the child

33. While the Committee welcomes that the principle of the best interests of the child is enshrined in State party's legislation, it is concerned that this principle is neither recognized nor applied in practice, for instance in the allocation of resources, in the area of child protection and in the administration of justice.
34. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood and appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programs and services which have an impact on children.**

Right to life, survival and development

35. The Committee is extremely concerned at the very high number of disappearances and extra-judicial killings of children, including at hands of members of the police force and at the fact that these killing are not responded to with strong condemnation and adequate action by the authorities and the public at large. While noting the establishment of special intersectoral commission of investigation in 2001 as well as of a special unit within the Criminal Bureau of Investigation specifically mandated to investigate these crimes, the Committee is concerned that many of them have so far remained

unpunished. In this respect, the Committee welcomes the information that the President of the State party has written a letter in which he guarantees support for the special unit of investigation..

36. **The Committee recommends that the State party guarantee the right to life of children throughout the country, continue to carry out a thorough investigation on the allegations of disappearances and extra-judicial killings of children and prosecute and adequately punish those responsible of these heinous acts. Furthermore, the State party should:**
- a) **systematically collect data and information on all violence and abuse against children and notably extrajudicial killings;**
 - b) **ensure that – as promised by the President – the necessary earmarked budgets are provided to the special unit created to investigate these crimes not only to deal with the current cases but also with all the cases waiting for investigation;**
 - c) **provide the family of the victims with adequate support and compensation;**
 - d) **reduce the availability of arms and ensure that their sale occurs only under strict governmental control;**
 - e) **address the root causes of these violent acts, including poverty and marginalization, since most of these acts are said to occur in the poorest metropolitan areas of Tegucigalpa and San Pedro Sula;**
 - f) **take measures, in cooperation with the media, to sensitize the public against the use of violent and other illegal measures in the strategy to address the problem of ‘maras’;**
 - g) **ensure that mechanisms to control and monitor independently the activities of the police forces are created and/or reinforced, if they exist.**

Respect for the views of the child

37. The Committee welcomes some positive initiatives in the area of child participation, such as the Parliament of Children and the Legislative Congress of students, but is concerned that the right of the child to express his/her views is rarely implemented in practice, partly due to the fact that children are not recognized yet as right holders. Furthermore, the Committee regrets the paucity of information with respect to the participation of children in the justice system.
38. **The Committee recommends that the State party continue to promote, facilitate and implement in practice, within the family, schools, community, other institutions as well as in judicial and administrative procedures, the principle of respect for the views of children in all matters affecting them, in accordance with article 12 of the Convention. Furthermore, the Committee recommends that the State party take fully into account the recommendations adopted on the Committee’s day of general discussion on the right of the child to be heard in September 2006.**

4. Civil Rights and Freedoms

(arts. 7, 8, 113-17 and 37(a) of the Convention)

Birth registration

39. The Committee appreciates the considerable efforts of the State party to establish a birth registration system that effectively covers all children throughout the country, including awareness raising campaigns, the adoption of Decree N° 62 of 2004 establishing the national registry system and the setting up of mobile registries in rural or remote areas. However, the Committee is concerned by significant discrepancies in birth registration rates between urban and rural areas partly due to the low level of awareness thereof and lack of adequate resources and qualified staff in the registration system.
40. **The Committee reiterates its previous recommendation urging that the State party make a priority of the immediate registration of the births of all children, and to promote and facilitate the registration of those children who were not registered at birth, in light of article 7 of the Convention. The State party should also continue carrying out awareness campaigns, such as ‘All Honduran children have a right to a name and a nationality’, targeted to the rural and most remote areas and intensify its efforts to provide adequate human and financial resources to improve the effective functioning of the national registration system with special attention to civil registries located in rural and indigenous areas. Measures should be also taken to ensure that the data provided to the offices of the civil registry are accurate.**

Freedom of association

41. The Committee notes the information that due to a repressive policy in combating ‘maras’, the crime of ‘illicit association’ (article 332 of the Penal Code) has been interpreted too broadly, which in some instances may amount to a violation of article 15 of the Convention which recognizes the right of the child to freedom of association.
42. **The Committee recommends that the State party ensure that no restrictions are placed on the right of the child to freedom of association other than those imposed in conformity with article 15 of the Convention.**

Prohibition of torture and other cruel, inhuman or degrading treatment

43. The Committee is deeply concerned at the information that beatings during and after apprehension of persons below 18 are common. The Committee is further concerned at the information that some of the children victims of extra-judicial killings appear to have been tortured before being killed.
44. **The Committee urges the State party to take all necessary measures to prevent that children are subjected to torture or any other cruel, inhumane or degrading treatment or punishment in all circumstances, and in particular during or after their apprehension by law-enforcement officials. The Committee further recommends that all allegations of ill-**

treatment and abuse committed at the hands of law-enforcement officials be investigated and those responsible prosecuted and punished.

5. Family Environment and Alternative Care

(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Family care and parental responsibilities

45. While the Committee notes the creation of the Community Child Care Homes in 1998, of 42 comprehensive care centres for children aged under 5 as well as the enactment of the Equal Opportunities Law, in 2000, which obliges companies with more than 30 employees to create day care centers for boys and girls under seven years of age, it is concerned that integral care services for children while their parents are working are still insufficient. The Committee is also concerned that there are very few programmes providing specific support for single mother families which reportedly constitute about 50% of Honduran families.

46. The Committee recommends that the State party:

- a) **give appropriate assistance to parents in the performance of their child-rearing responsibilities, including appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible;**
- b) **develop and implement policies and programmes to provide for the needs of children in single parent families;**
- c) **take all appropriate measures to expedite the adoption of two Bills aimed at facilitating the determination of paternity and at providing for the responsibility of fathers for the care and upbringing of their children.**

Alternative care

47. The Committee welcomes the program supporting foster families and the “families in solidarity” program, although the latter covers a limited number of children and seems to lack adequate regulations. The Committee is also concerned at the high number of children in need of alternative care (about 5,000 every year) and that the guidelines for foster care and institutional care are outdated and need to be reviewed.

48. The Committee recommends that the State party, taking into account the recommendations formulated following its Day of General Discussion on Children Without Parental Care in September 2005 (See CRC/C/135) develop and implement a comprehensive policy for children in need of alternative care which should include, *inter alia*, measures:

- a) **to provide families of children in need of care and protection with the necessary support and counselling in order to prevent child-parents separation, unless this separation is necessary in the best interests of the child;**

- b) **to promote alternative care in foster families, including kinship care and provide these families with the adequate financial and other support, including training;**
- c) **to ensure that institutional care is an option of last resort and that the conditions in institutions, including provisions of health care and education, are in full conformity with the Convention;**
- d) **to ensure that children placed in institutions have access to adequate complaint and consultation mechanisms;**
- e) **to ensure the periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement;**
- f) **to review existing guidelines for alternative care (foster and institutional care) and bring them in full conformity with the Convention.**

Adoption

49. The Committee notes that a draft Special Law on Adoption is under consideration in the Congress since 2000 and that the State party has started the process towards ratification of the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption.
50. **The Committee, reiterating its previous recommendations, urges the State party to speed up the adoption of the draft Special Law on Adoption and finalize the process of ratification of the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Violence, abuse, neglect and maltreatment

51. The Committee notes that legislation to prevent violence is abundant, including specific provisions in the Children and Adolescents Code, the Law against Domestic Violence and in the Penal Code against intra-familial violence. However, the Committee is concerned that:
- a) domestic violence and abuse of children, including sexual abuse constitute a serious problem and are on the rise in Honduras, i.e. every year more than 4,000 cases of child abuse and maltreatment are reported;
 - b) services for the physical and psychological support of victims of violence are insufficient.
52. **The Committee urges the State party to strengthen its efforts to prevent and combat ill-treatment of children within and outside the family and reinforce the mechanisms monitoring the extent of all forms of violence, injury or abuse, neglect, maltreatment or exploitation covered by article 19, including within the family, schools, in institutional or other care. The State party should also ensure that all children victims of violence have access to counselling and access to appropriate recovery and reintegration services.**

53. **With reference to the UN Study on Violence against Children, the Committee recommends the State party to:**
- a.) **take all necessary measures for the implementation of the overarching recommendations contained in the Report of the independent expert of the UN Study on Violence against children (A/61/299) while taking into account the outcome and recommendations of the Regional Consultation for Latin America held in Argentina from 30 May to 1 June 2005.**
 - b.) **use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**
 - c.) **seek technical cooperation in this respect from, *inter alia*, OHCHR, UNICEF and WHO.**

Corporal punishment

54. The Committee is concerned that article 191 of the Family Code seems to authorize corporal punishment in the home and that there is no explicit prohibition of corporal punishment in alternative care settings.
55. **The Committee recommends that the State party, taking into account the Committee's General Comment N° 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006), introduce – and enforce where applicable – legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness raising and public education campaigns against corporal punishment and promote non-violent, participatory methods of childrearing and education.**

6. Basic Health and Welfare

(arts. 6; 18, para.3; 23; 24; 26; 27, paras 1-3 of the Convention)

Children with disabilities

56. The Committee notes the enactment of the Law for Integral and Equal Development for the Disabled, of October 2005 and welcomes the work of CONAMED (National Council for the Care of Disabled Children), but it expresses concern that this body enjoys limited support. Furthermore, the Committee is concerned about the general situation of children with disabilities in the country, especially that very limited infrastructure exists for their care, and that a very high percentage of children with disabilities do not attend primary school and do not complete any level of education.
57. **The Committee recommends that the State party, taking into account the Committee's General Comment n° 9 on the Rights of Children with Disabilities and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96):**

- a) **pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**
- b) **undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation and social reintegration programmes, including parent support groups;**
- c) **provide CONAMED with adequate human and financial support necessary to adequately perform its important functions;**
- d) **adequately disseminate and implement the Law for Integral and Equal Development for the Disabled;**
- e) **provide appropriate infrastructure for the care of children with disabilities;**
- f) **strengthen public awareness campaigns to change negative public attitudes;**
- g) **sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol once open for ratification.**

Health

58. The Committee welcomes the Health reform project aimed at improving access to health services for disadvantaged groups as well as other important progress in this area. However, it is concerned that:

- a) access to health services is inadequate especially in rural and remote areas of the country;
- b) an high percentage of maternal mortality occurs in rural areas due to lack of services and skilled health workers;
- c) despite a considerable improvement in the last years, infant and child mortality remains high, especially in rural areas;
- d) malnutrition - despite slight progress - remains one of the main causes of child mortality and is very high, especially in rural areas;
- e) there is a lack of clean drinking water in homes, especially in rural areas;
- f) prevalence of breast-feeding to the age of six months shows a significant decrease since 2001.

59. **The Committee recommends that the State party:**

- a) **ensure basic health care and services to all children throughout the country, including by finalizing the reform of the Health Sector aimed at improving the quality and accessibility of services;**
- b) **continue to address the problem of malnutrition and expand supply of clean drinking water in homes with special emphasis on rural and remote areas;**
- c) **strengthen its efforts to urgently tackle infant, child and maternal mortality throughout the country;**
- d) **develop and approve a Special Law for the Protection and Promotion of Breastfeeding.**

Adolescent health

60. The Committee welcomes the National Program for the Integral Care of Adolescents of 2002. However, it is concerned at:
- a) the high rate of teenage pregnancies and the still insufficient reproductive health services;
 - b) the much higher risk of maternal mortality to which pregnant girls are exposed, *inter alia*, due to the fact that girls often recur to clandestine forms of abortion;
 - c) the high consumption of alcohol and tobacco among adolescents;
 - d) the high rate of substances abuse and the increase in suicide rate.
61. **The Committee recommends that the State party, taking into account the Committee's General Comment N° 4 on adolescent health and development in the context of the Convention (CRC/GC/2003/4):**
- a) **ensure access to reproductive health services to all adolescents and carefully address the issues of teenage pregnancy, clandestine abortions and substances abuse;**
 - b) **provide adequate access to mental health services to all children and take all necessary measures to fight drug, alcohol and tobacco addictions including, *inter alia*, by providing specific rehabilitation services;**
 - c) **continue prioritizing the issue of adolescent health on the political agenda of the Government and grant more resources to public institutions for a quality care of this age group.**

HIV/AIDS

62. The Committee welcomes the adoption in 1999 of Decree No. 147/99 on HIV/AIDS which *inter alia* establishes a multi-sectoral national Commission (CONASIDA) mandated to promote inter-institutional coordinated on all issues related to HIV/AIDS as well as the Strategic National Plan against HIV/AIDS 2003-2007 (PENSIDA II). However, the Committee is concerned that- despite the 2003 national plan of prevention of mother-to-child transmission - the incidence of HIV/AIDS in the country is worryingly increasing and substantively higher than the average in the region. The Committee is also concerned at the information that CONASIDA is lacking the necessary support to properly carry out its functions as well as at the lack of coordination among all institutional actors dealing with this issue.
63. **The Committee recommends that the State party, taking into account the Committee's General Comment No. 3 on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37) :**
- a) **increase its efforts to prevent HIV/AIDS transmission among children, including by developing clear and coherent national normative;**

- b) **strengthen its measures to prevent mother-to-child transmission, *inter alia*, through coordination with the activities aimed at reducing maternal mortality;**
- c) **pay particular attention to children infected and affected by HIV/AIDS or who have become orphans due to the death of HIV/AIDS parents, through providing adequate medical, psychological and material support and by involving the community;**
- d) **provide adequate human and financial resources to both CONASIDA and PENSIDA II;**
- e) **strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;**
- f) **seek further technical assistance from, *inter alia*, the UN Joint Programme on HIV/AIDS and UNICEF.**

Standard of living

64. The Committee, while welcoming the adoption of a Poverty Reduction Strategy in 2001 and of the Law on the Fund for Poverty Reduction (Decree N° 70-2002), is concerned that the degree of poverty in the country remains high, especially in the rural areas and that the poor socioeconomic situation of the country has a devastating impact on the standard of living of children, including the lack of access to basic goods, health services and education.
65. **The Committee recommends that the State party take all possible actions, including providing additional and better managed resources, to reduce poverty and ensure throughout the country access to basic goods, education, health and other services, including clean drinking water, with especial attention to remote and rural areas. The Committee also recommends that in Poverty Reduction Strategies special attention is paid to children's rights.**

7. Education, Leisure and Cultural Activities

(arts. 28, 29 and 31 of the Convention)

66. The Committee notes that 2007 has been proclaimed 'year of education' in Honduras and welcomes the adoption of a Basic National Curriculum (CBS), as well as other programs and plans in the area of education. However, it is still concerned about:
- a) the low quality of education in the country;
 - b) the considerable difference with respect to quality and accessibility of education, number of inscriptions, level of infrastructure and drop-out rates between urban and rural and remote areas;
 - c) the low number of annual days of school and effective school hours in comparison with international standards;
 - d) the low number of teachers and their lack of training;

- e) the lack of pre-school education, especially in rural areas;
- f) the high rate of illiteracy in the country.

67. The Committee recommends that the State party, taking into account its General Comment No. 1 on the Aims of Education (2001):

- a) **increase its efforts to improve school conditions in remote and rural areas and eliminate discrepancies in access to education between urban and rural areas;**
- b) **emphasize the quality of education, including vocational education and training, and devote more and better targeted resources to education in the national budget;**
- c) **strengthen measures aimed at increasing enrolment and completion rates as well as reducing drop-out rates;**
- d) **increase educational opportunities for indigenous children, *inter alia* by continuing to provide bilingual education, where necessary;**
- e) **increase the number of days of school and effective school hours for all children;**
- f) **increase the number of teachers and improve the quality of teaching, including by investing in their training;**
- g) **provide opportunities for children outside schools so that they can get as much education as possible by specific programs tailored to their life conditions;**
- h) **seek technical assistance from UNESCO and UNICEF.**

68. The Committee is concerned that for various reasons, including the lack of spaces for recreational activities of children, in the State party children's right to rest and leisure and to engage in play and recreational activities appropriate to their age is not fully respected.

69. The Committee recommends that the State party increase its efforts to promote and protect the right to rest, leisure and play of children in conformity with article 31 of the Convention, *inter alia* by establishing safer and accessible recreational areas for children.

8. Special Protection Measures

(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

Migrant children and children of migrants

70. The Committee, while noting the existence of bilateral agreements entered to by the State party in the area of migration, is concerned at the high number of migrant children who - especially those unaccompanied and in an irregular or undocumented situation - are particularly vulnerable of being victims of exploitation and abuse, including sexual exploitation, and have difficulties when forcefully returned home.

71. The Committee recommends that the State party, taking into account the Committee's General Comment N° 6 (2005) on the Treatment of Unaccompanied and Separated Children outside their Country of Origin:

- a) **pay special attention to the situation of migrant children, particularly those unaccompanied and in irregular and/or undocumented situation;**
- b) **take the necessary measures to intensify its efforts to prevent irregular migration, including by raising awareness about the risks involved in it, and promoting adequate conditions for the resettlement and reintegration of these children and their families upon their return;**
- c) **effectively monitor the implementation of bilateral and regional agreements to protect the rights of migrant children;**
- d) **ratify the Protocol on the Smuggling of Migrants supplementing the 2000 Convention on Transnational Organized Crime**

Economic exploitation, including child labour

72. The Committee notes the setting up of the National Commission for the Eradication of Child Labour as well as the formulation and adoption of the National Plan of Action for the Gradual and Progressive Eradication of Child Labour. However, the Committee is concerned that:

- a) there are no specific funds allocated for the implementation of National Plan of Action for the Gradual and Progressive Eradication of Child Labour;
- b) there is still a large number of children - especially in rural areas and among the indigenous people - working in high risk and exploitative conditions. Of particular concern to the Committee is the situation of children exploited for deep-sea fishing, especially in Puerto Lempira, with grave consequences for their health;
- c) children working as domestic workers often face difficult working conditions, such as long distance from home, low wages and long working hours, and are particularly vulnerable to ill-treatment and abuse, including sexual abuse, at the hands of their employers;
- d) there is a high number of children between 14-17 working in mines;
- e) a high percentage of working children do not attend school.

73. **The Committee recommends that State party:**

- a) **undertake a survey of the number of children working, including as domestic workers and in the agricultural sector, in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation;**
- b) **improve the labour inspection system in order to ensure that the work performed by children is light work and not exploitative and/or hazardous;**
- c) **ensure the implementation of legislation fully covering art. 32 of the Convention, and ILO Conventions No. 138 and No. 182, including in particular identification of hazardous forms of work at the national level;**

- d) **ensure adequate budget allocation for the implementation of the National Plan of Action for the Gradual and Progressive Eradication of Child Labour;**
- e) **undertake raising awareness campaigns to prevent and combat the economic exploitation of children;**
- f) **seek technical assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF, among others.**

Street children

74. The Committee, while welcoming the National Plan of Action for the “Social Integration of Children and Women Depending on the Street”, remains concerned at the high number of street children in the State party and at the lack of coordinated activities in this area. The Committee is further concerned at the information that an high percentage of street children are regularly exploited through prostitution, and that these children lack the most basic human rights, including an adequate standard of health, food, housing and education .
75. **The Committee recommends that the State party:**
- a) **carry out a comprehensive study to assess the scope, nature and causes of the presence of street children in the country in order to develop a comprehensive policy, including at local level, for their prevention and reduction;**
 - b) **provide street children with recovery and social reintegration services as well as with adequate nutrition, housing, necessary healthcare and educational opportunities;**
 - c) **facilitate reunification of street children with their families, when in the best interests of the child;**
 - d) **continue to seek assistance from, inter alia, UNICEF.**

Maras/pandillas

76. The Committee is concerned that, according to the information received, the number of maras/pandillas has increased in the country. It also notes that most of the children belonging to these groups do not attend school and do not have any employment. Furthermore, the Committee - while noting the adoption of Decree N° 141 of 2001 on the prevention, rehabilitation and reintegration of members of maras – regrets that lack of adequate resources, included financial allocations, has hampered its effective implementation.
77. **The Committee recommends that the State party:**
- a) **pay more attention to the social factors/causes at the root of the problem of maras/pandillas;**
 - b) **focus on preventive measures while refraining from treating this issue exclusively in a punitive and repressive way;**
 - c) **invest in financial and human resources for activities of prevention, rehabilitation and reintegration for members of maras/pandillas.**

Sexual exploitation and trafficking

78. The Committee notes the measures taken by the State party to combat sexual exploitation and trafficking of children, including the reform of the Penal Code

in 2006, the establishment of an inter-institutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in 2002, the elaboration of a Plan of Action to combat commercial sexual exploitation of children and adolescents 2005-2010 and the establishment of a special unit within the police to investigate cases of sexual exploitation and abuse of children in 2004. However, the Committee is concerned that commercial sexual exploitation of children is common in Honduras in all its manifestation, not only due to poverty and the socio-economic situation prevailing in the country, but also to other significant contributing factors such as violence and criminality. The Committee is concerned in particular that:

- a) sexual exploitation of children, especially girls, and trafficking for its purpose are a serious problem in Honduras;
- b) child prostitution and child sex tourism are common and increasing;
- c) despite the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, no governmental body is in charge of policies implementing it and little has been done to raise awareness of this problem.

79. The Committee recommends to the State party to:

- a) **undertake a study on the sexual exploitation of children in order to assess its scope and causes, enable effective monitoring of the problem and develop measures and programmes to prevent, combat and eliminate it;**
- b) **increase its efforts to combat child prostitution and sex tourism related crimes, *inter alia* by developing a specific strategy targeting the tourist industry, including specific messages on child rights and on the existing sanctions against child abusers;**
- c) **provide adequate programs of assistance and reintegration for sexually exploited and/or trafficked children, who should be treated as victims and not criminalized;**
- d) **effectively implement the National Plan of Action against commercial sexual exploitation of children and adolescents;**
- e) **train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner that respects the privacy of the victim;**
- f) **strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving trafficking and sale of children, child prostitution, child pornography and child sex tourism**
- g) **ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the 2000 Convention on Transnational Organized Crime and define trafficking in the criminal legislation according to the definition contained therein;**
- h) **seek technical assistance from among others, UNICEF.**

Administration of juvenile justice

80. The Committee notes some progress in the implementation of the juvenile justice system in the country, including the establishment of juvenile courts in 8 departments. The Committee is concerned at the systematic use of pre-trial detention and the steep increase of persons below 18 deprived of their liberty since the adoption of the new anti-maras measures, such as article 332 of the Penal Code which contemplates the offence of 'illicit association'. The Committee is particularly concerned that many children are arrested and detained on the mere allegation that they may belong to a 'mara' because of their appearance, e.g. due to the way of dressing or to the presence of a tattoo or a symbol. The Committee is further concerned at:

- a) the fact that deprivation of liberty is regularly used due to the lack of an effective system of alternative measures;
- b) the bad conditions of detention –despite recent progress - in the centers for children, including overcrowding, lack of medical and psychological services and lack of sanitation;
- c) reports of consistent violation of the right to privacy of children deprived of their liberty;
- d) the fact that decisions depriving children of liberty are neither periodically nor consistently reviewed;
- e) the information that accused children awaiting for trial are not always separated from those convicted;
- f) the fact that the majority of children do not have access to reintegration programmes during or after the period of deprivation of liberty.

81. The Committee recommends that the State party ensure that persons below 18 are not deprived of their liberty unlawfully and/or arbitrarily, in particular as a consequence of the application of anti-maras measures. It further recommends that the State party take all necessary legislative and other measures, including the abolition of article 332 of the Criminal Code, to prevent criminalization and/or deprivation of liberty of children merely based on their appearance. Pre-trial detention should be limited only to certain conditions clearly established by the law, in particular to assure the child's appearance at the court proceedings and if the child is in immediate danger to self or others. The duration of pre-trial detention should be limited by law and be subject to regular review, e.g every month. The Committee further recommends that the State party:

- a) **develop and implement a wide variety of extensive measures alternative to the deprivation of liberty;**
- b) **ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**
- c) **improve the conditions of detention of children when it is used as last resort, notably by complying with the international standards as to surface area, ventilation, fresh air, natural and artificial light, proper food, drinking water and hygienic conditions;**
- d) **establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and**

investigate, prosecute and punish any case of mistreatment or abuse committed;

- e) ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;
- f) provide training for penitentiary staff on children's rights and special needs;
- g) request technical assistance in the area of juvenile justice and police training from, *inter alia*, the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

82. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules); and the Committee's General Comment N° 10 on Children's Rights in Juvenile Justice (CRC/C/GC/10).

Children belonging to indigenous groups

83. The Committee notes with concern that indigenous communities continue to face serious difficulties in the enjoyment of the rights enshrined in article 30. In particular, the Committee is concerned that the enjoyment of the rights by children belonging to indigenous groups is negatively affected by:

- a) the high level of poverty, inadequate access to basic services, health and education and high rates of illiteracy;
- b) the systematic threats and abuses against indigenous communities and impunity of the perpetrators;
- c) the land usurpation from municipal corporations and destruction of natural resources.

84. The Committee recommends that the State party pursue measures to effectively address the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children taking into due account the recommendations adopted by the Committee on its Day of General Discussion on the rights of indigenous children in September 2003.

E. Optional Protocols to the Convention on the Rights of the Child

85. The Committee reminds the State party that its initial reports under both the Optional Protocols to the Convention are due since 2004 and encourages their speedy submission, if possible, at the same time, to facilitate the review process.

F. Follow-up and dissemination

Follow-up

86. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the National Congress, and to provincial or State Governments and Parliament, when applicable, for appropriate consideration and further action.**

Dissemination

87. **The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

G. Next report

88. **The Committee invites the State party to submit its fourth and fifth periodic reports in one consolidated report by 3 October 2012. This is an exceptional measure due to the large number of reports received by the Committee every year. This consolidated report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report every 5 years thereafter, as foreseen by the Convention.**
89. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**