



CURRENT REPORT OF THE HONDURAN CHILDHOOD SITUATION

**Within the Frame of Recommendation-
Follow up from the United Nations
Committee for the Rights of the Child.**

Tegucigalpa, Honduras

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PRESENTATION

To be signatory of the Convention on the Rights of the Child implies to the State of Honduras the intention of formally implementing close observation actions to the life conditions of its child population and the impact on them regarding political decisions in every aspect of social-democratic life that supposedly enables the construction of the citizenship's sustainable development.

According to the principles of the Convention of the Superior Interest of the Child, it can not be avoided Survival and Development can not be postponed, the participation is undeniable and any other type of discrimination is inadmissible.

With this report and lacking official documents that satisfies the knowledge of these implications and the asseverations mentioned before; COIPRODEN, as a space for the Civil Society that represents the childhood and youth sectors, exposes the information that denounces the current situation of this sector with the purpose of attracting the attention of all the responsible entities in order for them to comply with their commitments and commands according to law.

The document begins with the observations of the Committee given to the State of Honduras after the second official report given to them in September, 2002, taking into consideration the non repetition of data already presented to the Committee and overcoming the difficulty of not having a third official report. This one becomes, therefore, the only document available that contains information of today that approximates to reality of the situation of Honduran childhood.

We hope that this document will be a source of information also useful to the Honduran society in general and particularly to the decision makers responsible of public policies.

We are greatly thankful to the people and institutions that facilitated its elaboration and we dedicate all the benefit to the Childhood and Youth of Honduras.

I. THE ENTOURAGE OF THE HONDURAN CHILDHOOD: GENERAL SITUATION OF THE COUNTRY.

1.1 Social-Political Situations:

Honduras ratified the Convention on the Rights of the Child on July 24th, 1990. Ever since then it has presented two official reports to the Committee on the Rights of the Child: the first one was presented on the month of May, 1993 and the second official report during the month of September, 1997. The third report should have been presented on September, 2002 but until this day there is no official initiative tending to comply with this international commitment to the Vigilance Entity of the Convention.

On their behalf, the organizations of the civil society came together in the "la Red de Instituciones por los Derechos de la Niñez"(Network of Institutions for the Rights of the Childhood) COIPRODEN, a non-government instance that currently associates to over 24 organizations of civil society that work to guarantee the rights of the Honduran childhood, it has given a follow-up to the international commitments that the State has assumed as signatory of the International Convention ; this way, two reports complimentary to the official ones have been presented in the year 1994, 1997 and 1998.

This document obeys the need of auditing, in a social form, the international commitments subscribed by the Government of the Republic of Honduras, in order to motivate the elaboration and presentation of the third official report and, at the same time, it tries to present a panorama to the Committee on the Rights of the Child regarding the current tendencies of public policies on promotion and protection of the rights of boys and girls that are being developed in the country, as well as the problems and pending challenges to the State and the civil society that wishes to find in this report all the elements necessary to strengthen its promotion strategies for the rights of the Honduran childhood.

In that frame, we must mention that the general situation of the childhood in this country is conditioned by a social-economic entourage that influences over the achievement or denial of the rights of all social sectors. Thus, at general level, some advances are reported regarding the consolidation of the formal democracy and a relative stabilization of the macroeconomic variables that have allowed canalize resources towards priority areas such as education, health and a slight improvement on the Index of Human Development, in 2003 went from 0.638 (1998) to 0.657. (Human Development Report, 2003. UNDP Honduras 2004, pg. 14).

This relative institutional stability is based on the promotion of electoral democracy and a new institutionalism that pretends to produce effects on juridical security and citizenship security.

This way, over the last years, "apparent" important advances were produced in democratic institutionalism; such as the constitutional reforms taken place in December, 2000 that created the hall of what we know as constitutional and introduced reforms to the model of Magistrate selection to the Supreme Court of Justice, allowing the naming of a proposing board integrated by at least two representatives of civil society.

Furthermore, in the year 2002, the old Direction of Administrative Probity and the General Contralory of the Republic were abolished to create a new Superior Account Court (legislative decree number. 10-2002-E) through a law that, in general terms, recognizes the social audit as a form of participation and social control in public matters; this present year, 2004, the constitution was reformed in order to abolish the immunity system that protected important public employees and their submission to a special judgment procedure; furthermore, over the last years, the process of de-militarization of the society was deepened when created by (Decree number 156-98) the Ministry of Security and its five divisions of civil police force which began their formal functions in the month of December, 1998. And finally, by late 2005, the seventh consecutive presidential elections will take place; characterized by being the first time where congressmen will be elected in a separate process.

Nevertheless, despite the advances in formal democracy, the general life situation of the Hondurans are still precarious, which affects deeply the essential contents of civil and political rights as well as economic, social and cultural of all social sectors but specially of those that are more excluded, being women, girls, boys, adolescents and teenagers the most affected.

Let's see some data: the new election form of the Magistrates approved by decree (262-2000), did not guaranteed that the political parties represented in the parliament made the historical distribution of the Supreme Court of Justice (taking 8 magistrates of the list who were supporters of the reigning party and 7 for the main opposing party). The results are that the great majority of judgment decisions regarding to corruption cases, human rights violation cases, etc. have been decided through the formula 8 to 7 which is an evidence of a clear politization of judicial power.

In the same way, the 2002 report of the Human Rights Commission indicates that peace and letter Judges and the appeal courts are still selected under political criteria. The Sentence Courts and the Judges in charge of sentence execution have

hardly followed the legal naming procedures that results from competitive examination.

In polls taken recently, only 13% of the Honduran citizens believe in the Judicial System, while a 91% thinks that the system inclines towards the rich people than the poor. This perception is contrasted with data from journal sources that appoints that in our country the judicial power has a delay in more than 80,000 judgments with no resolution. Regarding to penal procedures the delay reaches a 76.0% despite the entrance of the new penal process code in February, 2002. At the same time, each year more than 50,000 new accusations are brought to the several system instances; out of this number only 10% are solved by definite decision.

In the last report of International Transparency (October, 2004) Honduras is located on the red line, among the countries with high perception levels of corruption within the continent, we figure as the third country with more corruption in the region with an index of 2.3% (in average between 1999 and 2002 the corruption index was 2.7, this means that the perception of being a highly corrupted country has increased). Regarding corruption, by mid October 2004, the Public Ministry of Honduras has been involved in several scandals related to possible traffic of influences of its maximum authorities that favored in trials its presidential candidates of the government party, former presidents of the Republic, politicians and military men accused of Human Rights violation. During the month of October 2004, the General Director of Prosecution of this entity turned down to the Supreme Court of Justice 15 cases of corruption and harms to the environment, who days before had sent to not appeal in order to favor the follow up of several cases of corruption to the appellation and jurisdictional instances. Ten prosecutors were dismissed after bringing this information to public light.

Regarding to human rights matters, the biggest pressure is on civil rights, particularly in adolescents and youth. In the current government period (August 2003) some reforms to the penal code were approved (article 332) that criminalizes the association to "a gang or criminal band (mara)". The immediate effect of this reform to the penal code has become in an authentic adolescent hunt for their "supposed association" to a gang. These hunts perpetrated by police agents are done every week in ghettos and poor sectors of the country, even the Minister of Security and the President of the Republic have directly participated in some of them as a symbol of the program Zero Tolerance or hard hand against delinquency that started at the beginning of the current government period. Another negative effect of the "Ley Antimaras" (anti-gang Law) is the saturation of penitentiaries and imprisonment of underage adolescents; for, by Ad-Hoc agreement of the Inter-institutional Commission of penal justice, the ones that are captured for the crime of illicit association will not be prosecuted or applied any of

the new figures of the Penal Process Code that liberates them from judgment such as opportunity criteria or suspension of penal persecution or freedom possibility while they face trial, for both adult system and juvenile penal system.

A government project to reform the new prosecution code is currently under study, especially the part related to the rights of the prosecuted. In our country, there is a debate about a proposal made by the current President of the National Congress, in which the main subjects are: death penalty for violent crimes, the reduction of dignity conditions of prisoners by doing forced work and with their product they will compensate the victim or relatives, the general hardening of sentences and a major role of the army regarding security tasks. There is no difference between the systems of juvenile justice from the adult system, maintaining a permanent public debate towards the proposal of age reduction of a minor so he can go to adult jail from 16 years-old.

Nonetheless, the weight that the government agenda has on the pursuit of the so-called "street delinquency" is more important now than the investigation of extrajudicial executions made to adolescents and teenagers. In the report of the special Narrator of the United Nations for extrajudicial executions in Honduras E/CN.4/2003/3/Ad.2 dated June 14th, 2002 highlights: during her mission, the special Narrator received patent proof that the extrajudicial executions of children were much more numerous than the ones reported by the government... the number of children executed by security forces is increasing...61% of the executions known until 2000 were to children, the rest of them had ages between 18 and 22 years old. The majority of the executions were to male children, 89 % children and teenagers executed and an 11% are female children and adolescents. By late October 2004 these deaths were estimated in 2,446 to children less than 23 years old and older than 12.

1.2 ECONOMIC SITUATION:

Regarding the economic order, despite the relative macroeconomic stability, over the last 5 years the effects of the implementation of policies of adjustment started in the nineties have broken out again and became even deeper in 2002 and 2003 under the so-called financial equilibrium laws and tribute equity; which, in general terms, has caused a increasing detriment to life conditions regarding to social and economic aspects that limits the capacities and opportunities of human development, a 63.5% of the homes located under poverty lineⁱⁱ and out of these a 44.7% (this means 24.3 of the population) survives as extremely poor receiving less than US\$1 of daily income. By 2003, the household poll of multiple purposes from the National Statistics Institute (INE) reports that in order to buy basic food it is required US\$66.54 monthly per person.

According to INE's poll in 2003 the total population of the country was 6,797,951 Honduran citizens out of which 3,704,301 (54.49%) live in rural areas in extremely

poor conditions that reach a 63% and 3, 093,650 people (45.51%) in urban areas. The female population is approximately 3, 477,193 (51.15%) and 3,320,758 million male population (48.85%).

In demographic terms, Honduras is a country with a high incidence of infantile population: statistics from INE estimate that a 50.4% of the total population is less than 18 years old, around 3, 426,105 boys and girls. Out of this 42% (2,757,320 million) of them have ages between 0 and 14 years old.

The juvenile population has a 2% annual growth which varies according to the area observed; for instance, in rural areas, because of their high fertility and where the young population has a relative higher weight; 27% against a 24% in the urban areas.

The generalized poverty situation of Honduran homes is reflected in the family: released data from the Strategy for Poverty Reduction (ERP, 1999) estimate that 66% of the childhood in ages between 0 to 14 years old is under the line of poverty, now in a period of more vulnerability in terms of economic growth and integral development.

Ever since the day the country presented the last official report to the Committee, the country's economic growth (Gross Domestic Product (GDP)) for the year 2001 was 2.6% , overcoming the fall(1.9% in 1999) after the natural disaster Hurricane Mitch, but it was not able to recover the rhythm achieved in early 90's; 3% of average growth. Nonetheless, the levels of external indebtedness have increased since Mitch in a 2.5%, increasing the debt to \$ 4,203 million in 2002.

According to UNICEF (2003), in year 2002, Honduras faced a difficult macroeconomic situation due to the impact of the world recession, the increase of fuel prices and the fall in the process of key export products specially coffee.

The GDP grew barely over 2% compared to the goal of 4% planned by the ERP. This implied a reduction on the per-capita GDP in the order of 0.5% during the year (Republic of Honduras, Ministry of the Presidency, ERP current document, 2003 paragraph 20).

The precarious economic conditions of the country and its high levels of debt allow the country to be classified as a severely poor country and highly indebted, this has allowed to negotiate its debt with the Club of Paris and to enter the process to be admitted to the HIPC initiative, in the frame of obtaining resources (by debt canceling or debt re-adequation) to the implementation of the Strategy for Poverty Reduction (ERP, document elaborated in the year 2001 and revised in 2003)

Honduras is expected to arrive to the culmination of the HIPC by February 2005. The strategies mentioned, establish as commitments for the year 2015 the Real Gross Domestic Product (GDP) and per-Capita, to reduce poverty in 24 percent

points, to duplicate the total education coverage in pre-basic education for 5- year-old children, to achieve a total coverage in the first two cycles of basic education, to reduce by half the childhood mortality rate, to reduce by half maternal mortality rate, create access to 95% of the population to potable water and sanitation, to level and elevate in 20% the Human Development Index for womenⁱⁱⁱ.

The ERP is structured in components, programs and projects in priority areas. One of the programs is the strengthening of social protection for specific groups:

- a) Programs for the Honduran Institute of the Family and Childhood (IHNFA (family welfare, social intervention for girls and boys in social risk situation; re-education, social re-insertion for adolescents and teenagers))
- b) Program of gradual eradication of child labor.
- c) Creation of the Commission for permanent protection to physical integrity and childhood moral "which will have to function permanently as an assessment entity and consultation for the executive power".

Despite the important program goals the ERP has, in reality its level of execution has not been the one desired; by the year 2002 it reports execution levels of 43.5% of the funds programmed (US\$ 165.2 million out of US\$ 379.6 Million).

It is concerning that the ERP component with less level of execution are the programs of human capital investment where the education and health programmed goals are located, which between years 2001 and 2002 had a social investment average of barely 36%.

It is also concerning the strategy sustainability, for the executed funds until now are coming mainly from loans, donations and national funds (81.7%) and barely 13.3% are resources financed by debt relief concept.

Another problem of the ERP is that the programmed goals have not had enough public debate nor it seemed to be meant for the re-activation of the country's economic weave, nor a major or better focus on the social investment to attend the sector that are more poverty-vulnerable (girls, boys, teenagers, ethnic minorities, elderly, people with disabilities, etc) beyond normative changes and projects with little social participation and with no clear monitoring mechanisms and social audit.

II. CURRENT SITUATION OF THE GENERAL IMPLEMENTATION MEASURES:

According to article 18 of the Constitution of the Republic, the international treaties ratified by our country have a constitutional rank and prevail over secondary legislation. After ratification, in the year 1990, of the Convention on the Rights of the Child, it followed an important implementation process of the international treaty to the national legislation; which gave space to the dictation of a new legislation regarding to childhood matter, constituted by the Childhood and Adolescence Code (Decree number. 73-96 dated September 5th 1996) and the institutional re-conversion of public entities in charge of the rights of the children and it allowed the transformation of the National Board of Social Welfare(JNBS) into the current Honduran Institute of the Family and Childhood, from now on IHNFA (the law of this institute was issued by Decree number 199-97) with faculty to manage public policies regarding the "superior interest of the child and supervising the accomplishment of related legislations; as well as the establishment at local level of networks of municipal child defenders" (pact for the childhood, 1997) and the elimination of the obligatory army service in the year 1995. From that date, the minimal age for army enlisting is 18 years old; no enlistment of people under that age is permitted.

After those advances of formal court occurred in the 1990's, a series of law approbations during the period of 1998 to this day have followed; they have influenced directly and indirectly in the current use of the rights of the boys and girls in Honduras. Some of them mean important advances towards the integral protection of the childhood, others are considered to be a struggle to the contents of the rights recognized by the Convention and specially the dictation of norms in which the child is considerate as an object and not as a subject of rights. (the doctrine of the irregular situation which have caused negative effects, particularly regarding violations of important rights such as the right to life, the prohibition of any kind of torture and cruel, inhuman and degrading treatments, the non-discrimination and other civil and political rights of the childhood in Honduras.

In the following chart we can appreciate the main legislative changes registered in the country, based on the presentation of the second report presented to the Committee.

Chart 1. Normative Changes related to the Rights of Boys and Girls Period 1998-2004.

Legislation	Decree	Relevant Aspects
<p>Law for the prevention, rehabilitation and social re-insertion of gang members or maras.</p>	<p>Decree 141-2001 October 31, 2001.</p>	<p>It's a law elaborated through consultation from citizens, multidisciplinary courts that are part of the child-juvenile violence. It contains the creation of a national program for prevention, rehabilitation and social re-insertion of gang members as a unit independent from the Presidency of the Republic, constituted also by a national council and a national coordinator commission with a wide social participation.</p> <p>This law has not been applied yet because of the lack of resource assignation of resources that should be assigned from the national budget, nor has been created the institution to apply it.</p>
<p>Special law on HIV/AIDS</p>	<p>Decree 147-99 dated September 9,1999.</p>	<p>This law was done with public actors and organizations from civil society which addresses the general principles, prevention and treatment to this disease. This law develops the general principles of a State Policy regarding matters of prevention, investigation, control and virus treatment. As well as aspects related to education and public information and the rights of people living with HIV. The law created a national multi-sectorial commission</p>

		<p>in charge of promoting the inter-institutional coordination and to manage the policies related to this matter.</p>
<p>Law on Police and Social Coexistence *</p>	<p>Decree No. 226-2001, January 23, 2002.</p>	<p>Regulates preventive functions of the national police of the municipality. It authorizes the police to decree sanctions such as Fines and Communitarian Work (private from the judges). Allows the police to use child guardianship when necessary. For this matter it includes the prohibition of child internship to prostitution establishments and alcoholic beverages sales; as well as the obligation of minors to have an identification card that certifies they are underage otherwise they will be arrested for up to 24 hours in case of not presenting this document. This law also includes the concept "pernicious gang" to gangs with members from 12 to 18 years old that get together and act to hurt third parties or between them and public belongings, they could be arrested immediately and sent to court for the application of one or more social educative measurements. The law also states that when under-aged students are found walking around will be punished by the education center they are attending to and in case of repeating this action the fine will be applied to their</p>

		parents every time.
Reforms to the Penal Code, Article 332 Named Anti-gang Law (ley antimara)	Decree 117-2003	Punishment with sentences from 9 to 12 years of imprisonment and fines from 10,000 to 200,000 Lempiras to gang chiefs or heads, gangs and other groups that associate to perform hostile actions corresponding the same sentence, Reduced in an 1/3 to the rest of the members of these illicit associations.
New penal process code.	Decree No. 9-99-E, approved February 20, 2002.	Establishes the Oral and public Procedures as well as figures as options to trials such as Opportunity Criteria, Conciliation, Suspension of Penal Public Action and the Brief Procedure. The investigation function is separated from the judge and it is reassigned to the Public Ministry who is endowed with the Monopoly of Penal Public Action. The code prohibits the application of preventive imprisonment to pregnant women and nursing mothers. Within the crimes of Kidnapping, Rape of a Minor, Incest and Dishonest Abuses when the victims are over 14 years old the Public Action will depend on the Victim's instance, unless he/she is younger than 14 years old or incapable, then the action will become the one agreed.

<p>New Law of National Registration of the People</p>	<p>Decree number. 62-2004, became official when Publisher in the official journal La Gaceta (gazette), May 15, 2004.</p>	<p>It regulates the Obligation and Right to obtain the Identification card from the moment the person has 18 years old. IT creates as well the Identification Card for Minors (for children older than 12 but less than 18 years old) an the obligation of obtain it, use it and present it when required by the authorities (Article 89). There is a grace period given to obtain this card two years after the creation of this law.</p> <p>It regulates the obligatoriety of birth inscriptions but it does not establish punishment for not complying. The time given for the inscription is one year after birth.</p>
<p>Law of Migration and Foreignship</p>	<p>Decree number 208-2003.</p>	<p>A new chapter on refugees is created and it recognizes the generalized violence, the foreign aggression, the massive violation of human rights, sexual violence and other gender aggressions. It also recognizes as refugees all people depending from a refugee and that constitutes a family or their dependants. At the same time, it recognizes the right to reunion of families based on blood, affinity or dependence. We highlight the fact that the approved norm was consulted with the Regional Office of the UNHCR who incorporated all related matters to international standards for</p>

		<p>the protection of the rights of the refugee children</p> <p>Regarding foreign people, the law establishes that the siblings less than 18 years old and siblings older than 18 are included in the resolution and foreign inscription from their parents, having the right to receive the identification card. The residency is given to the foreigners that have Honduran birth-children or that are married or lives together with an Honduran. It establishes as departure requirement to be older than 21 years old or not being under sponsorship subject: otherwise they must travel with people in charge of them with the legal authorized documentation.</p>
<p>Law of Equal Opportunities for Women</p>	<p>Decree number 34-2000.</p>	<p>This law has as main purpose to eliminate all types of discrimination against women with priority in areas such as family, health, education, culture, media, environment, work, social security, credit, land, household and participation in decision taking among the power structures. It recognizes the right of the women to reproduction and of common agreement with their partner, to decide the number of children and relaxation while pregnancy takes place. For the first time, it recognizes the right of maternity leave for pregnant students without</p>

		endangering their studies. It prohibits the employers to ask for pregnancy tests as prior requirement to apply for a job. It is recognized the post-birth license to a working women that adopt a minor (less than 5 years old).
Facultative Protocol of the CRC related to Child Sale, Child Prostitution, and Use of Children for Pornography.	Legislative Decree number 62-2000 April 02, 2002.	Ratified with no Reserves.
Facultative Protocol of the CRC related to the participation of Children in Armed Conflicts.	Legislative Decree number 63-2002 April 02, 2002.	Ratified with no Reserves
Agreement 182 of the ILO on the Prohibition of the Worst Forms of Child Work	Decree 62-2001, May 24, 2001.	Ratified with no Reserves
International Convention On the Elimination of All Forms of Racial Discrimination	Decree 61-2002, April 2, 2002.	Ratified with no Reserves
UN Convention Against Transnational Organized Delinquency	Decree 108-2003, July 22, 2003.	Ratified with no Reserves
Rome Statute through which the International Penal Court is created	Decree July, 2003.	Ratified with no Reserves

Source: Own Elaboration.

* Against the Law of Police and Social Coexistence some organizations of Human Right Defense announced unconstitutional resources; to this day these have not yet been presented.

* Against Article 332, the Human Rights Organization COFADEH presented unconstitutional resources which was declared null by the Constitutional Salon (Sala de lo Constitucional) because of form reasons. A second resource was presented by an independent lawyer; this one has not yet been resolved.

Regarding the proposals to legislative reforms there is one that is outstanding: the one proposed by the office of the presidential advisor regarding security matter, it went official during 2003, a proposal tending to reform the Childhood and Adolescence Code on his title III that refers to children that brake the law that in general terms pretends to increase prison time from 8 to 20 years and to amplify the causes to imprisonment by (see more details in the chapter regarding the special protection measurements: Children in conflict with justice).

Also, in legislative matter, we can highlight the possibility of finally approving, during the government of 2005, the proposal of the Law of Youth. Nevertheless, an inter-institutional work effort that has being held for several years now and has not been able to crystallize because of the abstention of the governments to approve the legislation that implies a social investment, as it would be the creation of a national youth institute and the much needed fund designation for the development of programs and projects that are pointed towards and integral development of a sector where the highest and recurrent human rights violation take place.

Is important to highlight that the policies addressed to Honduran childhood are more government programs instead of state programs, for it is evident that the country lacks of a general policy regarding to childhood and adolescence, even when there is a discussion process regarding a national action plan for the childhood and adolescence pushed by the national Committee, created to promote the national movement for childhood, instance integrated by IHNFA, Ministry of Presidency, Ministry of Technical and International Cooperation (SETCO), Ministry of Education, Ministry of Work, Ministry of Government, National Institute for Women (INAM), Honduran Fund for Social Investment (FHIS), Ministry of Health, Save The Children, Plan International, World Vision, Association of Municipalities of Honduras (AMHON), COIPRODEN, CARE, and Casa Alianza (Alliance House). This plan has not yet been approved.

The creation and strengthening of the institution in favor of childhood that, in early 90's, seemed to have a significant priority level from behalf of the government, in the last years it has become a matter of second importance and, in repeated opportunities, its disappearance has been publicly discussed. This way, in the last two governments there has been the proposal to merge the IHNFA with the Program of Family Assignment (PRAF) and FHIS.

IHNFA has survived its vanishing proposal, but the truth is that IHNFA is currently a public entity with no resources or power. For instance, during the first three years of the current government the entitlement of IHNFA has been displayed by four people under different modalities (interim direction, direction by law for almost 2 years by and intervention board).

Regarding the budget, for the year 2004 IHNFA worked with a transfer of 98,810.70 million Lempiras^{iv} (US\$5,341,118) annually. According to the Director of INAM, who is part of the transition board of IHNFA, only 8 million Lempiras are received (US\$432,432.43)^v, the rest of the funds are for salaries and administrative services. In a 2002 study regarding intervention programs and social protection (social risk) and re-education and re-immersion (lawbreaker minors) from IHNFA, it is evidenced that this institution barely covers a 2.7% of potential children in risk or from the street nor there is enough budget for prevention activities.

Currently, the centers for lawbreaking children are at full level of their capacity as consequence of the application of the article 332 of the Penal Code (illicit association).

In the eyes of COIPRODEN, it is essential an articulation of mechanisms that insure the integrate action of different services and attention sectors and childhood protection, since in some cases the mechanisms created do not see continuation in time. For example, the Pact for Childhood mentioned in the government report in 1998, today it hardly exists.

The figure of the municipal defender proposed as a mechanism to insure the institution of the rights of the child in 239 municipalities in the country, has disappeared in great part of the Honduran communities, product of the lack of continuation from local government succession, the change in priorities in the public agenda towards the children (the tasks of the office of the pact of childhood that runs the Ministry of Government and Justice, today are reduced regarding to their functions, personnel, and economic means, up to a point that their main task is the organization of communication networks of children in some focal areas of the country); and the lack of a coherent norm that regulates the figure (in the Code of Childhood and Adolescence the defense office is created under the direction of IHNFA, but in the practice its work is made under municipal terms, this is why there is a discussion regarding if there should be a law figure from the municipalities to guarantee an effective relation with the de-centralization processes).

Nevertheless, it is important to mention the important work of about 40 childhood defense offices that, despite the lack of political will of the authorities, they have stayed alive in some areas (in some cases with the support of NGOs) and who have developed an important work in favor of the municipal spread of the Rights of the Child, the protection of boys and girls in vulnerability situation, the incorporation of the defense office in the organic structure of the municipality or the promotion of childhood participation through networks of childhood communicators, school government or scholar offices of child defense.

Regarding to the application of the recommendation of the Committee related to the need of developing a system of data recollection about all instances that the Convention contains, one of the most important is the inclusion in the population census of 2001 and the permanent house poll of 2003 some important indicators (beyond the classic ones: birth rate, child mortality, absence by levels, repetition at elementary levels, occupational rate, open unemployment rate); there were some random indicators taken by age and sex and others by child work in ages between 13 and 15 years old and between 16 and 18, income, and education average among the children authorized to work.

Nevertheless, there is a lack of indicators and statistic information that takes into account, in several enclosures and sources, the childhood as a unit of analysis. The statistic publications are not being regular and there is also missing quality information, and quantity information as well specially in critical areas in childhood such as the situation of children with disabilities, national and located data about child abuse, sexual-commercial exploitation, family abuse, physical and psychological recuperation and social re-integration of boys and girls subject to Juvenile Penal System, the particular situation of rural childhood and children that belong to ethnical minorities. Neither have been included the vulnerability caused by special health situations (HIV/AIDS, cancer, hepatitis B) among other circumstances that allow to count with detailed information of the situation in which our childhood is living in and to formulate, based on that information, policies destined to a better application of the dispositions of the Convention .

In INHFA, there have been achievements in the creation of a system of information for the childhood (SIPS), in addition to the presence in the country of a project: Inter-American Information Network on Childhood and Family Subjects (RIINFA), that obtained important achievements in the creation of a data base and information recollection instruments, but after years of functioning it has not been able to count units of analysis and information process neither a mechanism to capture information in the rural area and municipalities.

2.1 CONVENTION DIFFUSION AND REPORT

The application is linked to a level of information the population has and to the promotion of a culture that promotes a vision of girls and boys as social subjects with full rights.

In Honduras, the Ministry of Education included in the national basic curriculum (in the area social science) the study of human rights but with special reference to the right of the child and the Convention.

In a general level, it is important to recognize the work of organizations from civil society that work defending the rights of the child at local level as well as national and state organism level such as IHNFA, the National Commission of Human Rights and municipal defense offices of childhood (in the areas where they are still working) as an example of the work done by the entities that continue to make an important role in the diffusion and monitoring of the Convention. More over, the promotion programs of girls and boys as child communicators are very important; they have extended to municipalities traditionally left behind and with the highest levels of poverty and girls and boys that belong to ethnic communities who have been reached through the diffusion of the Convention and the Childhood and Adolescence Code.

In the study made by IHNFA/UNICEF named "This is how we adults think and act about the rights of boys and girls" (September 1999), it was reported that, in general, the knowledge level about the rights of the child is 79% among Honduran adults, at the same time the rights known the most were: the right to education, (40%), the right to not be mistreated (27%) and the right to eat (25%). The level of knowledge about the rights of the child contrasts with the relative information known between adults regarding to the Childhood and Adolescence Code that, according to the poll, it is known by only 54% of the population.

Among girls and boys, the knowledge focuses in specific rights that they say they know: the right to education, (62%), the right to not be mistreated (43%), the right to health (42%) and the right to be loved (30%).

The government of Honduras, through IHNFA and with the sponsorship of UNICEF and Swedish cooperation (ASDI), published in year 2000 the final observations to the government of Honduras issued by the Committee on the Rights of the Child of United Nations.

Despite this, the official report was not published or spread widely through media available in the country.

Among the best activities of childhood promotion in public policies, there is the Children Congress (children of 7 to 12 years old), this activity takes place every year in the National Day of the Child (September 10), it is held in the very Congress Palace, its objective is to promote and advertise the need of implementing the Convention on the Rights of the Child in the national legislation and dictation of public policies and to approve budgets that allow legislative advances.

Despite the efforts of public organizations and civil society in the Convention diffusion and transmission of a positive image of children as subjects of full rights, in the report of the special Narrator of the United Nations for extrajudicial executions in Honduras E/CN.4/2003/3/ its written that in the country there is a culture that motivates hate and despise for the rights of the child and promotes the denunciation of international treaties on human rights, with special mention of the Convention on the Rights of the Child.

In the Honduras report the Narrator says: "it causes alarm that a sector of Honduran press satanizes the children that live on the streets and attributes the high level of violence present in the country to the gangs composed by minors. These reporters feed even more the speech of hate of some politicians and business leaders, who deliberately prejudice the public opinion against street children. This way, the violence against these children is trivial and even induced to eliminate them... There was information given to the Narrator about a TV show that was promoting hate against gangs. The message was that these people must be excluded and eliminated from society-. The Narrator met a 15 year old boy who told her that, by the end of July 2001, the police captured him and, obligated with a gun, forced him to present himself to a TV show where a journalist was interviewing eight children. Out of the eight children that appeared on the show three were shot by unidentified people few months later after the show went on air"

With this stigmatizing image of hate towards the children, the major efforts of awareness come from NGOs. To be specific, COIPRODEN and several of its 29 affiliates are involved in a campaign against Infantile-juvenile violence, extrajudicial executions and to surpass the immunity of violations, and assassinations of girls and boys emphasizing on the responsibility of the government and the society to guarantee a safety entourage and respect towards childhood and youth.

III. DEFINITION OF BOYS AND GIRLS

In the report of final observations to the government of Honduras of the Committee on the Rights of the Child approved in May 25th, 1999, outstands: The preoccupation for the use of puberty biological criteria to establish different ages of maturity for boys and girls (Art. 1 Childhood and Adolescence Code^{vi}). This practice is contrary to the principles and dispositions of the Convention and it constitutes, among others, a form of discrimination based on sex which affects the enjoyment of all rights. The Committee recommends to the State part to introduce appropriate amendments in the internal legislation in order to achieve the full conformity with the principles and dispositions of the Convention.

Ever since the presentation of the second official report from the State of Honduras took place, there have not been any reforms to the national legislation that addresses the definition of the boy and the girl with similar parameter to the ones in the Convention in the Childhood and Adolescence Code, Penal Code, Penal Process Code, Family Code, Labor Code to mention some, they still use (in some areas) biological criteria to establish differences between boys and girls that promotes discrimination based on sex or that may be used to postpone the acquisition of rights such as the difference in age of a boy and a girls to be able to get married with authorization, work permission, protection against sexual crimes, etc.

Another relevant aspect are the repeated attempts to modify the definition of the child, the age of responsibility before the Penal System for adults in ages between 18 to 16 years that have not been materialized, mainly because of the actions of organizations of the civil society and government entities like the Human Right Commission. Even the New Law of National Registration of the People (RNP, May 2004) maintains the age criteria of 18 years old to reach the "obligation and right" to obtain the Identification Card (Art 88).

The new law maintains the contents of the previous law regarding the right to a name, to individuality, and nationality (Art.49) and the obligation of all citizens towards birth inscriptions in the period following birth.

The former law gave faculty to the RNP to promote the need, right and obligation to inscribe the births; making the RNP an active subject to vital fact (Art 12 numeral f, it is an attribution of the RNP to "maintain the public informed about the importance, requirements and procedures in the inscription of facts and civil state acts of the people"). Nowadays, the RNP has become a passive subject that only limits to accomplish its duty to inscribe all of those facts of life that fulfill with the law requirements (birth certification, death certification, death of a newborn except in the case of birth-death, naturalizations and adoptions), leaving to the people and auxiliary majors the responsibilities of these inscriptions (Art.58) in which the villages or towns in his/her jurisdiction) there are no assistance centers or nurses or midwives.

It's concerning, nonetheless, that the law of RNP as well as the new police law and social living (January 2002) establish a ID card of minors that establishes that children older than 12 but less than 18 "are obligated to obtain it, bring it with them and exhibit it when the authority requires it", giving the national police the power to retain temporarily a minor in case he/she does not bring it with him/her.

This situation opposes the right to circulation of children and the principle pro-child obtained in the article 28 (a and b) of the Childhood and Adolescence Code that establishes that in case there is doubt about the age of a minor it will be presumed

while his age is credited that it is not 18 years old yet, and it must be treated as a minor; as well as the right to not be arrested for obligations that do not come from a crime or fault, or to use freedom obstaculization as last resource measurement.

IV. GENERAL PRINCIPLES: NON DISCRIMINATION, SUPERIOR INTEREST OF THE CHILD, THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT, RESPECT TO THE OPINION OF THE CHILD.

4.1 NON DISCRIMINATION:

The Committee on the Rights of the Child is concerned about the particular situation of the girls in Honduras, for it still prevail attitudes and patriarchal cultural traditions that discriminate girls.

In the Honduran society, as in the majority of Latin-American societies, gender discrimination is still present and it's evidenced in several ways against women (3,477,193 million, or 51.15% of the population), and particularly against girls and adolescents (child population is estimated to be a 50.4% of the population, around 3,426,105 of boys and girls), that become the most unprotected victims and also invisible to this discrimination because even there are constant efforts to include the analysis of the situation of women and add data by gender, these are centered in adult women making almost inexistent the data that refers to the particular situation if girls and adolescents just as the results that come from the analysis of several sources and reports related to childhood published by public entities, non-government entities and multilateral organisms.

Despite that lack of data, the situation of women by age, we can find some manifestations of discriminations by gender in Honduras, let's see some data:

➤ According to information form the Human Development Report from UNDP 2002, the development index related to gender (IDG) in Honduras has been increasing from 0.544 in 1994 to 0.628 in 2002, while the situation related to Gender Potential Index (IPG) by 1995 it registered a value of 0.406 in 2002; it had decreased to 0.405 the potentiality of the Honduran women in relation to men, particularly with relation to the participation of women as congress people, ministers or majors, vice-majors, and governors in local governments.

➤ In 2003 census 1, 262,020 homes were registered, out of which 25% are lead by women. (INE EPHPM 2003). 100,000 peoples in ages between 14 to 24 years old are family head and 23% of this 100,000 people are women.

- The life expectancy rate of women is 72 years old in general and for women living in ethnic populations is 39 years. (PHO Indicators,2000).
- Women with same formation levels as men, receive a salary with 20 to 36% less. By 2001, out of the country's total GDP, only a 29.5% was directly distributed among women. Its recognizable, nonetheless, that in the last years the women PEA (active economic population) increased 140% from 1995-2001 reaching to a 32.5% of women incorporated to the active economic population, unfortunately the incorporation of girls to labor market also increased significately^{vii}.
- The national health, epidemiology and family health poll taken in 2001 points out: 40% of children in Honduras in ages between 7 and 14 years have experienced one of the three barriers of normal development within the education system: late inscription, abandonment of the system and non-progress grade to grade as expected.
- The girls and adolescents represent one of the groups that is more exposed to urban violation, during the last semester of 2001 it registered an average of two violent deaths per week against minor females with crimes such as rape, kidnapping and others related to gang membership (investigation of sexual and commercial exploitation in children and adolescents in Honduras, IPEC/OIT, 2002).
- Domestic and family violence against women and children in the country registers increasing numbers. Unfortunately, there is no specific data regarding age from the entities that provide assistance to women and girls, public entities such as family counseling, courts, or the Public Ministry. In 2002 family counseling offices received 4413 cases of domestic violence.

Despite former data that reveals the social-cultural context that promotes and tolerates discrimination by gender reasons against women and girls, the inequity situation has tend to improve relatively in education. Today, more girls than boys go to school. By year 2001, there were 101 girls to 100 boys in elementary education, in high school it increased 132 for each 100. During the 90's and even until 2001 the relation in literacy ratio of men and women in ages between 15 and 24 years old was an average of 103 women for every 100^{viii}.

In legislative matter, as important steps regarding the surpassing discrimination we can mention the approval of the Law of Equal Opportunities for Women that establishes concrete measurements of positive action to overcome discrimination based in sex in several scenarios.

Another step regarding overcoming discrimination and accomplishment of the observations of the Committee on the Rights of the Child, is the ratification on behalf of the State of Honduras of the International Convention for the Elimination

of all Forms for Racial Discrimination through decree 61-2002, April 2nd,2002; international treaty that today it must be implemented through national legislation, policies, programs and projects that protects ethnic population and particularly women and children of native origins.

4.2 SUPERIOR INTEREST OF THE CHILD.

In relation to the recommendation (CRC/C/15/Add.24, Paragraph 20) of the Committee about how the national legislation integrates partially the principles of "the Superior Interest of the Child"(Art. 3) and about "the respect for the opinions of the child"(Art.12). After the approval of the Childhood and Adolescence Code in 1996 no reforms have taken place or any significant legislative changes towards the inclusion of the superior interest of the child in a daily basis and that their opinion and desires are particularly taken into account, within the family and in school, in guardianship procedures and other jurisdictional affairs.

It is very relevant the ratification of the State of Honduras of the facultative protocol of the Convention on the Rights of the Child related to children traffic, child prostitution and the use of children in pornography; the facultative protocol of the Convention on the Rights of the Child related to the participation of children in armed conflicts and the agreement 182 of the ILO regarding the prohibition of the worst forms of child work (see chart 1). In the national legislation there is the recognition of the rights of pregnant students in educational centers to have maternity leave authorization without interrupting the continuation of their education.

Nevertheless, in the administrative procedures (such as migration and guardianship of children in social risk) as well as jurisdictional procedures (children survivors from a crime or law-breaking children), the superior interest of the child has a relative application, as the Committee says; in practice the children are not been considerate as people with full rights. This principle is only applied when taking a decision in a family court regarding to the person that will be keeping the guardianship and care of the girl or the boy. Or when there is a decision taking towards the application of socio-educational measurements in the procedures of children with law problems (except infraction cases related to illicit association), we will see ahead, the rule is to decree imprisonment as part of the Cero Tolerance policy against teenagers and adolescents in gangs.

Even though the national legislation says that in administrative or judicial procedures the child must be listened before dictating any resolution. The truth is that in practice the socio-economic criteria are still left out when dictating resolutions in a case. Nevertheless, only in the two main cities of the country (Tegucigalpa and San Pedro Sula) this administrative and judicial instances count with support personnel that orientates them regarding decision making. (for example, in the prosecution office for the child in the capital city there is only one

psychologist and one social worker, the same amount of personnel in child courts in the capital city- the rest of the country lacks this type of human resources.)

4.3 THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT.

The right to life and development of the boys and girls is analyzed in this chapter from the human development concept that places the human being as primary subject of development. In other words, childhood has rights and through development they have open opportunities to be beneficiaries of this development.

For this report we will analyze the situation of the right to life, survival and development of the Honduran childhood from the data presented in the report to UNDP and the variables used in the construction of the Human Development Index.

In principle, it is important to remember that in Honduras an estimate 48% of the population survives with one US\$1 every day, distributed in 55.5% of urban homes and 70.8% in rural homes. This way, around 2, 757,320 million (66%) of boys and girls in ages between 0 and 14 years old are poor.

Chart No. 2 Poor Homes according to the Permanent Poll of Homes, 2003.

CLASIFICACION	NATIONAL	URBAN	RURAL
In Poverty	63.5	56.3	73.8
Poor	18.9	20.3	13.3
Very Poor	44.7	36.1	60.5
Non-Poor	36.5	43.7	26.2
Total Homes	1,262,020	633,103	628,917

There is an increasing tendency in the percentage of children that suffer from malnutrition going from 34.9% in 1991 to 36.2% in 2001 (measured by size and age in first grade scholars in ages of 6 and 9 years). The biggest problem is in the rural areas where by the year 2001 a 42.1% of children are in chronic state of malnutrition to 24.6% in urban areas^{ix}.

According to UNICEF 2004, the child mortality rate has decreased in the last decade by going from 39 in 1991 to 32 children for every one thousand born alive.

In children less than 5 years old, the mortality average decreased from 55 deaths in 1991 to 42 in 2003

The same has happened in child mortality of one-year-old infants; decreasing from 36 to 34 respectively. The neo-natal mortality rate has been stable in 19; this decreasing tendency in child mortality is explainable by the fall of pos-neonatal mortality that has decreased one fourth by going from 20 to 15 deaths for every one thousand born (National Poll of Epidemiology and Family Health, ENESF 2001, pg. 232).

During the period of 1990 to 2000, the coverage of health programs referred to vaccination was kept in superior levels up to 90%. In 2001 the percentage of girls and boys of less than 5 years old vaccinated (BCG, Polio, DPT and small pox) increased to 93% coverage. There have not been any more deaths due to small pox since 1991. The infection of neonatal tetanus is the same: 1 for every 1,000 born alive. The outbreaks of tos ferina have diminished surprisingly; and meningitis and Tuberculosis have almost disappeared.

To sum up, although there are important advances in priority areas as health, there are challenges that can not be postponed in terms of poverty reduction and opportunity openings for vulnerable groups such as women, girls, boys and teenagers, ethnic minorities and people that live in rural areas.

Even though there are no numbers about it, it is known that girls and boys have grown in the middle of violence and have learned strategies to live in it. There are no exact numbers but the organization Casa Alianza estimates that in Honduras around 20,000 girls and boys live in the street, out of them 5,000 might be girls (25%)^{xi}.

Government workers are certain that the real numbers are inferior and that in the capital city the street children could sum up to 500 girls and boys. In any case, they are potential victims of urban violence and they are exposed directly to extra judicial assassination.

4.4 THE RIGHT TO BE LISTENED. THE PARTICIPATION OF BOYS AND GIRLS.

The Committee recommends more efforts to guarantee the application of the principles of the superior interest of the child and the respect to the child's opinion, specially their rights to participate in the family, school and other institutions and society in general. These principles must be reflected in all policies and programs related to children. They must insist in creating conscience to general public even in traditional communities and religious leaders and in educational programs regarding the application of these principles in order to modify the traditional ideas that see children as objects and not as subjects of right.

Regarding the right to participation of the Honduran children, there have been important steps taken in the promotion of leadership and child and adolescent protagonism in several spaces: Sports (32%), religious (28%), musical (3%) and the no participation has a 34%.

When talking about child participation in decision taking processes about social and political issues, the most important successful experiences in our country are the following:

- a) Child Communicators.
- b) Child Congress.
- c) School Governments, girls and boys that are school and childhood defenders.

a) The Experience of Child Communicators:

One of the most important achievements regarding child participation is the generation of child communicator networks. This initiative came at the beginning of the 90's to promote the rights of the children through media in their own location. Today, the Child Communicators has become a network that covers the great majority of the country departments. The office of Pact of Childhood of the Ministry of Government and Justice states that there are 167 communicator networks within the country in which over 4,075 girls and boys are participating.

The child communicators collaborated in the production, investigation and diffusion of information related to the children and adolescents living in their community and they participate in many preparation cases and in the discussion of municipality action plans^{xii}.

The child communicators have achieved in several areas of the country the sponsorship of appropriate radio and TV spaces, allowing them to develop a proper Programming, stimulating the participation of other children, at the same time they promote a positive image of the childhood role in society. These programs make public the Childhood and Adolescence Code, the Convention on the Rights of the Child and analyses as well the main problems that affect the rights of the children, motivating the children to denounce the violations they suffer and asking the adults how to prevent and eradicate them.

This initiative has been sponsored by the office of Pact for Childhood of the Ministry of Government and Justice, municipalities and UNICEF in Honduras.

b) Child Congress:

This is an initiative sponsored by the National Congress of the Republic, the Ministry of Education and UNICEF in Honduras. In September 7, 2004 it was elevated as a republic law through Legislative Decree 125-2004 which makes it

institutional. This establishes that the Executive Power when negotiating the public debt in general it can not compromise or expose the investment that will benefit children and adolescents directly (Art.3).

In the child congress they participate 128 boys and girls with academia excellence members of school governments from the schools within the 18 departments of the country, in this day they assume for one day the task of representing the Honduran population as congress man and women and they do a simulation of law approval and dictate measurements in favor of development and integral protection of the childhood in the country (pending agenda subjects).

Article 4 establishes that the participation of girls and boys in the congress will be made under the guarantee of individual and collective participation, without any discrimination or distinction except the characteristics of leadership, good conduct, initiative and academic excellence^{xiii}.

The child congress is an opportunity to bring out the concerns towards the development and rights of the child and it gives children the opportunity to use means that are generally under control by the adults. By the end of this activity the congress people assume public commitments to retake the proposals made by the children, unfortunately they are not accomplished effectively. Perhaps, the most relevant of this activity during this children week is how it becomes visible the need of ensuring in a more effective way the implementation of the Convention on the Rights of the Child in Honduras.

There was also the creation of the Legislative Student Congress on May 28, 2004 by decree 85-2004, in which adolescents in ages between 13 and 17 years old will participate. The participants will be students with academic excellence from all the country attending public and private schools without surpassing the number of congressmen established by the Constitution of the Republic^{xiv}. Its main objectives are to promote actions and laws in favor of youth and adolescence. This activity will be held on Student Day; every June 11 each year.

c) School Governments, girls and boys that are school and childhood defenders

Even though there are no data as on how many school governments are organized in our country, there are estimate numbers that point out that at least the great majority of the educational centers in basic or elementary levels have organized school governments, elected by direct vote proceedings from boys and girls.

The school government work as promoting entities of the rights of the child in the classroom, they also represent the interests of boys and girls towards educators, school principal and in some cases with discussion capacity before regional

department authorities, according to the level of support and empowerment achieved by each school government.

In high school education the organization is called Student Government. With similar functions as of the school government. This work overcame, through derogation, the prohibition of a student organization that was effective from mid 80's; this was a cause of concern from the Committee on the Rights of the Child in the observations presented in 1999.

The great majority of child and adolescents participation processes and associations are supported by adult organizations; public and private, in technical matter as well as logistics and finance. There are around 63 NGOs that support childhood and adolescence and encourages them to participate and defend their rights. Regarding youth and adolescence there are around 74 NGOs that work in this topic as well (based on 451 NGOs Interviewed).

V. CIVIL RIGHTS AND LIBERTIES.

5.1 The Right to a Name and a Nationality.

On May 15, 2004 the new Law of National Registration of the People was approved. It formally maintains the dispositions kept in the former law about the right to a name, to individuality and nationality (Art. 49) yet, it does not establish any norm that guarantees the obligatoriness of birth inscriptions. The former law established a fine and a maximum period of 30 days for the accomplishment of this obligation; in the new law there are no fines established and it enlarges the time for birth inscriptions to 1 year.

The responsibility of a birth notification is in charge of the parents, family that live in the same household and personnel of the institution that delivered the baby; in the case where there are no assistance centers it is obligatory for the auxiliary majors to notify the births (Arts. 55 and 58 of the new Law of RNP)

In 2001 a diagnose elaborated by the State concluded that the inscription average in the department capital cities is 87%, nevertheless, in rural areas this percentage could be inferior to 10% and it also identified as main causes to not register the children: the lack of register culture by the population, procedure ignorance and requirements necessary for the inscription, the difficulty in accessing the municipality register offices from remote rural areas to municipality cities or towns, the lack of economic resources of the family to travel from a village to the nearest office of Municipal Civil Register^{xvi}.

Some state and civil society campaigns have been developed, and also from UNICEF's national office to diffuse the inscription procedures and to motivate parents and family members to register their boys and girls, particularly in rural

areas. One of the most important efforts has been the UNICEF-RNP campaign called "All the girls and boys have the Right to a Name and a Nationality", the results were over 360,000 inscriptions of girls and boys whose ages where from newborns to 12 years old.

The new Law of RNP incorporates the obligation of a minor ID card, obligatory for children in ages from 12 to 18 years old (Art.89). There are no differences of any type within the acquisition of the ID card and there is a grace period that ends in 2006 to get it and bring it with them at all times.

5.2 THE RIGHT TO NOT BE SUBMITTED TO TORTURES OR OTHER TREATMENTS OR CRUEL, INHUMAN OR DEGRADING SENTENCES:

The Committee on the Rights of the Child expressed its concern about the cases of police brutality against children that live and work on the streets and recommended the reinforcement of judicial mechanisms that process the denounces police brutality, mistreatments and abuses with the children and the abuse cases are properly investigated with the purpose of not letting the responsible without punishment.

The problem of increasing executions to adolescents in the country has become very serious over the last years. Data from the organization Casa Alianza report that from January 1998 to October 1st 2004 around 2,520 children, adolescents and teenagers with less than 23 years old have been murdered extra-judicially as consequence of their supposed belonging to juvenile gangs^{xvii}.

The Human Rights Commission registers that the percentage of minors with less than 18 years old and older than 14 among the extrajudicial executions is 40%; Thus Casa Alianza sustains that the children less than 18 years old represent 59% of the victims, the majority for supposed association to gangs.

A study of the Human Rights Commission registers that the adolescents and teenagers executed 66% did not belong to a gang; while 53% had an emblem tattooed on his body^{xviii}. This clearly indicates us that there is criminal activity against children and adolescents as a group. The head of the Commission says in his appreciations, "we as adults are eliminating a great part of our childhood and adolescents for some reasons that are only framed within adult interests"

Regarding the killers, in the report of the Special Narrator of UN for Extrajudicial Executions in Honduras dated June 14, 2002, it is written that there are clues that makes us believe that some of the authors of these executions are members of security forces or private watchman that perform these actions under the protection of these forces.

The Human Rights Commission informed the Special Narrator that those suspicions were “more than just belief”, for the type of assassination and posterior coverage indicated that they could have only been done with the support of some authorities. At the same time, the Commission was completely aware of the increasing hostility of the public opinion towards the children that live on the streets.

The Narrator pointed that the Government of Honduras has established child courts to face the important problem of juvenile delinquency. Nevertheless, these measurements have not protected the children’s right to live nor guarantee that the authors of these extrajudicial executions will be punished. The child courts do not generate information about child victims. Even if the crime committed by children could be analyzed easily under the database recollected by the child court, the Special Narrator did not receive any reliable official document about the crimes committed to children.

After the visit in 2001 of the Special Narrator of UN for Extrajudicial Executions in Honduras, a special Commission was conformed to investigate the extrajudicial executions, integrated since 2001 by the Public Ministry, the Supreme Court of Justice and IHNFA. This Commission presented a public and official report and published in September 25th, 2002; the report establishes that in that period there were 2,162 homicides from which 601 correspond to children between ages of 12 and 18 years old and 1,405 to young people in ages from 19 and 30 years old. The impunity numbers in cases of extrajudicial executions of children and adolescents are very alarming.

There has been created a Special Unit for the Investigation of Violent Child Deaths. This unit does not have enough personnel or logistic material and it barely takes care of 17% of the cases reported and by December 2004 only 7 judicial sentences were achieved among these 2 against police men that were found guilty^{xix}.

Regarding preventive actions, the main measurement of the public policy is the approval of the Law of Prevention, Rehabilitation and Social Re-insertion of people belonging to gangs; though it was approved since October 2001 it has not been applied for its lack of internal regulation and financial resources for the creation of the National Program of Prevention, Rehabilitation and Social Re-insertion that will address almost 31,000 adolescents that, according to the National Police, are associated to gangs. Studies from Save the Children and Christian Association of Teenagers reveal that it does not reach 10,000 active gang members.

VI. FAMILY ENTOURAGE AND OTHER TYPE OF GUARDIANSHIP.

6.1 The Honduran Family:

In our country, there is a profound crisis in the Honduran family, as we said before in the 2003 Home Poll. It is estimated that of 1, 262,020 households 25% are managed by women (around 316,689) with incomes that locates them under the line of poverty (56% of households with women as leaders are poor families). Out of this percentage of women leaders around 7,000 are adolescent women^{xx}.

The Honduran families are also affected by the migration of their members. Data by the Central Banc of Honduras report that between 1988 and 1998 the urban population incremented in 66%, while the rural only 35.9%. By the year 2001, a 54.49% of the population lived in rural areas with serious poverty levels that reach 63%.

Studies of masculinity and other socio-cultural factors associated to fatherhood, made by the National Autonomous University of Honduras(July,2004) shows that "by assuming only the sexual biological dimensions of his sexuality and not in a responsible and integral way, men do not assume their fatherhood responsibly". It also reveals that irresponsible fatherhood is tied intimately to irresponsible sexual intercourse, early pregnancy, the absence of sexual orientation in education centers, poverty and family disintegration. In this study a 77% of men that participated in this poll show that according to them is responsibility of women to get pregnant; that is her the one that should take precautions.

In conclusion, the poverty situation, the lack of opportunities that causes migration, the prejudice of a patriarch society and the uneven power relations in the family, as well as the advance of diseases such as HIV/AIDS, continues to weaken family bonds increasing situations like abandonment and child orphanage.

There has been presented, in May 2004, two proposals to the National Congress; this law proposals are oriented to the promotion of responsible fatherhood. They pretend to make a regulation favorable to the superior interest of the child regarding fatherhood recognition, the obligation to summit to DNA testing to recognize fatherhood, at the same time, it stipulates that when the result is positive the father must respond with legal and economic responsibilities to his child and the analysis costs. Women and children organizations have said that this law projects should be revised and submitted to a public debate, because regarding fatherhood there is an urgent need of a more integral legislation.

6.2 Adoption:

Regarding adoption, the State of Honduras has not yet approved the Recommendation of the Committee on the Rights of the Child about the ratification of the Haya Agreement on Child Protection and cooperation regarding international adoption from 1993.

In 2000, the IHNFA with coordinated efforts of the central government and the Judicial Power, elaborated the project: Special Law of Adoption; taking this figure from the Child and Adolescence Code and making some modifications to the code, but until this day this project has not been socialized or approved.

An important advance is that Article 54 of the Law of Equal Opportunities for Women (2000) gives the working woman when adopting a girl or boy less than 5 years old the same maternity leave that the labor legislation gives to regular pregnant women.

For everything else, the adoption subject is still been regulated by norms established in the Child and Adolescence Code and the Family Code, whereas the institutions responsible with the implementation of adoption measurements are Family courts and IHNFA.

IHNFA data reveal that by 1999 this institution took legal steps to an annual average of 50 adoptions to girls and boys judicially declared as abandoned and found in guardianship centers for children. This same year, the population attended in these centers were 2,321 girls and boys, 152 were taken because they were completely abandoned, orphans or had adoption agreement^{xxi}. The relation of abandoned children with adoption possibilities is 1 to3.

By October 2003, out of 175 adoption applications pending to be resolved, 169 correspond to foreign people and only 6 cases presented by Hondurans^{xxii}. One year later, a newspaper called Diario Tiempo, reported that the First Lady who is president of the Intervention Board of IHNFA promised to rush the adoption process for 200 Honduran children presented by Spanish marriages during one of her work tours, she also promised reforms to the legislations that norm adoptions because there is the possibility of applying a system very similar to the one they use in Colombia that includes guardianship of older children^{xxiii}.

Finally, a journal investigation publisher by Diario Heraldo in 2003 reported that Adoption has become a very lucrative business for foreign adoption agencies and lawyers working in these areas, for the cost can go from US\$5 to 7 thousand for foreigners and US\$810 for nationals^{xxiv}.

6. 3 CHILDREN DEPRIVED FROM THEIR FAMILY SURROUNDING AND SUBMITTED TO GUARDIANSHIP:

In the activity report presented by IHNFA correspondent to 2003, it says that the Protection and Social Intervention Program attended a total of 2,319 cases of girls and boys under social risk (1,338 boys (57.69%) and 981 girls (42.30%).)

The 2,319 children attended by IHNFA during 2003 a 15.44% are children with 0 to 5 years old, a 23.29% from 6 to 10 years old, 40.07 children from 11 to 15 years old and 11.17 children from 16 to 18 years old.

Chart No. 3. Inscriptions during Protection and Social Intervention Program in 2003

<i>Age</i>	0 to 11 months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	<i>Total</i>
Quantity	60	80	79	70	69	81	72	85	93	132	158	168	235	184	176	165	126	125	8	2,139
%	2.5	3.4	3.4	3.0	2.9	3.5	3.1	3.6	4.0	5.6	6.8	7.2	10.1	7.9	7.5	7.1	5.4	5.3	0.3	100.00

Source. IHNFA Annual Report 2003.

The motives for these inscriptions are several: Children living on the streets (19.31%), laziness (11.55%), irresponsible paternity and maternity (7.37%), extreme poverty (5.47%), Physical abuse (5.9%) and disabilities (4.67).

On the other hand, the 2003 IHNFA statistic report says that a great number of these children inscribed to these centers have been sent as result of Police rounds in streets decreed within the effect of The Law of Police and Social Coexistence.

In these rounds, the Municipal Major Office of Tegucigalpa has participated as well as IHNFA, the police and child courts.

As evidence please see the public statement of the Municipal Major Office of Tegucigalpa April 2003.

"The Municipal Major Office of the Central District through projects for children in street situation, preventive police and IHNFA made street rounds to recuperate children living in the streets with expressed order from the Childhood Court.

In this round, 10 police agents from the National Police participated. The children that were recuperated from the streets were 23, from which 20 are boys and girls less than 12 years old and were taken to Las Casitas Center in the neighborhood Colonia Kennedy. This center belongs to IHNFA. The children older than 12 years old were 8, who were also sent to Las Casitas Center located in the neighborhood 21 de Octubre".

IHNFA reports say that in order to address the needs of children in social risk, there are 104 institutions in the country that count with guardianship closed centers, 99 of them belong to NGOs and private enterprises. 4 are public establishments (4.8%) that attend adolescents in conflict with penal law^{xxv}.

IHNFA has three main programs for the public:

a) **Social Intervention programs:** In 2003 their coverage reached 2319 boys and girls. It has two sub-programs:

a.1) Solidary Families, and

a.2) Shelter Homes, they work in two modalities:

-Temporal homes that shelter 10 children per house maximum, whose guardianship does not exceeds 3 months.

-Protection homes, for children whose guardianship requires more time under the care of specialized professionals. The permanency of a child in a protection home can not exceed 2 years.

In both cases, even though in theory they work as open centers, in reality the levels of security, vigilance and visit control makes them closed intern centers for boys and girls.

b) Family Welfare Program: This program counts with two subprograms that include communitarian services, attention to children less than 6 years old in daytime city centers, vocational workshops, family counseling, guide mothers and social network organization. The coverage of this program for 2003 was 3,416 children.

c) **Re-education and Re-insertion Program:** Its main objective is the re-education and re-insertion of adolescents that have conflicts with the penal law. It has two subprograms:

- c.1) Alternative measurements instead of freedom privacy.
- c.2) The program of freedom privacy measurements that counts with 4 intern centers, 3 for boys and 1 for girls. Only one of these centers has open center conditions (Jalteva).

The attention modalities in the different units of IHNFA have open and closed attention centers including child day cares working mothers. The open attention centers are managed with a schedule that starts from 6:00a.m. to 5:00p.m. The same schedule for child day cares, this situation excludes the access to children with mothers that work in the evening.

Regarding the closed centers, these are located mostly in the capital city. IHNFA reports that the physical capacity of these centers is very limited because only 30% of them have a capacity to attend 20 children only, 13% to attend more than 100 children.

The population registered in the 104 closed centers in 2003 was 3,807 children distributed as follows: in public centers 3%, private 94 % and re-education 3%. More than half of this population is male gender.

The most frequent causes of internship of the 2,319 children attended by the program, according to reported numbers in the IHNFA report, 2003, are the following: children in street situation (19.31%), laziness (11.55%), irresponsible paternity and maternity (7.37%), extreme poverty (5.47%), physical abuse (5.9%) and children with disabilities (4.67). Another branch of this report shows the following as internship causes: Absence or paternal differences 58.64%, abuse and exploitation: 20.18%, socio-economic condition: 67.44%, causes linked to the child person: 21.17%.

Recently, in 2002 this program was evaluated by IHNFA itself with the support of UNICEF. The results of this evaluation revealed the problem that work schedules cause, for example: two cities need improvement in the morning meals and to add a meal for 7:00p.m. The children in emotional ages and situations demand more food.

The participation is very little or almost none. Few children are informed about their rights and duties. They do not participate in decision taking processes. Some of the members of the personnel do not receive awareness or are enabled on the rights of children.

6.4 Transfer and illicit Retention:

The Convention commands that the States part will adopt measurements to fight against transfer and illicit retentions of children in foreign territories. For this purpose, they must promote the signing of bilateral and multilateral agreements or the inclusion of existing agreements. In this order of ideas, Honduras ratified in April, 2002 the Facultative Protocol of the Convention on the Rights of the Child related to child sale, child prostitution, and use of children in pornography. In July 2003, it became part of the UN Convention against transnational organized delinquency.

In this field, the National Congress through the Child and Family Commission started a legal fight to bring back 300 adolescents that are used in centralamerican countries with sexual commercial purposes. Journal sources show that in Houston, Texas, there have been detected 12 minors working in bars where they are obligated to prostitute themselves.

The private organization Casa Alianza, the Direction of Migration and Foreignship and the IOM signed an agreement for the assisted return or re-patriation of children taken illegally (the agreement also includes the return of immigrant children) to countries such as Guatemala, México and United States.

Within this agreement, Casa Alianza supported in 2004 the re-patriation of 60 children. Non-official data estimate that the terrestrial Honduran customs could be migrating daily in vulnerability conditions over 15 children and adolescents.

Casa Alianza has pointed out that in 2003, according to investigations; the corridor used by minor (12 to 15 years old) traffic dealers is Tegucigalpa, San Pedro Sula, Guatemala, México and USA. In Guatemala there are 60 date houses in which they use Honduran children. They will ask the Ministry of Foreign Affairs to contribute with the efforts to bring back these minors. At the same time, they will ask a deep investigation to capture traffic networks that have been working for years in the country.

The Child and Family Commission of the National Congress studies a law project that searches harder punishments to sexual commercial exploitation of children and their transfer and illicit retention.

6.5 Child Abuse:

The Committee of the Convention on the Rights of the Child recommends to the State of Honduras the need to adopt all possible measurements to prevent and fight child abuse. It also expresses concern for the insufficiency resources (financial and human), as well as the lack of personnel well-trained to prevent and fight the mistreatments. The insufficiency of the measurements and the

rehabilitation services of abused children and the limited possibilities of the children to go to the Justice are also motives of concern.

The Committee suggests, among others, that the law is applied effectively to punish these crimes and to establish procedures and mechanisms to receive reports of child mistreatments so that they could have a rapid access to Justice and avoid impunity to the people responsible of these crimes.

Since the presentation of the last official report, there have not been any normative changes in relation to harder punishments to child abuse, despite its recognition as a grave violation to their human rights.

The Public Minister reported in 2001 the national attention of 658 cases of children and adolescents victims of crimes such as mistreatment, rape attempt and rape of minors. By 2003 the national numbers were almost tripled to more than 1503 cases. There is no information based on aggressor profiles, but the Child Prosecute Office says that the aggressor is almost someone known, a member of the family or social nuclei where the child interacts. This same reason as of where the aggression in perpetrated motivates the sub-registry of cases because the patriarchal culture and asymmetric power relations in which the children grow limits the possibility to make any denounces.

Chart No. 4 Denounces caused by intra-familial Violence in family counseling centers.

Year	Number of Cases of Intra-Familial Violence
1998	2417
1999	3987
2000	6704
2001	5546
2002	4413
Total	23,067

Source: Department of Mental Health, Program of Family counseling centers.

Regarding to rehabilitation services for abused children, the family counseling centers of the Ministry of Health count with 13 offices that are located in only 10 main department cities of the country. While IHNFA created in 2001 its own program of family counseling in the capital city, with the purpose of giving specialized attention to children survivors of intra familiar violence (the Childhood and Adolescence Code typifies as child abuse by omission the violence between parents seen by the children)

The government family counseling centers count with personnel in the area of psychology and social work; only two offices have the 4 professionals established by law that points out the need to have psychiatrists and legal assessors.

In the Capital City, there is also the Masculinity Program dedicated to bring individual and group therapy to men who are violent in their families.

The counseling family centers work in the centers where public hospitals and urban health centers operate, which allows the access of the users. There is a protocol that has been elaborated to emulate the attention of cases in the Health Sector. This document was published in 2003 under the sponsorship of the second phase of the centralAmerican women project, health and development of the Pan-American Health Organization.

VII. BASIC HEALTH AND WELLBEING.

Regarding health aspects, the Committee is concerned by the persistence of the high rates of malnutrition in children less than 5 years old and school children, the limited access to health centers in rural and isolated areas. It proposes more efforts set to fight malnutrition and to ensure adoption and the application of a national policy of child nutrition and an action plan for the child.

7.1 BASIC HEALTH ATTENTION.

Honduras has as average around 250 thousand annual births; the birth rate is 3.8%. Prenatal coverage 83%, births delivered by qualified personnel 56%. The mortality for every 1 thousand born alive is 42 in children less than 5 years old and 32 for less than 1 year old. The life expectancy when born is 69 years^{xxvi}.

In 2002 a total of 88,134 children were reported to be born alive in public hospitals, out of them 81,033 (91.94%) had a weight greater than 2,500 grams and 7,101 (8,06) weighted less than 2,500 grams^{xxvii}.

In general official numbers given by UNICEF for this year they report an incidence of 14% in newborns of low weight, a rate of 35% in cases of exclusive maternal nursing for children less than 6 months old, 61% in the case of nursing with complimentary food for children from 6 to 9 months and 34% of continued nursing until 20 and 23 months.

Regarding vaccination coverage, it reports a 94% in TB vaccine, 95% in DPT3, 95% en polio, 3.97% in small pox and 95% in hepatitis B. The percentage of vaccination provided by the government is 100%^{xxviii}.

The main causes of child undernourishment are linked to the inadequate eating habits caused by poverty levels. The deficient eating habits of children is low in micronutrients, this is one of the causes of 39% child mortality. The origin of this situation starts from the maternal womb because of the same nutritional conditions of the mother.

In 1999 an outbreak of goiter, in a endemic area of the country was 3,5%^{xxvix}. Regarding the coverage of the vitamin A supplement is 82.8% in children less than 1 years old, 56.8% from 1 to 4 years old. The anemia caused by iron deficiency is 30% in children in ages between 12 and 59 months and 14.7% in pregnant women in ages between 15 and 49 years old^{xxx}.

Regarding the minimum conditions of quality life, the population that has access to improved water resources has an estimate 88% nationwide, 95% in urban areas and 81% in rural areas. The population that uses adequate sanitized installations is 75% nationwide; 93% in urban areas and 55% in rural areas.

7.2 CHILDREN WITH DISABILITIES.

Regarding the situation of children with disabilities, the Committee expressed its concern for the lack of adequate infrastructure, qualified personnel and institutions specialized in treating these children.

The Committee recommended to prepare early diagnose programs to help prevent disabilities, to use alternatives towards the inscription of these children to institutions, foresee awareness campaigns to reduce discrimination against children with disabilities, to establish education programs and special centers for children with disabilities and encourages their inclusion in the educative system and in the society and to also establish an adequate vigilance from private institutions for children with disabilities.

Historically, the country has not had trustworthy numbers on disabilities subject. This is why in 2002, with the support of international organisms, the INE in the XXVI Home Permanent Poll for multiple purposes a special section on disabilities. The poll revealed that from the total population a 2.6% inhabitants report a disability situation, which indicates a possible total of 177,576 citizens with disabilities. There is no information regarding sex or age^{xxxi}.

There are regions with major prevalence of disabilities: Siguatepeque (Department of Comayagua) and La Esperanza (Department of Intibucá). Both, located in the center of country, have a 4.5% and a 4.8% respectively. The disabilities are distributed, according to the Home Permanent Poll, a 55% in men, 45% in women and the children represent a 23%(3% in children less than 1 year old and 8% in children less than 2 years old). This means that annually

approximately 2,000 children less than 2 years old become part of the population with special needs because of their special situation, in general this is due to hereditary causes. The numbers even determines that 40% of children with disabilities are conformed by children under 7 years old, for 3 out 4 children with disabilities parents do not detect the problem during their child's first 24 months of life. An approximate 50% of language deficiencies or mental retardness is composed by children less than 18 years old. There are no studies that present specific data regarding sex and age.

During the subsequent period after the recommendations from the Committee, there have not been any government efforts or policies or public programs that widen the opportunities for children with special needs, particularly, regarding access to education, health and survival means and this obeys to the fact that in general there is a lack of operational strategies for the promotion of people with disabilities, despite that in April, 2004 the executive power approved the general lines of national policy for disability prevention, medical attention, integral rehabilitation of special people and promotion and protection their rights and duties. There isn't a plan that would make possible these measurements.

Currently, there is a proposal discussion in the National Congress of a new law for the promotion and protection of people with disabilities that will create for the first time a public office, possibly managed by the Ministry of Health that will be in charge of operate the public policies mentioned before.

The children as well as the people with special needs in general lack of real opportunities to go to study centers to strengthen their capabilities and possibilities.

The need of educational programs and special centers for children with disabilities is still being covered mainly by private organizations, located mainly in urban areas of the country, they facilitate in the majority of their cases the inclusion of children with disabilities in the special-private education system and in less number to superior public education.

There are over 50 private organizations that provide services to people with disabilities; they cover approximately 50% of the education demand of special children. At public level, there are only two public education centers for the attention of handicap people. (Data from the Honduran Foundation for the Rehabilitation of the Limited, FUHRIL 2004).

A recent diagnose of the National Commission on Human Rights in Honduras (CONADEH) refer as urgent priorities for handicap people the creation of a national capability of prosthesis, an information system regarding disability situation in terms of age, sex and domicile, to systematize rehabilitation based in the

community, to develop a policy of opportunity equality; for over 50% of the cases in this country are preventable.

The national council for the attention of minors with disabilities (CONAMED) mentioned in the Commission's official report from the State of Honduras, there has not been the expected protagonism in the area and the support given for its functioning has been very weak. However, CONAMED's potential to strengthen the areas of prevention, attention, and protection of people with disabilities is very important.

7.3 HIV/AIDS

Regarding adolescent health, the Committee took note of elaborating a law project for the protection of the rights of the people infected with HIV/AIDS. The Committee recommended that the State continues, with the support of international cooperation, with HIV/AIDS prevention activities and to make a wide and disciplinary study in order to understand the reach of health problems of the adolescents that help as a base to support health policies among adolescents and to strengthen reproductive health education and assessment services. To also reinforce the measurements that will prevent and fight the use of drugs among teenagers.

The special law on HIV/AIDS was approved by decree No. 147-99 dated September 9th, 1999. This law develops the general principles for government policy regarding prevention, investigation, control and treatment of the virus. As well as aspects related to public education and information and the rights of the people living with HIV/AIDS. This law creates a national multi-sector Commission (National Aids Commission, CONASIDA) in charge of promoting inter-institutional coordination and to manage related policies.

The government of Honduras subscribed the resolution S-26/2 approved June 27th by the UN General Assembly that contains the commitment declaration on the fight against HIV/AIDS.

The incidence of HIV/AIDS cases in Honduras is 102 per million inhabitants; this data is very elevated if we compare it with the Latin American Average 62 per million inhabitants^{xxxii}.

Statistics from the department of the Ministry of Health tells us that the average reported for the period of time between January 1997 and March 2004 is 1,051 annual cases.

The infection clinic ghost says that there are a total of 20,624 diagnosed cases of HIV positive out of which 15,941 are confirmed AIDS cases and 4,683 are asymptomatic carriers. Of all of them 1,650 are children of ages between 0 to 19

years; 1,130 are less than 15 years old, 95% of these children have been infected by their mothers.

The vigilance sentinel study in pregnant women (1998) realized by the department of STD/ HIV/AIDS, found a prevalence rate of HIV in 1.4% and within that statistic line the Ministry of Health estimates that it is possible to decrease the cases of HIV transmission from mother to child from 95% to 67% as it occurred in USA and France thanks to the administration of Retroviral medication during pregnancy, birth and first weeks of the child.

More over, between 1999 and 2002 it has begun the implementation of a pilot Project for the prevention of HIV transmission from mother to child, this pilot plan has transformed in 2003 into a national program (program for the prevention of HIV transmission from mother to child).

Currently, the mother to child transmission rate is calculated to a 35% of a supposed annual minimum of 1000 children. The goal of the program is to reduce at least in a 50% this incidence by year 2010, where the estimates tells us that HIV/AIDS will 42,000 orphan children. The orphan percentage has evolved from 0.7 in the 90's to 9.4 in 2001 ^{xxxiii}.

There is a prevalence of orphan childhood that belongs to the Garifuna ethnic communities, located mainly in the Atlantic coast of Honduras.

A survey made by the Ministry of Health revealed that the number of girls that start early their sexual life has increased from a 20% in 1996 to 23% in 2001. This type of behavior linked to machismo, sexual violence, low education level and the lack of a systematized process of sexual education, puts girls on the risk line of getting HIV ^{xxxiv}.

The institutional response in this matter has allowed the development of a strategy that procures the integration of all sectors-by being a problem of national incidence-, particularly of the people that are more affected: people living with HIV/AIDS.

CONASIDA counts with a national strategic plan of fight against HIV/AIDS 2003-2007 (PENSIDA II), that was elaborated considering a wide participation of all sectors involved, following the directions of UNAIDS- in terms of strategic planning- presented in 1998.

Nevertheless, PENSIDA establishes the lack of politic will to institutionalize CONASIDA as superior organ and manager of the policy related to HIV/AIDS and the virtual absence of an effective coordination between government actors and their coordination with civil society.

7.4 ADOLESCENT HEALTH.

The Committee recommended the attention to the increasing high incidence of adolescent pregnancy and the insufficient access of adolescents to education services and assessment regarding reproductive health including the ones that are not part of the school system.

The global fertile rate, in other words, the average number of children per women in her fertile period has decreased from 5.1 in 1991/92, to 4.9 in 1996 and 4.4 in 2001(ENESF 2001). It is important to highlight that even though this indicator has decreased in general, the differences amongst fertile rates in mothers with no scholar grade and those who have 7 or more school years is still significant, with 6.54 and 2.71 average children respectively.

In comparative terms, the fertile rate in a group of ages between 15 and 19 years old is the only one that has been increasing, while the rest age groups have decreased in a sustainable way (ENESF 2001). Thus, fertile adolescence registers a wide number of births from teenager mothers (137 births for every one thousand women: 27 of 100 women less than 18 years old had already given birth to a child)

Regarding adolescent mortality the main causes in this period are urban violence and maternal mortality. In the first case adolescent mortality taken place in hospitals associated to violence is higher for males than females and higher in groups between 15 and 19 years old, which makes us think that the majority of these deaths are related to risk conduct that could be preventable.

Regarding maternal adolescent mortality (12 to 14 years old) this is estimated in 391 deaths per 100,000; almost four times more than the national in adult women estimated in 108 deaths per 100,000 (ENESF 2000).

The ENESF 1999 identifies that 13.8% of male adolescents from 15 to 19 years old drink alcoholic beverages and 84.4% does it occasionally. A 6.4% drinks in a weekly basis 1 to 4 alcoholic beverages, 3.5% from 5 to 9 bottles. Regarding smoking habits, the report shows 16.2% smokes, 28% occasionally and 69.3% smokes daily from 1 to 14 cigarettes and 2.2% more than 20 in a daily basis.

In the priority strategic plan of the Health Sector 2002-2006, it includes indicators to confront the health problems of the adolescents. The main problems to deal with are considered as priorities:

- a) Pregnancy incidence in adolescents and its consequences such as abortion, high levels of maternal mortality and psycho-social affection.

b) HIV/AIDS Incidence and STDs in this group age, for the surveys shows that the adolescents (both sex) are starting very early sexual activities 10.5% before 15 years old and 47% before 18 years old (UNFPA).

c) The violence in all its manifestations is considerate as one of the critical conditions for it determinates the risk situation of adolescents.

This is very important because the problem has been cataloged by several specialized instances as a public health problem.

d) Prevention of use and abuse of alcohol, tobacco and to achieve the ratification of the frame agreement regarding tobacco control (signed and ratified in November 2004).

The Ministry of Health within its activities to reform the sector incorporated in 2002 the national program of integral attention to adolescence (10 to 19 years following the WHO criteria) which depends from the General Direction of Health Promotion and Protection, which has developed for sector operators a norms manual for the integral attention to adolescents, elaborated over a base of criteria from the Convention on the Rights of the Child and recommendations from the Conference on Women taken place in El Cairo and Beijing.

VIII. THE RIGHT TO AN EDUCATION, RELAXATION AND CULTURAL ACTIVITIES

The Committee is concerned about the low rates of student registration to schools, specially in rural and isolated areas, the rates of school abandonment in both elementary and high schools and the lack of attention to special needs of the children that work and handicap children. The Committee recommends to the State to continue with their activities in the education field strengthening its system and education policies to help reduce the differences between regions regarding education access and to establish programs of retention and professional formation to the ones that abandon school.

Regarding to education, we can see a low improvement in 2002 regarding 1998 levels. This has been a result of small but sustained progress, in the literacy of the population whose proportion increased from 72% in 1998 to 74.6% in 2001. In 2002, the school inscriptions rates in pre-school education (5 to 6 years old) went from 14.1% in 1990 to 37.3%. In elementary education the rate was 88.3%, and in high school 35.3%^{xxxv}. Data from the Ministry of Education announced, however, that the coverage in public and private schools reached a 96% of the national education demand.

On the other hand the Home Permanent Poll of (INE, 2003) revealed that the coverage global rate for children in early school age (7 to 12 years old meaning an estimate 2,572,610 children in school age) is 88.3%, nevertheless in the first level of high school education it barely reaches 31.2% which means a 57 percentile point fall in coverage excluding, logically, 35 of 100 children that graduates from

school education and apply to high school level. The coverage rate for the last high school cycle (bachelor, commerce, secretary) is 18.9%^{xxxvi}.

The school inscription rates are still low in rural and isolated areas. Data from a study made by the Social Forum of the External Debt (FOSDEH) published in *Diario Tiempo* in November 2003, reveal that the coverage in inscriptions in the poorest municipalities has barely increased and in irregular form regarding equity^{xxxvii}.

In terms of gender equity the initial access to elementary school does not seem to be a problem. The inequities between rural and urban areas are more evident. While in urban schools we can observe a net inscription of 77% for boys and 85% for girls, in the rural area this relation goes 59% and 60% respectively^{xxxviii}. Out of the total of children inscribed in elementary level 1, 019,792 (93.1%) went to official or government schools and 75,628 (6.9%) went to private schools.

The advance coverage grade varies notably between departments. According to FOSDEH the poorest departments (Lempira, Intibucá, La Paz and Copan) continue to show low coverage indicators, we can use as comparative example the coverage rate of high school education in Lempira that is almost 8.5 percentile against the coverage rate in departments with more urban population: Francisco Morazán with 62,2% and Cortés with 49,4%^{xxxix}.

Regarding to school equipment in these departments, the poorest show much lower national levels, its average value does not reach the national average of 31.9 which is the average value in school equipment^{xi}. 52 % of the teachers work as auxiliary teachers and 22.7% besides their regular work they also work as school principals and sub-principals. Only 50.5% of Honduran schools have named principals the rest of them have auxiliary teachers doing principal functions

8.1 ABSENCE AND SCHOLAR DESERTION.

The Home Permanent Poll (September, 2002) shows that a total of 356,241 children in ages between 5 and 17 years old work (without considering the children population of this age that do domestic work). According to this poll, over 564,337 children do not go to school; the main reasons for this absence are work (10.8%), they do not want to go (21.9%) and others 53.3%.

The tendency of scholar desertion and absence is manifested in the second stage of elementary school, since 62.1% of the student body is concentrated among first grades and 37.9% in superior grades (general report on school census. Ministry of Education. July 2001. Pg.15). Even more if we consider that the average school level for Hondurans is 5.2 grades.

Today, only 32% of the population finishes elementary education in 6 years and to 54% takes an average of 9.4 years to finish elementary school (6 grades)^{xii}.

Regarding area coverage where children live, we can observe that in urban areas the total inscription rate (combined: pre-school, elementary and high school education) present a 58.1% to a 46.1% in rural areas. The difference is notable especially in high school education: 50% in urban areas to a 23.1% in rural areas^{xiii}.

Among the economic causes of scholar desertion we find that 20% of boys and girls do it because of the difficulty their parents have to provide them with school supplies, 15% because of the difficulty to obtain clothes and shoes and 16% because of a lack of food^{xiii}.

8.2 PUBLIC EXPENSE IN EDUCATION.

During the last decade the state investment in education reached an annual growth of 3.1, by 2002 the growth was 14.8% by going from US\$235 to 467 million, equivalent to 7.8 Gross Domestic Product (GDP) of that year.

The government of Honduras subscribed the Millennium Goals in 2000 and they were included in the Strategy for Poverty Reduction (ERP) through legislative Decree 77-2004 or Law for Management of Poverty reduction of May 28, 2004; constituting a horizon towards 2015 to orientate the policies and actions for poverty reduction.

It is important to bring out that within the frame of the ERP the education sector has essential consideration. The ERP besides highlighting that there are "serious deficiencies such as low coverage in high school level, particularly in technical and vocational formation and in superior education and also serious problems of repeating and school desertion." The primary commitments of the ERP for year 2015 regarding education are:

- Duplicate the total coverage in pre-basic education for children under 5 years old.
- Total coverage of 95% in the first two cycles of basic education.
- Total coverage of 70% in the third cycle of basic education.
- 50% of the emerging work force with high school diploma.

We estimate that for 2015 we would be reaching 100% of pre-basic education coverage and in 2014 100% of elementary school, nevertheless, referring to high school education the annual growth rhythm is insufficient to reach a 100% of coverage for 2015, because if the tendency keeps going then the maximum achieved will be 70%^{xiv}.

The family annual expense of a child of 5 to 10 years old is US\$77 (L.1, 420.00) And in the case of a child of 10 to 15 years old is US\$98 (L.1, 820.00). This is a cost that makes difficult the access of children to education if we consider that 63.5% of the total homes live in poverty conditions, and of the total national

population 24.3% of the inhabitants of this country survive with one US dollar per day and 45.1% survives with US\$2 per day^{xiv}.

8.3 QUALITY IN EDUCATION, REST, RELAXATION AND CULTURAL ACTIVITIES.

One of the most important advances in the education sector has been the launching of the Basic National Curriculum (CNB), as a result of a participative effort of the Honduran society. This initiative marks the beginning of the transformational process of the national education with the purpose of ensuring the quality with equity regarding gender, efficient and absolute.

According to the new structure of the primary cycle of education this one will have nine grades which will allow in some way to resolve the problem of difference in coverage between sixth grade (elementary school) and seventh grade (high school) mentioned before^{xvi}.

Another important advance has been the organization almost at national level of school and high school governments and the creation of child communicator networks that facilitates child organization and involves all girls and boys in the area of audio-visual communication media (radio and television), oriented to the right to health, education, recreation and others.

Among the program formats there is an important phase dedicated to sports and culture from a participation focus, stimulating boys and girls to use their free time in proper activities for their age for their physical and mental development, they also promote the adequate care of physical health through information of preventive health including STD prevention such as HIV/AIDS and to have a balanced and nutritious diet.

Regarding the teachers, in primary level there are a total of 32,144 teachers being mostly women with a 74% against a 26% of male teachers. The age proportion tells us that a 73.7% of the total number of teachers is less than 44 years old. The major part of the children in elementary school also assists to morning classes because almost 50.1 of the total number of teachers teach during morning hours, 16.6% it in the afternoon and 31.5% work double time.

The major part of the teachers that work double time are located in the departments of Copan, Choluteca and Lempira. A 52% of the teachers work as auxiliary teachers and a 22.7% besides their regular labor they also work as school principles and sub-principals.

Only a 50.5 % of the Honduran schools have a Principle, the rest have auxiliary teachers working as principles.

Only 45%(14,339) of the total number of teachers have a specialty, a 98% of the teachers say that they have taken actualization courses even though some of them are not related to class teaching. The most frequent courses are: environment, mathematics, physical education, physics, geometry and social motivation (General Census Report eslor-2000. Ministry of Education. July 2001. Pags 16 and17).

IX. SPECIAL PROTECTION:

a) BOYS AND GIRLS THAT HAVE CONFLICTS WITH JUSTICE.

With respect to justice administration to minors, the Committee has expressed its concern, among others, that freedom privation is not used as last resource, that there is no respect to the regulated procedures, and that the police does not receive adequate formation about the application of the Convention and other international applicable norms. More over, it recommends to pay special attention to the improvement of the conditions in which the children are living in special institution and to reinforce caution measurements different from freedom privation.

Regarding children with law conflicts, the Commission highlights the creation of more courts specialized in this matter, even though the coverage has not reached the total 18 departments of the country. There are only specialized children courts in 8 departments which are concentrated in urban areas.

Chart No. 5. Childhood Jurisdictions by Department.

Child Court Tegucigalpa, Comayagüela
Child Court San Pedro Sula
Child Court, Juticalpa
Child Court Santa Rosa De Copán
Child Court Choluteca
Child Court, La Ceiba
Child Court El Progreso
Letter Court of Tela

Source: Judicial Power. 2004.

There hasn't been any accomplishment to the recommendations of the Committee: to generate specialized formation programs to police men and other justice operators because the knowledge are given in a scattered way, they are not part of the curriculum of the formation centers and are focused to the protection of children as crime victims, giving more importance to the obligation of the government to protect the rights of the minor who has problems with the law; and we have also detected that among some Justice operators there are socio-cultural

prejudices against adolescent interns because of their “belonging” to a juvenile gang or mara.

As we have mentioned before, regarding to proposed legislative reforms, there is one that is very important because it was promoted by the Presidency Office regarding security matter; during 2003 they proposed to reform the Childhood and Adolescence Code, in its Title III referring to children with law problems to increase imprisonment from 8 to 20 years. The proposal was taken to debate with justice operators who proposed that the increase of this prison period will be set to 12 years and it will include a new crime catalog with more causes from which a judge could decree imprisonment to the child; such as: threats to justice operators, illicit association crimes and crimes against property, also any danger that the minor represents if he/she reunites with the gang he/she is suspected to belong to and the risk that he/she might act in revenge against the denouncers (this proposal if approved would have caused the catalog to be bigger from the one used against adults that only has 4 premises). Fortunately this initiative has not prospered due to the action of local organizations that defend human rights and childhood and to the intervention from UNICEF Honduras that proposed a more integral study of the Childhood and Adolescence Code and not partial or isolated reforms that would reduce the possibility of reaching children rights.

Currently, and with UNICEF support, a study to the Juvenile Penal System is developing; this study could be the base to the reform to the Childhood and Adolescence Code in almost 25 articles. The Public Ministry has said that the changes could be orientated to entitle the prosecutor to order the capture of an adolescent, the obligation of presenting a prosecution requirement in cases of children with law problems not only by a simple denounce, to incorporate the figure of brief procedure, strict conformity, suspension of penal persecution and to create the figure of an Execution Judge as established in the adult system. They are, however, still analyzing if the maximum sentence time will be increased^{xlvii}.

There has also been detected certain weaknesses in the application system of the socio-educational measurements as alternative to imprisonment due to the lack of capability of IHNFA to implementate several measurements, to follow up and evaluate the advances in rehabilitation rights of the children with law problems.

On the other hand, it is concerning the pressure that the reforms of article 332 of the Penal Code is putting on the Juvenile Penal System, this article is known as Ley Antimaras (anti-gang Law). Joint data from the national police and the Judicial Power estimate that between August 14, 2003 (date in which the article began its application) and September 30, 2004 around 2,834 people were arrested under charges of gang belonging: out of them 2,161 are adults (76%) sent to Crime courts in several country regions; 673 are less than 18 years old (24%) that were assigned to several specialized children jurisdictions^{xlviii}.

From that number, 77% were sent to preventive prison and taken to adult prisons, as internship centers for minors, which represents an alarming number of preventive imprisonment usage as general rule and not as an exception according to what it is established the current legislation (article 184 penal process code and art.-198 Childhood and Adolescence Code).

This way, the Honduran government is in charge of penal pursuit against adolescents and teenagers, despite that the authorities of the Public Ministry informed that 95% of crimes are not committed by minors (less than 18 years old)^{xiv} (the new authorities elected to the general prosecution office have promised to support the government measurements and to defend the strict Anti-gang Law).

The children considered as infractors (12-18 years old) are sent by child judges of the IHNFA's Re-education and Re-insertion program. This program counts with 4 centers to attend the internship of these minors. The maximum capacity of these centers is 435 interns. This maximum capacity has been exceeded in more than 200% as consequence of the application of the reform to article 332 of the penal code and the hardening of the treatment given to children that supposedly committed infractions in the current government. A 55% of the population living in these centers is conformed by boys and girls in ages between 14 and 17 years old.

By year 2002 and with the support of UNICEF, the Re-education and Re-insertion Program was submitted to a evaluation that revealed the following regarding to the situation of these children:

- 61% of boys and girls do not have access to an integral process that prepares them properly to re-insert themselves to society once done their time as interns. The planning is barely followed in a 19% and there are not enough personnel. Only 61% of these centers have elaborated a family visit calendar for the children.
- The evaluation also found a 56% deficiency in the diets the children must receive as interns.
- Finally, the program evaluation document reports that the children privacy is not respected, because of security reasons the interns are submitted to surprise revisions in order to detect drugs and guns. They are not allowed to participate in the institutional government because of their condition (as interns) and when allowed they do it in a very restricted way.

Additionally, there are other debilities detected such as: the internship measurements dictated by children court judges are not periodically evaluated (every six months), nor individually as established by article 198 of the Childhood

and Adolescence Code, this blocks the children's the possibility of substituting or shorten their sentence.

In the same way, in some internship centers for children there is no separation of children with a sentence and children in process. In the practice, we can observe that in the centers, a lot of times there has been detected conflicts between children that do not belong to any gang with others that do belong to gangs resulting in serious aggressions between them.

b) BOYS AND GIRLS SUBMITTED TO EXPLOITATION.

b.1) Child work and its worst forms:

Regarding to child work matter, the Committee expressed its concern to the following points:

a)The lack of a national plan to abolish child work, b) The deficiency in vigilance mechanisms satisfactory to front this problem, re-forcing labor inspections and punishment application in case of infraction to these laws. c) Keep demanding the accomplishment of the legislation that prohibits children working in fabrics d)The situation of children that are forced to live and work in the streets and, as a result, they are exposed to several forms of exploitation and abuse, included sale, kidnapping and slavery.

Regarding to child work in Honduras, the agreement ILO/IPEC is still effective to treat child work abolition, which has several achievements such as the creation of the National Commission for the Eradication of Child Work, conformed by a three-party organization that includes 17 government institutions, local and international NGOs (Save the Children Great Britain) and multilateral organisms such as IPEC/OIT and UNICEF; this Commission was institutionalized through Decree No. 17-98 (September 7, 1998) and proceeded by the Ministry of Work and Social Security.

The National Commission during almost three years promoted a wide consultation process in several departments of the country and gave as a result the formulation, approval and application of a national Action Plan for the Gradual and Progressive Child Work Eradication.

Since its creation, the National Commission has searched its strength, nevertheless by being preceded by a public entity its processes to apply the national action plan have resulted bureaucratic and the majority of the advances reported have taken place in the formal institutional enclosure, such as:

- ❖ The creation in certain cities of the country of technical and regional sub-councils, that depend from the National Commission and the development of enabling processes to their members.

- ❖ Ratification by the State of Honduras to the Agreement 182 of the IWO regarding the worst forms of child work through decree No. 62-2001 in May 24, 2001.
- ❖ Approval to the regulations related to child work, executive agreement No. STSS-211-01 from October 10th, 2001, Gazette 29,654 dated December 11, 2001.

These regulations define the works that are prohibited, day's journey for adolescents older than 14 years old that work with legal authorization, the measurements regarding occupational health and it also creates the child work inspectorⁱⁱ.

Despite these important achievements at institutional level, the child work in early years is a reality in our country, particularly the work done in high risk conditions or work exploitation. According to the Home Permanent Poll (2002) the number of children involved in child work reaches 356,241 children in ages between 5 to 17 years old; out of them 123,195 were between 5 and 13 years old, this means that they do a work that is has a high risk because of their age, because they are under the age admissible to authorized work.

The same Home Permanent Poll (2002) reveals that only 32.1% of working children receive any income or get paid in any way. The children that receive a salary are abused regarding to receiving what is fair, 43.4% of the cases they receive salaries that are half the average salary established for adults and 37.2% receive even less, which reflects that 80% of working children make less than the minimum wage.

In the urban areas, the percentage of working children that receive a salary is 48.3% and in the rural areas 26.3%. Six out of 10 children do not go to school. The absence proportion increases with age: between 5 and 9 years old the absence percentage is 13%, from 10 to 14 years old increases to 45% and from 15 to 17 is 76.7%.

In 2002, the percentage of children working in economic activities is 22.3% (boys in ages of 5 and 17 years old) while in the case of girls is 8.2%. In the rural area the relation of People Economically Active (PEA) from 5 to 17 years old described by gender is 8 to 2 (80.6% men and 19.4% women, but in the urban area is 6 to 4 (57.9% men and 42.1% women).

It is important to mention that to this data described above there is a portion of children that work in domestic activities and do not go to school as well, nor are paid; in general terms the estimate is 17%.

Data from IPEC/ILO (2002) bring out certain work characteristics of the child work authorized (over 14 years old) in Honduras:

- ✓ From children workers in PEA a 69.2% reside in rural areas. A 56.2% work in agriculture and a 24.4% work in commerce.
- ✓ The working population in children from 14 to 17 years old is more concentrated in agriculture, commerce and alarmingly in mines.
- ✓ The working children authorized a 48.2 % of their employers are their own family members and do not receive any remuneration, 39.7% of the employers are private business, 6.2% work in domestic service, while a 4.5% of working children work on their own, 1.2% work for the government, 0.2% have themselves as employees and 0.1% work in cooperative society. From the children working in private enterprise 51% work in small businesses in the informal sector of the economy, 17.5% in middle enterprises and 30.6% in big enterprise.
- ✓ A 71.5% of the children work over 42 hours per week, in rural areas is relatively inferior (38 hours).

Out of the reality of children authorized by law to work, there is the reality of thousands of children working in high risks and in exploitation conditions without basic security for their health and physical and psychological integrity, in addition to not being submitted to any government control, as the one applied in public dumps or crematory centers, street sales in highways or places where there is vehicle transit, firecracker fabrics, domestic work, agriculture and their exposition to plague poisoning, to high voltage, children that lift heavy cargos harming their health, among others.

In 2002, an estimated total of 20,764 children are busy doing domestic work in particular homes, 94.3% of these children are girls of different ages (even under the authorized age), they are exposed to cruel and degrading treatment, physical abuse, exhausting schedules of more than 14 hours, school abandonment and sexual abuse (5.1% of girls working in domestic labor could have been victims of sexual abuse). There are no government programs that control the domestic work activities and the legislation on this matter is still very weak for the Work Code only regulates the salary.

In 2001, a study from IPEC7OIT reported that in the municipality of Villeda Morales, department of Gracias a Dios, around 200 children work in commercial dive. Where as in 2001, a study from the same source applied to the municipal dump in the capital city found 96 working children, 7 out of 10 are in ages from 8 to 13 years old.

Child Work in exploitation conditions or its worst forms is not investigated by the Child Work Inspector's office who says has no faculty, but only to control the authorized child work, situation that excludes the children involved in the informal sector of the economy and in worse work conditions. The inspector's office says that in the case developed work of children older than 14 years old in the informal sector its role is limited to act as a friendly negotiator or conflict mediator between

“chief-worker” (The child inspector’s office has no presence in the 18 departments of the country, it only counts with 20 inspectors that work exclusively with authorized child work (children older than 14 years old).

Regarding high risk work, the major challenges are found in the need to clarify the sanctions in the legislation for the people that use children in risky jobs, a specific legislation that controls the domestic work activities and other forms of risky jobs. At the same time, in the ERP as the main mechanism of social policies for the country and assignment of national resources and relief of the external debt, there have not been any programs or funds for the implementation of the National Action Plan for the Gradual and Progressive Eradication of Child Work.

b.2) SEXUAL ABUSE AND SEXUAL COMMERCIAL EXPLOITATION OF CHILDREN.

The Committee recommended to the State of Honduras to reform the Penal Code, to generate studies and quality statistic information on sexual commercial exploitation of children; the commandment action plans to front with this situation and the attention and rehabilitation of the victims.

In this subject, we can highlight the ratification on behalf of the state of Honduras of the Facultative Protocol on the Rights of the Child related to child sale, child prostitution and the use of children in pornography, Decree No.62-2002 (May 7, 2002); Honduras ratified, nevertheless the consultation process made to know the implementation measurements applied by the State revealed that there has not been any activity developed so far with the objective to spread its content nor there any unit or government office in charge of a direct implementationⁱⁱⁱ.

However, what is a reality is the creation by mid-2002 of an Inter-institucional Commission of civil society, government and multilateral agencies with the purpose of elaborating a National Action Plan against commercial exploitation of children and adolescents and it includes new penal types to sanction sexual exploitation. The created Commission is coordinated by the Family and Child Commission of the National Congress who, despite multiple tries, it has not been able to start the process of national plan design. The main reason is that the Commission is presided by a political and multi functional entity, which is the parliament and it lacks a government instance that assumes in a systematic and integral form the follow up to the commercial exploitation problematic. (This instance should belong to IHNFA but this organization is very weak and right now its going through a de-centralization process of its services and not to be driven by public policies). Regarding the incorporation of new penal types there is a proposal concluded in April, 2004 and was elaborated from consult processes to justice operators, civil society and boys and girls, called by the Inter-institutional Commission and supported by IPEC/IWO, UNICEF, Save the Children United Kingdom and Goal Ireland. The participation of civil society in this phase has been dispersed and does

not show evidence of any efforts to assume a leadership in this important process. The penal contents of the reform proposal and the special legislation addition refer mainly to:

- a) To modify the definition of well being protected from sexual liberty to liberty and personal integrity,
- b) To introduce the crimes of sexual commercial exploitation, child pornography, sexual tourism and remunerated sexual access, kidnap and illegal retention of people with sexual purposes, traffic and white slavery.

On the other hand, Save the Children Great Britain reported that in August, 2000 in the capital city of Honduras there were 2,280 children victims of sexual exploitation, of them 1,710 were girls and 570 boys. This means that by every 4 "client/abusers" each day, 5 girls and 3 boys are sexually exploited in the two cities that conform the capital city of the Republicⁱⁱⁱ.

According to the association "Friend of the children", by the year 2000 there are records that say that there were 500 disappearing of boys and girls. Great part of these disappearings was done with sexual traffic purposes. It is a talking secret that the destinies of international sexual commercial traffic of Honduran children are generally Guatemala and Mexico. An 80% of child prostitution in Chiapas are given by Honduran girls and in Guatemala there are almost 2,000 girls in prostitution situation dispersed in 600 bars and date houses in the city, of these girls 500 are Honduran^{iv}. Recently, in 2003, the Secretary of the Tourism Institute declared recently to the national press that a 48.5% of the boys and girls are submitted to sexual exploitation in violent and degrading sexual, 28.3% dance in night clubs, 21.8% accompany tourists, 13.6% participated in photo shorts with sexual purposes, 8.3% are models and 13.9% dedicate to give sexual massages. He also added that a 23.6% have been infected with STDs with an incidence of 3.4% by HIV, 15.3 % of the girls became pregnant and 25.7% suffered physical attacks by the clients, 19.1 % sexual attacks and 8.6% to threats and abuse from their pimpfs^{iv}. A study from Casa Alianza documented that 1,019 cases of children victims of sexual commercial exploitation in Tegucigalpa city, 979 were girls (96.1%) and 40 cases were boys (3,9%)^{ivi}.

The organization revealed that dozens of commercial establishments tolerate and promote sexual commercial exploitation: "business such as bars bares, night clubs and massage centers figure in the list. It was also possible to find evidence of this illicit activity in family houses, beauty salons, lodging establishments and even frequented streets".

Chart No. 6 Victims according the type of place where they are exploited.
Location Quantity Percentage

Place	Quantity	Percentage
Street	495	48.58
Bars and Night Clubs	154	15.11
Via mobile phones	100	9.81
Discotheques	90	8.83
Dating Houses	87	8.54
Restaurants	40	3.93
At their Homes	20	1.96
Massage Centers	14	1.37
Highways	8	0.79
City Crematory	7	0.69
Beauty Salons	3	0.29
Coffee Shops	1	0.10
Total	1,019	100

*Source: Casa Alianza

In the National Police, they created in 2004 the sexual crimes unit, who is in charge of investigating with emphasis the exploitation and child abuse; we hope that this office opens other offices in the rest of the country. At the same time, the National Police with sponsorship of Save the Children Great Britain, elaborated a police procedure and its attention protocols for the investigation of these types of crimes; they also began a enabling program to policemen in order to improve their capacity to respond to the problem.

c) CHILDREN BELONGING TO MINORITIES OR NATIVE GROUPS.

Among the observations that the Committee made in the last report to the State of Honduras we can mention the concern on the life conditions of children that belong to native groups, the enjoyment of the consecrated right found in the Convention on the right of the children and their protection against discrimination

In general, there are no specific studies regarding native children. Nevertheless, the PHO^{Ivii} estimates the native population in 564,500 inhabitants, a little less than 10% of the total population of the country. The ethnic population of Honduras is descendant from natives and Africans. The biggest majority are the Garífuna, afro descendants, they are over a quarter of a million inhabitants; after them we find the Lencas, of native origin with a population of 100,000 inhabitants. Among the minority populations we find the Pech (2,586 inhabitants), the Nahoia or Náhuatl (2,500 inhabitants and the Tawhaca (1,200 inhabitants).

Approximately 50% of these communities are located in forest regions, a 30% in rural and urban coastal areas and a 20% in ecologic reserves.

The monthly average income in the ethnic population is approximately US\$60, thus in Lenca, Pech, Tolupanes and Chortí communities is around US\$20.

A 95% of the population less than 14 years old suffers from malnutrition. The maternal mortality rate for pregnancy related causes has decreased from 182 to 108 for every 100,000 children born alive. Nevertheless, in general, the maternal mortality rate in native and afro descendant communities in Honduras is still one of the highest in Latin America, 147 for every 100,000 born alive children.

Another study^{viii}, additions that the children mortality rate for every 100 newborns is 68, due to contagious diseases. The 32 survivors have a life expectancy of 36 years. The majority of these communities do not have access to health services and medical attention.

At the same time, there is still low coverage of 67% (PHO 2001, OpCit) in latrine and water systems. We calculate that the PEA in these towns and communities are between 8 and 65 years old. The child work is the main cause of school desertion among the regions that have school access. The maternal mortality reaches mothers between 12 to 47 years.

The intercultural bilingual education programs taught to ethnic communities are doing good, increasing the formation of bilingual teachers. Nevertheless, there still are some limitations derived from the lack of educational language materials that allow the conservation of the our culture and ethnic identity, as well as the fact that the majority of schools in ethnic communities are uni or bilateral teachers (this means that there are no teachers for all 6 grades), besides that, in general, the school desertion numbers in ethnic communities are superior to the rest of the country.

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xliiv Informe sobre las metas del milenio, Honduras, 2003. Páginas 25 y 26(Millennium Goals Report, Honduras, 2003. Pgs 25 and 26)

xliv Op.cit. (Informe sobre las metas del milenio, Honduras, 2003. Páginas 15 y 27)(Op.cit. (Millennium Goals Report, Honduras, 2003. Pgs 15 and 27)

xlvi Contenidos curriculares de los niveles de prebásica, básica relacionados con la temática en derechos humanos. Secretaria de Educación Pública. Enero 2004. Página 2.(Curricular contents of pre-basic, basic levels related to the human rights matters. Ministry of Education. January 2004. Pg 2.)

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xlviii Fuente Policía Nacional Preventiva. 2004.(Source: National Preventive Police. 2004.)

xlix Diario La Tribuna del 27 de enero de 2003. Página 8.(La Tribuna journal, January 27, 2003. Pg 8.)

i Evaluación del Funcionamiento del Programa de Reeducación y Reinserción del Instituto Hondureño de la Niñez y la Familia (IHNFA), en le marco de los Derechos de la niñez y Adolescencia. IHNFA/UNICEF Diciembre de 2002. Paginas 16 a 23.(Evaluation of the functions of IHNFA’s Reeducation and Re-insertion, regarding the Rights of the children and adolescents. IHNFA/UNICEF December, 2002. Pgs 16 to 23.)

ii Reglamento sobre Trabajo Infantil en Honduras Acuerdo Ejecutivo No. STSS-211-01 del 10 de octubre de 2001. Gaceta No. 29,654 del 11 de diciembre de 2001. Artículos 1y 50.(Rules on Child Work in Honduras. Executive decree No. STSS-211-01 of October 10, 2001. Gazette No. 29,654 dated December 11, 2001. Articles 1 and 50.)

iii The consult includes interviews with government officials of several Child Courts, IHNFA, IHADFA, Ministry of Education and CONADEH, as well as the workshop taken place October 07, 2004 with the participation of NGOs that work with children and government officials of the Ministry of Government and Justice and the National Police.

- iii Explotación Sexual por Nacionales, Extranjeros y Tráfico de Niñas y Niños con fines Sexuales en Honduras. Presentación ante la Comisión de Derechos Humanos. María Esther Artiles, Tegucigalpa. Agosto 2000.página 3.(Sexual Exploitation from Nationals, Foreigners and Children Traffic with sexual purposes in Honduras. Presentation before the Human Rights Commission. María Esther Artiles, Tegucigalpa. August 2000. pg. 3.)
- iv OJOS QUE NO VEN... Investigación Regional Sobre Trafico, Prostitución, Pornografía Infantil y Turismo Sexual Infantil en México y Centroamérica. Casa Alianza. 2000.(OJOS QUE NO VEN...(Eyes that do not see...) Regional Investigation on Traffic, Prostitution, Child Pornography and Sexual Tourism in Mexico and Central America. Casa Alianza. 2000.)
- lv Diario La Tribuna 18 de septiembre de 2003.(La Tribuna Journal, September 18, 2003.)
- lvi Análisis cuantitativo sobre la explotación sexual comercial de niños, niñas y adolescentes en Honduras. Casa Alianza, 2003.(Accounting analysis on sexual and commercial exploitation of children and adolescents in Honduras. Casa Alianza, 2003.)
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