

HONDURAS

CRC A/51/41 (1996)

164. The Committee considered the initial report of Honduras (CRC/C/3/Add.17) at its 158th to 160th meetings (CRC/C/SR.158-160), on 27 and 28 September 1994, and adopted, at its 183rd meeting, on 14 October 1994, the following concluding observations.

Introduction

165. The Committee expresses its appreciation to the State party for the report and the detailed written responses submitted by the Government of Honduras to the Committee's list of issues. The Committee welcomes the fact that these replies were self-critical and offered suggestions as to future priorities for action to be taken to improve the situation of children in Honduras. The Committee notes with particular satisfaction that the written replies were prepared in consultation with various entities, including non-governmental organizations, involved in implementing the rights of the child in Honduras.

Positive factors

166. The Committee welcomes the commitment within the country to undertake measures to improve the implementation of the rights provided for under the Convention on the Rights of the Child. It takes note of the fact that the Government recognizes the problems facing the country and that major efforts are required to address them. In this regard, note is taken of the legislative reform envisaged, in particular, the draft minor's code and the proposal to make military service voluntary and to ensure that it does not take place before the age of 18. The revision of policy, including the greater priority being accorded to meeting the basic social needs of the poorer sections of the population, is also welcomed.

167. The Committee notes with satisfaction the positive support and encouragement the Government is giving to developing cooperation with the National Commissioner for the Protection of Human Rights and intergovernmental and non-governmental organizations in determining measures and priorities to improve the protection and promotion of the rights of the child in Honduras.

168. The Committee notes with interest the signing of the "Pact for children", an initiative aimed at strengthening the municipalities' involvement in the application and monitoring of the rights guaranteed under the Convention. The Committee acknowledges the State party's support to initiatives at the regional level, including through the Central American Parliament's Commission on the Child, to address issues relating to children, such as trafficking in children, addiction and child labour.

169. The Committee takes note of the initiative to collect information on the organizations working for and with children throughout the country. It also takes note of the initiative to map out the poorest areas of the country with a view to prioritizing the provision of basic services to the areas most in need.

Factors and difficulties impeding the implementation of the Convention

170. The Committee notes that the measures taken by the Government of Honduras to repay the external debt and to implement the structural adjustment programme have put a strain on the country's resources. The deteriorating economic situation in Honduras is causing a worsening in the living and social conditions of the country, so much so that about 60 per cent of the population lives in extreme poverty. It also recognizes that drought, floods and other ecological problems have had serious consequences for Honduran families, dependent on agriculture as a means of livelihood, to maintain an adequate standard of living and thus support themselves and their children.

Principal subjects of concern

171. As almost 60 per cent of the Honduran population is under the age of 18, the country's worsening economic situation has had serious consequences for the children in Honduras. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Honduras.

172. The Committee is concerned that the resources available for the implementation of the rights recognized in the Convention are insufficient to ensure adequate progress in improving the situation of children in Honduras.

173. The absence of a comprehensive strategy designed to promote awareness and understanding of the rights of the child among all adults and children in Honduras is noted.

174. The Committee is concerned that traditional attitudes prevailing in the country may not be conducive to the realization of the general principles of the Convention, including, in particular, article 2 relating to non-discrimination, including on the grounds of gender and ethnic origin, and article 12 relating to the respect for the views of the child.

175. Despite the measures taken by the Government of Honduras to improve and facilitate the registration of children, the Committee remains worried that difficulties persist in providing children in Honduras with the necessary registration certificates and that the absence of such basic documentation detailing the child's age and family affiliations may hamper the implementation of a child's other rights, including his/her access to public health services and to the necessary protection that a child should be accorded under the system of the administration of juvenile justice.

176. The Committee is concerned about the apparent inadequacy of the measures taken by the State party to ensure that its adoption procedures are conducted in accordance with the relevant provisions and principles of the Convention, in particular articles 3, 12 and 21.

177. The number of teenage pregnancies in Honduras is relatively high and the Committee, therefore, has serious doubts regarding the adequacy of family and sex education, particularly with regard to the general level of understanding and knowledge about family planning methods and the availability of family planning services. The Committee is also concerned that certain attitudes remain in society which hamper efforts to eradicate sexual abuse and exploitation.

178. The Committee notes that the lack of provision of and access to health services and facilities and clean water and sanitation is an extremely serious problem in rural areas. The Committee is also concerned at the prevalence of the malnutrition of children from the poorer and more disadvantaged sectors of the population, especially as regards the adverse effects of the insufficiency of nutritious food on the child's right to survival and a healthy development.

179. As recognized by the State party, the Committee is concerned that measures are lacking to implement the provisions of article 23 of the Convention relating to disabled children.

180. Notwithstanding the initiative taken by the State party to provide bilingual education to children in schools, the Committee is deeply concerned at the insufficiency of measures taken by the State party to implement the provisions of article 28 of the Convention concerning the right of the child to education, especially in view of the low level of enrolment and retention of children in schools and the lack of vocational training in schools, as well as the inadequacy of teacher-training programmes and teaching material.

181. The Committee is concerned about the system of the administration of juvenile justice as it works in practice in Honduras. In this regard it notes with particular concern that in the majority of departments in the State party juvenile judges have not been appointed and that there is a lack of training programmes for juvenile judges. The Committee is also concerned at the proposals to lower the age of criminal responsibility from 18 to 16.

182. The Committee expresses its deep concern at information it has received regarding the exploitation and abuse of girls working in the maquilas (assembly factories, mainly forming part of the textile industry).

Recommendations and suggestions

183. The Convention must be seen as the framework for action to improve the condition of children. In this connection, the Committee wishes to emphasize the importance of the application of the Convention's general principles, as reflected in its articles 2, 3, 6 and 12, in guiding the action to be taken to implement the rights of the child. In particular, the Committee wishes to draw the attention of the State party to the significance of the provisions of article 3 of the Convention concerning the best interests of the child, inter alia in directing future discussions and decisions about the allocation and provision of resources for the implementation of the rights of the child.

184. The Committee recommends that the necessary mechanisms be established at the national level to ensure the ongoing monitoring of the implementation of the rights guaranteed under the Convention. In this connection, the Committee suggests that the Government might wish to consider the possibility of according to the National Commission on the Rights of the Child the

appropriate official status, including the possibility of constitutional status, as a means to enhance the effective functioning of this Commission. The Committee wishes to emphasize the importance of the participation and representation of various entities, including non-governmental organizations working with and for children, in any designated coordination and monitoring mechanism for the rights of the child. It is suggested that an annual report on the progress made in the implementation of the rights of the child should be prepared by the national monitoring mechanism and presented to Parliament. The Committee also recommends that systems for the collection of statistics and other data which would provide indications and trends as to the realization of children's rights should be further strengthened and developed.

185. The Committee recommends that the Government consider the possibility of organizing a meeting to discuss the matter of the availability of resources for the implementation of the rights recognized in the Convention, including within the framework of international cooperation. Participants in such a meeting could include members of the Committee, the donor community, the World Bank, the International Monetary Fund (IMF), UNICEF, other intergovernmental and non-governmental organizations.

186. The Committee is of the opinion that greater efforts are required to make the principles and provisions of the Convention widely known to and understood by adults and children alike, including article 12 of the Convention relating to the right of the child to express his or her views and have them taken into account. The Committee would like to suggest that a comprehensive strategy be worked out and put into operation as quickly as possible to realize this objective. It is important that such information should be prepared in the languages of children belonging to minorities or indigenous groups and should reach the people living in the remoter rural areas. Training material and programmes about the rights of the child should also be prepared and provided to personnel and professionals working with children, including judges, teachers, those working in institutions for children and law enforcement officials.

187. The Committee considers that greater efforts are required to sensitize society to the needs and situation of the girl child, to children living in rural areas and to socially disadvantaged children living in urban areas, in the light of article 2 of the Convention.

188. The Committee is of the view that further measures and efforts are urgently required to facilitate the registration of children so as to ensure that all children in Honduras possess the necessary registration certificates/documentation.

189. The Committee recommends that the State party ensure that its adoption procedures are in conformity with the provisions of the Convention, especially its articles 3, 12 and 21, and other relevant international instruments. The Committee recommends that the State party consider signing and ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

190. The Committee urges the State party to strengthen further family education programmes, which should provide information on parental responsibilities in the upbringing of a child, including the importance of avoiding physical punishment of the child. The Committee further recommends that greater attention and resources be extended to the provision of family planning information and

services. The Committee encourages the State party to support further measures that promote the provision of child-care services and centres for working mothers.

191. While the Committee recognizes that the State party has introduced and developed primary health care and achieved major progress in immunization coverage, it notes that in some areas of the country, particularly in rural areas, a serious problem of access to the public health system, including primary health, persists. The Committee recommends that measures be taken urgently to extend and strengthen the primary health-care system and to improve the quality of health care, including through incentives to attract higher numbers of volunteers into the system at the community level and through the provision of essential medicines and medical equipment at the various levels of health care in the country.

192. The Committee takes note of the efforts made by the State party to provide family and social assistance programmes as well as to implement supplementary food programmes with the aid of international cooperation, including from the World Food Programme (WFP). Notwithstanding these efforts, the Committee recommends that major attention and resources be focused on further measures to address the problems of extreme poverty affecting the majority of the population, which have adversely affected the rights of the child, *inter alia*, to adequate nutrition, clothing and housing.

193. The Committee is of the opinion that a thorough review of the education system is urgently required. It recommends that measures be taken to improve the quality of education. It is suggested that more vocational training be provided in schools and that further measures be introduced to train more teachers. It is also suggested that human rights education be incorporated into the school curriculum.

194. The Committee recommends that much greater attention be accorded to improving children's access to the education system and reducing the high incidence of school drop-out. In this regard, the Committee takes note of the suggestion of the Government which has not yet been implemented to organize the school year around the agricultural seasons with a view to organizing school vacations at sowing and harvesting periods. Equally, the Committee would like to suggest that the State party give consideration to the provision of meals and to complement the provision of health care through the schools.

195. As regards legislative reform in the area of the administration of juvenile justice, the Committee wishes to emphasize that any new legislative measures to be introduced in the State party must be guided by the principles and provisions of the Convention and other relevant international instruments, in particular, the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, the Committee urges the Government to ensure that the age of criminal responsibility not be reduced. The Committee also wishes to recommend, in particular, that the system of the administration of juvenile justice be adequately supported to function appropriately. This requires, *inter alia*, that juvenile judges be trained and function in all areas or "departments" of Honduras. Equally, the Committee recommends that the systems for the supervision of and visits to places of juvenile detention must be adequately provided for. It also recommends that the State party further strengthen measures to reduce the period of custody of juveniles to ensure that a juvenile's deprivation of liberty be used only as a measure of last resort.

196. To prevent further abuses being committed against children, the Committee strongly recommends that allegations of abuses against children and the ill-treatment of children be promptly investigated through an adequately established system and that persons committing such abuses do not benefit from impunity.

197. The Committee recommends that the Government undertake the necessary measures to introduce legislation for the protection of the rights of refugees, in line with the relevant international standards, including the Convention relating to the Status of Refugees and its Protocol. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) could be requested in this regard.

198. The Committee is of the view that there is an urgent need for the Government to consider reviewing its legislative and other measures relating to the minimum age for child labour as to its conformity with ILO Convention No. 138. In this regard, the Committee recommends that appropriate measures be taken to protect children from economic exploitation and to provide for appropriate sanctions. The Committee recommends, in particular, that action be taken to ensure that the girls working in the maquilas are not exploited and abused. Moreover, the Committee suggests that the State party consider the possibility of adopting adequate measures to implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

199. Finally, the Committee would like to propose that consideration be given to publicizing and widely disseminating within the country the initial report and additional information submitted by the State party to the Committee as well as the summary records and concluding observations emerging from the discussion of the report of Honduras in the Committee.

CRC/C/87 (1999)

Concluding observations of the Committee on the Rights of the Child:

95. The Committee considered the second periodic report of Honduras (CRC/C/65/Add.2) at its 541st and 542nd meetings (see CRC/C/SR.541-542), held on 25 May 1999, and adopted* the following concluding observations.

Introduction

96. The Committee welcomes the timely submission of the State party's second periodic report. In particular, the Committee notes with satisfaction the willingness of the State party to use this report as a call for action, a guide and a situation analysis, to formulate, evaluate and monitor the most important advances in the field of children's rights in the State party. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/HON.2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

Follow-up measures undertaken and progress achieved by the State party

97. The Committee welcomes the constitutional reform (1995), which has endorsed the mandate of the Office of the National Commissioner for Human Rights for the promotion and protection of children's rights.

98. The Committee also welcomes the constitutional reform (1995) which abolished the State party's mandatory military service and prohibited service in the military of persons younger than 18.

99. In light of its recommendations (see CRC/C/15/Add.24, paras. 20 and 21), the Committee welcomes the enactment of the Children and Adolescents Code (1996) and the participation of non-governmental organizations in the drafting of the Code.

100. The Committee notes with appreciation the establishment of the network of municipal children's defenders (Defensores Municipales de la Niñez), which aims at strengthening the municipalities' involvement in the application and monitoring of the rights of the child.

101. In light of its previous recommendation (see CRC/C/15/Add.24, para. 24), the Committee welcomes the enactment of the Law against Domestic Violence and the reforms to the Penal Code as well as the establishment of the Institute for Women as measures to prevent and combat gender discrimination. In the same vein the Committee welcomes the creation of an office for the defence

* At the 557th meeting, held on 4 June 1999.

of children and persons with disabilities, within the Attorney-General's office (Ministerio Público), as well as the creation of the National Council for the Attention of Children with Disabilities (CONAMED).

102. The establishment of poverty alleviation programmes such as the ones carried out by the Honduran Social Investment Fund (FHIS), Family Assistance Programme (PRAF) and the Social Housing Fund, which are in line with Committee's recommendations (see CRC/C/15/Add.24, para. 29), are noted with appreciation.

103. In light of the Committee's recommendation (CRC/C/15/Add.24 para. 30), the Committee welcomes the measures taken by the State party to include the teaching of human rights, including children's rights, in the school curricula.

104. The Committee welcomes the signing of a memorandum of understanding (1997), between the State party and the International Labour Organization/International Programme for the Eradication of Child Labour (ILO/IPEC), for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35).

Factors and difficulties impeding further progress in the implementation of the Convention

105. The Committee notes with deep concern the devastating effects of hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sectors and to infrastructure. Hurricane Mitch not only left many dead or missing, including children, and destroyed homes and educational and health care facilities and services, but also constituted a setback in the efforts of the State party to gradually make children's rights a reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

106. The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

Principal subjects of concern and the Committee's recommendations

General measures of implementation

107. Although the Committee welcomes the enactment of the Children and Adolescents Code, it remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, especially those which still regard children as objects and not as subjects of rights (the irregular situation approach). The Committee recommends that the State party take all available measures to ensure that the Children and Adolescents Code and other domestic legislation (e.g. Penal Code, Labour Code, Family Code and draft Adoption Law) are in full conformity with the principles and provisions of the Convention.

108. While noting the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24 and para. 21) concerning the need to establish adequate coordination between various governmental entities dealing with children's issues, both at the national and the local levels, and taking note of the transformation of the Social Welfare Board (JNBS) into the Honduran Institute of Children and the Family (IHNFA), the Committee is still concerned about the insufficiency of these measures. In particular, the Committee is concerned that IHNFA does not have sufficient financial and human resources to carry out its mandate in an effective manner throughout the territory of the State party. The Committee recommends that the State party take further measures to reinforce the existing coordination mechanisms (e.g. the National Commissioner for Human Rights, IHNFA, etc.), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide IHNFA with adequate financial and human resources in order that it may carry out its mandate in an effective manner. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

109. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.24, para. 21) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken in cooperation with the Inter-American Children's Institute and the information provided by the State party regarding the conduct of a population census in the year 2000, the Committee remains concerned about the lack of disaggregated data on all the areas covered by the Convention. The Committee recommends that the State party continue reviewing and updating this data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

110. The Committee takes note of the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 23) regarding the need to make the principles and provision of the Convention widely known and understood by the population at large. Nevertheless, it remains concerned at the insufficiency of these measures, especially among indigenous and ethnic groups as well as in rural areas. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous and ethnic groups as well as in rural and remote areas. In this regard, the Committee further recommends the incorporation of local structures such as the municipal children's defenders and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends publicizing the Convention in innovative ways, taking into consideration the specific needs of indigenous and ethnic groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.

111. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 23), the Committee appreciates the detailed information on the conduct of training programmes for professionals working with and for children. Nevertheless, the Committee is of the opinion that such measures need to be reinforced. Therefore, the Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law-enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Furthermore, special attention should be given to the provision of training for professionals working with and for children on how the principles and provisions of the Convention are reflected in and implemented by domestic legislation (e.g. Children and Adolescents Code). Technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

112. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.24, para. 8) that stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In addition, the Committee expresses its concern at the lack of a child rights dimension in the context of the Master Plan for National Reconstruction (after hurricane Mitch). In light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of available resources, including international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee recommends that the State party take children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts in seeking international cooperation for reconstruction after hurricane Mitch.

Definition of the child

113. With regard to the implementation of article 1 and other related provisions of the Convention, the Committee takes note of the existing legal studies to reform domestic legislation and harmonize the different legal ages according to the principles and provisions of the Convention. Nevertheless, the Committee is concerned about the use of the biological criterion of puberty to set different ages of maturity between boys and girls. This practice is contrary to the principles and provisions of the Convention and, *inter alia*, constitutes a form of gender-based discrimination which effects the enjoyment of all rights. The Committee recommends to the State party to introduce the adequate reforms to its domestic legislation in order to bring it into full conformity with the principles and provisions of the Convention.

General principles

114. While the Committee acknowledges the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 24) for the protection of the rights of the most

vulnerable groups of children, it is of the opinion that these measures need to be reinforced. In addition, the Committee is particularly concerned about the prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child. The Committee reiterates its recommendation to the State party and further recommends that it increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee recommends that the State party strengthen its efforts in order to revise prevailing cultural attitudes and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination enshrined in article 2 of the Convention. The Committee also recommends that the State party undertake educational campaigns to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, the Committee suggests that the State party consider acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

115. With regard to its recommendation (see CRC/C/15/Add.24, para. 20), the Committee notes that the current domestic legislation has partially integrated the principles of “best interests of the child” (art. 3) and “respect for the views of the child” (art. 12). Nevertheless, it remains concerned that in practice, these principles are not fully implemented and children are not yet perceived as persons entitled to rights. The Committee recommends that further efforts be made to ensure the implementation of the principles of “best interests of the child” and “respect for the views of the child”, especially his or her right to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.

Civil rights and freedoms

116. While the Committee takes note of the State party’s efforts to improve birth registration, especially those by the Office of the National Registry of Persons and the National Commissioner for Human Rights, it remains concerned about the fact that in some Departments only 20 per cent of all births are registered. In light of article 7 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.24, para. 25) and further recommends that the State party increase measures to ensure the immediate registration of the birth of all children, especially those living in rural and remote areas. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.

117. Although the Committee notes with appreciation the enactment of the Education Reform Law, which encourages and increases the participation of children in schools, it is still concerned that participatory rights of children have not been sufficiently developed in the State party. In addition, concern is also expressed at the existing legal prohibition of students’ organizations in secondary schools, which is contrary to the child’s rights to freedom of association and peaceful assembly. In light of articles 15 and 16 and other related articles of the Convention, the Committee recommends

that further measures, including legislative reform, be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association.

118. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 33), the Committee notes the measures taken by the State party to investigate cases of police brutality against children living in and/or working on the streets, as well as the payment of compensation to the victims of such abuse. Nevertheless, the Committee is of the opinion that judicial measures need to be reinforced. The Committee recommends that the State party reinforce its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children and that cases of abuse of children be duly investigated in order to avoid impunity for perpetrators.

Family environment and alternative care

119. While noting that the Children and Adolescent Code and other domestic legislation regulate the process of adoptions, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). The Committee reiterates its suggestion to the State party to consider its accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

120. While the Committee takes note of the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 33) regarding the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation in this effect from, inter alia, UNICEF and international non-governmental organizations.

Basic health and welfare

121. In light of its recommendation (see CRC/C/15/Add.24, para. 28), the Committee welcomes the measures taken to improve the health standards of children, in particular those initiatives related to the reduction of infant mortality such as the Integrated Management of Childhood Illnesses, implemented in cooperation with WHO and UNICEF. Nevertheless, the Committee remains

concerned about the persistent high rates of malnutrition in children under 5 years of age and in school-age children and limits access to health-care services in rural and remote areas. The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children.

122. With regard to adolescent health issues, the Committee welcomes the State party's initiatives and programmes to prevent and combat the spread of HIV/AIDS, and takes note of the intention to enact legislation for the protection of the rights of persons infected by HIV/AIDS. Nevertheless, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access by teenagers to reproductive health education and counseling services, including outside schools. The Committee is also concerned at the increasing rate of substance abuse among adolescents. The Committee recommends to the State party to continue, with the support of international cooperation, with its efforts in the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems and as a basis to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counseling services as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.

123. With regard to the situation of children with disabilities, the Committee expresses its concern at the lack of adequate infrastructure, qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of a governmental policy and programmes for children with disabilities and at the lack of governmental monitoring of private institutions for these children. In light of the Standard Rules on the Equalization of Opportunities for Person with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. Furthermore, the Committee encourages the State party to continue working in partnership with specialized non-governmental organizations in this field.

Education, leisure and cultural activities

124. In light of its recommendation (see CRC/C/15/Add.24, paras. 30-31) on the educational system, the Committee takes note of the follow-up measures undertaken by the State party in this field and notes with appreciation the plans for the establishment of the Honduran Programme of

Community Education (PROHECO), which aims at improving children's access to education. Nevertheless, the Committee remains concerned about the low enrolment rates, especially in rural and remote areas, high drop-out rates from primary and secondary schools, and the lack of attention to the special needs of working children and children with disabilities. The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-out. The Committee encourages the State party to consider technical assistance in this area, inter alia, from UNESCO.

Special protection measures

125. The Committee regrets the lack of follow-up to the Committee's recommendation (CRC/C/15/Add.24, para 34) regarding the need to introduce legislation for the protection of the rights of refugees. The Committee reiterates its recommendation to the State party to undertake the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards.

126. The Committee remains concerned about the living conditions of children belonging to indigenous (e.g. Lencas, Chortis, Miskitos, etc.) and ethnic groups (e.g. Garifunas), especially with regard to the full enjoyment of all the rights enshrined in the Convention. In light of articles 2 and 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention.

127. While welcoming the measures taken for the eradication of child labour, in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. In light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged within the memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee encourages the State party to continue enforcing labour legislation prohibiting the work of children in the maquila industry.

128. The Committee also expresses its concern about the situation of children, who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets and are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction. The rising number of youth gangs (known in Honduras as maras) is also an area of concern. In this regard, while the Committee takes note of the State party's plans to implement a specific strategy to address the issue of street children, it recommends to the State party to continue working in cooperation with non-governmental organizations in this area and to adopt appropriate programmes and policies for the

protection and rehabilitation of these children and the prevention of this phenomenon. Special attention in the form of preventive and rehabilitation measures should be given to the rising number of youth gangs.

129. While the Committee takes note of the reforms to the Penal Code and of the training given to the municipal children's defenders to prevent and combat sexual abuse and exploitation of children, it expresses concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children as well as the lack of a national plan of action to tackle this issue. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

130. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.24, para. 32), inter alia the increase in the number of juvenile courts; the fact that children are not detained in the same prisons as adults and that special centres for children have been created; and the establishment of alternative measures to the deprivation of liberty. Nevertheless, the Committee remains concerned, inter alia, that deprivation of liberty is not used systematically as a measure of last resort; that due process is not fully respected; and that there is lack of adequate training for the police on the application of the Convention and other relevant international standards. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort, that due process needs to be respected in all cases, and that alternative measures to deprivation of liberty need to be strengthened. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

131. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publications of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.