



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

Third periodic reports of States Parties due in 2002

HONDURAS* **

[3 January 2006]

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INTRODUCTION

1. In accordance with the commitments that it undertook when it signed and ratified the Convention on the Rights of the Child, Honduras has submitted two reports to the Committee on the Rights of the Child, the first in 1993 and the second in 1999.
2. The preparation of this document, which constitutes the second and third reports on the application of the Convention, took account of the “General guidelines regarding the form and contents of periodic reports to be submitted by States Parties under article 44, paragraph 1 (b), of the Convention”, adopted by the Committee at its 343rd meeting on 11 October 1996, and of the recommendations made to Honduras by the Committee during its twenty-first session, in May 1999.
3. This report focuses on the legislative, administrative and programmatic measures taken by Honduras between 1998 and 2004 with a view to realizing the rights recognized by Honduras when it ratified the Convention.
4. Of particular importance on the legislative side has been the adoption of a number of laws aiming to give effect to the rights of the child—notably, the National Registry of Persons Act, which eliminates all forms of discrimination against children on the basis of their parentage, and the Social Integration of Persons with Disabilities Act, which aims to eliminate discrimination against this population group.
5. As regards programmatic and administrative measures, significant efforts have been made to formulate programmes and increase the allocation of resources for ensuring the realization of children’s rights, particularly in areas defined as high priority areas in the National Plan of Action for Human Development, Children and Youth, 1990-2000, which was the subject of systematic follow-up and evaluation in the period 1993-1997, during which three follow-up reports were issued. In that connection, it may be noted that in 1998 an analysis of the situation of children was carried out with support from the United Nations Children’s Fund (UNICEF) and in 2001 a short report was published on the situation of children in relation to the goals of the World Summit for Children.
6. With regard to coordination at the national level, attention should be drawn to the establishment of a range of intersectoral committees with the aim of taking practical measures to address issues such as child labour, the sexual and commercial exploitation of children, child abuse, pre-school education, and the prevention of drug addiction.
7. At the local level, in line with the Covenant on Children and in the context of a decentralization process, steps were taken to include goals for the advancement of children’s rights in municipal development plans. Also, the introduction of municipal children’s advocates’ offices was a significant step, since, despite resource constraints, they have been doing important work in publicizing and defending the rights of children.
8. Considerable progress has been made in the field of health, with a steady decrease in infant mortality, a reduction in maternal mortality, increased availability of professional childbirth care, an increase in breastfeeding and an extensive and successful immunization programme.

9. In the field of education, alternative approaches aimed at increasing educational availability at the different levels have been developed, and the ongoing reform of the educational system will result in a substantial improvement in the quality of education available to the children of Honduras.

10. Notwithstanding the progress made, there is no denying that the country still faces major challenges-notably, the lack of a national policy regarding children that has been agreed upon and approved by all stakeholders; the absence of a comprehensive child protection system and of a monitoring system that provides information on progress made in meeting the commitments undertaken with the ratification of the Convention on the Rights of the Child; and, lastly, the existence of a significant number of children living in poverty or even extreme poverty.

11. This report is made up of nine chapters. The first contains a brief description of the social, economic and demographic situation, with particular emphasis on the conditions relevant to the meeting of the country's Convention commitments. The second chapter sets out the general measures adopted by Honduras pursuant to the Convention. The third discusses the definition of the child in the context of Honduras's legislation. The fourth describes how the general principles set forth in the Convention are being applied. The fifth addresses civil rights and freedoms. The sixth deals with the family environment and alternative care. The seventh sums up the progress made and problems being faced with regard to the basic health and welfare of Honduran children. The eighth discusses the situation regarding education, leisure and cultural activities, while the ninth describes the special protection measures for particular groups. This is followed by a section containing final considerations. Lastly, the report contains a bibliography.

12. The information provided is from official publications issued by various governmental and non-governmental institutions. It represents an excellent basis for examining, together with the various parties involved, the progress made and problems being faced in implementing the Convention and thereby ensuring the enjoyment by Honduras's children of their rights.

I. GENERAL CONTEXT

13. The general context of Honduran life involves both obstacles to and potential for implementation of the Committee's recommendations and meeting the commitments associated with ratification of the Convention on the Rights of the Child. The many obstacles include fragile economic growth, insufficient job creation (especially in the high-productivity sectors), pronounced shortfalls as regards social justice and sexual equality, persistent poverty, restrictions on the full exercise by individuals of their rights, and the weight of social, cultural and institutional apathy. On the other hand, new concepts of development and recognition of the close relationship between development and promotion of human resources, social justice and environmental sustainability are opening up extensive opportunities for progress in implementing the Convention. Thus, the period covered by this report saw significant progress in consolidating democracy and institutional stability by means such as measures to modernize the role of the State, the rationalization of social sector expenditures, the intensification of decentralization efforts and the renewal of democratic models.

14. The work done in meeting the commitments entered into at the World Summit for Children resulted in the attainment, earlier than expected, of important goals set in the first National Plan of Action. The challenge now is to improve on the results achieved, especially in those regions where economic, geographic and cultural factors and dispersion of the population make it difficult for the communities living there to achieve all-round development and thus enjoy their rights.

A. Economic overview

15. At the time when Honduras submitted its previous report to the Committee, it was undergoing a transition to a new development model based on the free operation of market forces and opening up to external trade. As part of the process, it was moving ahead with State reforms, including decentralization of the public sector in some areas and the redefinition of social policies. The results, however, remain unsatisfactory.

16. In recent years, Honduras has achieved relative macroeconomic stability and started growing again after the serious impact of Hurricane Mitch on its economy. Between 1998 and 2004, the gross domestic product (GDP) grew at an average annual rate of 2.6%, there was an improvement in the balance of payments, largely due to higher exports and an increase in remittances, and labour productivity rose (albeit to only a modest extent). The most striking feature of the Honduran economy, however, remains the low growth rate owing to low GDP growth, the average per capita income of Hondurans during the period 1998-2004 was only US\$ 930. At the same time, the impact of inflation, which averaged 9.8% during the same period, affected the purchasing power of individuals and institutions.

TABLE 1

Economic indicators, 1998-2004

	1998	1999	2000	2001	2002	2003	2004
Real GDP (millions of current lempiras)	70 438	77 096	87 908	99 032	108 124	120 322	137 089
Constant growth (%)	3	-1.9	4.9	2.6	2.7	3.2	3.7
Population (thousands)	6 179.7	6 385.0	6 597.1	6 530.3	6 694.8	6 860.8	7 000.0
Per capita GDP (lempiras)	11 420	12 101	13 358	15 153	15 120	17 538	19 584
Exchange rate against US\$	13.5	14.2	14.9	15.5	16.6	17.5	18.4
Per capita GDP (US\$)	845.9	852.2	896.5	977.6	910.8	1 002.0	1 064.0
Annual inflation rate (%)	13.7	10.9	11.1	8.8	8.1	6.8	9.2

Source: Central Bank of Honduras, *Honduras en cifras* (Honduras in numbers).

17. The open-market economy model entailed a range of changes in the field of employment, most notably the deregulation of contractual relations, the decentralization of production in modern enterprises (with a rise in subcontracting) and a shift of jobs from the public to the private sector.

18. One notable phenomenon has been the massive influx of women into the labour market, due to – inter alia – the fact that they are now better educated. There are, however, indications that this increase in female participation in the labour market has been accompanied by persistent sexual discrimination, reflected in the overrepresentation of women in low-productivity occupations, average wages lower than those of men and greater job insecurity. Moreover, this growing participation of women (and girls) in the labour market has had a negative impact on the family, and it has not been accompanied by greater equality between men and women in realizing their individual potential, especially as regards the attainment of political power.

19. As regards the management of the country's foreign debt, the Government has maintained its policy of issuing contracts on concessional terms for high-priority programmes and projects and has continued to fast-track measures aimed at obtaining the greatest possible debt alleviation by traditional means. Also, Honduras has been participating in the Heavily Indebted Poor Countries (HIPC) Initiative. The Government's concluding with the International Monetary Fund (IMF) of a service agreement for growth and poverty reduction made it possible to conclude negotiations with the creditor countries of the Paris Club, which brought about a 90% reduction in eligible debt. In 2005, Honduras reached the completion point under the HIPC Initiative, and this will undoubtedly result in higher expenditures for the benefit of the most vulnerable sectors of society—particularly on poverty reduction.

B. Demographic and social overview

20. The population of Honduras in 2004 stood at 7,000,011, of whom 48.5% were men and 51.5% women.¹

21. Life expectancy at birth has continued to rise. It is estimated that in 2004 it reached 71.6 years—68.1 years for men and 75 years for women. The country's mortality and morbidity statistics, however, point to an increased incidence of chronic and degenerative diseases generally difficult and costly to treat. The fertility rate has continued to decline, and it is now estimated to be 3.9 children per female, but the natural population growth rate of 2.6% a year is one of the highest in Latin America.

22. The population age structure in Honduras reflects a gradual ageing of the population. The number of births each year is now relatively stable, so that the rate of increase in the number of children in the age range of 0-4 years has declined, and there has been an increase in the proportion of the population accounted for by children of school age, the proportion accounted for by adolescents and young people (15-29 years of age) and the proportion accounted for by older people.

¹ National Statistics Institute (INE), Continuing Multi-Purpose Household Survey (EPHPM), Honduras, 2004.

TABLE 2

The population in 2004

Total population	7,000,011
Average annual growth	2.6
Density (per square kilometre)	62.2
Urban population (%)	45.5
Population in age range 0-4 years (%)	24.9
Population in age range 5-9 years (%)	28.4
Population in age range 10-14 years (%)	26.9
Population in age range 15-18 years (%)	19.8
Population aged 65 years or over (%)	5.0

Source: INE, EPHPM, May 2004.

23. Persons of up to 18 years of age account for 50.2% (3,514,910) of the country's population; 50% are boys and 59% live in rural areas. Of that total, 35.9% (1,261,016) are between 12 and 18 years of age. Of this group, 49.4% are males, accounting for 18% of the country's population – a significant proportion.

24. As regards the female population, 39% are under 15 years of age, 48.1% are women between 15 and 49 years of age and 12.9% are over 50 years of age. The corresponding figures for the male population are 41.6%, 45.6% and 12.8%.

25. The high proportion of young people, resulting from the high birth rate (31.3 per thousand inhabitants), the rise in the number of people over 65 and the rise in life expectancy at birth impose a heavy burden on the basic social services, particularly health and education.

26. The rural population, which still accounts for the majority (54.5%) of the country's population, has in recent years been moving into environmentally sensitive areas that were virtually uninhabited. The Population and Housing Census for 2001 revealed the existence of 30,591 rural settlements spread across the country. The decline in the relative size of the rural population contrasts with its precarious living conditions, its social and cultural backwardness and its typically scattered settlements. Because of this settlement pattern, it is difficult to provide social services to the rural population, which has little contact with the centres of production and consumption and therefore cannot easily exercise many of its rights. Of the households in rural areas, 27% do not have access to safe drinking water and 28% do not have adequate sewage systems.

27. Of the urban population, which accounts for 45.5% of the total population of Honduras, 20% lives in the Central District and San Pedro Sula. This concentration is largely due to internal migration to areas of greater development, the migrants being mainly between 15 and 44 years of age. The growth of the urban population centres has occurred despite a serious shortage of basic services due to a lack of urban planning. Although 92% of urban households have access to water supply services, only 55.5% are supplied with water by the public system and only 57.9% have a lavatory connected to the main sewage system.

28. As to education, Honduras has in recent years made great efforts to reduce illiteracy and increase school attendance. Since the submission of the last report, significant progress has been made in improving access to education, with a lowering of the illiteracy rate from 28% in 1996 to 18.5% in 2004 and an increase in average school attendance. Despite the efforts made, however, access to education remains a problem in Honduras. Average school attendance amounts to only 5.5 years, while illiteracy affects one in ten of the urban population and three in ten of the rural population.

29. With regard to health, there has been considerable success in improving the country's indicators. Life expectancy at birth is growing and crude mortality rates show a marked decline. Efforts to improve the access of women to health services have resulted in their having a life expectancy 6.9 years greater than that of men.

TABLE 3
Health indicators, 1993-2004

<i>Indicator</i>	<i>1993</i>	<i>2004</i>
Life expectancy at birth (years)*	67.2	71.8
Life expectancy at birth for men (years)*	64.8	68.4
Life expectancy at birth for women (years)*	69.6	75.3
Crude mortality rate, per 1,000 inhabitants*	6.4	5.0
Infant mortality rate, per 1,000 live births*	50.0	30.8
Mortality, children under five, per 1,000 live births*	65.0	39.0
Maternal mortality rate, per 100,000 live births**	182	108
Overall fertility rate*	4.8	3.9
Crude birth rate, per 1,000 inhabitants*	35.8	31.3

Source: * INE, *Proyecciones de población con base en el Censo del 2001* (Population projections on the basis of the 2001 census).

** Ministry of Health: *Investigación de Muerta Materna y de Mujer en Edad Reproductiva* (IMMER) 1990-1997; National Epidemiology and Family Health Survey (ENESF) 1991/1992, 1997.

30. The progress made in education and health is reflected in the Human Development Index. In 2003, Honduras was 119th of 174 countries, with an index of 0.657—0.023 higher than in 1998, when it was 0.634.²

31. The current economic and social situation in Honduras, however, is having a drastic effect on the most disadvantaged sectors of society. Although significant progress has been made, the indicators reveal serious deficiencies and disparities with regard to—inter alia—education (problems with access to schooling and with school attendance), health (high infant and maternal mortality), nutrition, access to safe water and the availability of adequate housing, that especially affect children and women.

² United Nations Development Programme (UNDP), *Human Development Report*, Honduras 2003.

32. There also remains a serious problem of exclusion. Access to secondary and higher education, particularly for children living in rural areas and children living below the poverty line, is extremely restricted, and there are enormous differences in mortality rates as between urban and rural areas and from one health service district to another. The latest available data indicate that the maternal, perinatal, infant and under-five mortality rates are highest in the regions and departments where the poverty rates are highest.

C. Poverty

33. The country's present situation, characterized by a growing number of shortcomings and by other emerging signs of vulnerability, has had an impact on incomes. The proportion of households below the poverty line continues to be one of the highest in Latin America.

34. During the period covered by this report, the proportion of poor households fluctuated between 63.1% and 65.9%. In 2004, 64.2% of households in Honduras were below the poverty line. Although, in percentage terms, the increase in the number of poor households between 1998 and 2004 was not very great (only 1.1%), the large population increase means that in absolute terms poverty currently affects a substantially larger number of households and hence of people. Between 1998 and 2004, the number of poor households rose by 36,939, and of those households 5,051 (13.7%) were extremely poor.

TABLE 4

Poverty indicators, 1998-2004

	1998	1999	2000	2001	2002	2003	2004
Households below the poverty line (%)	63.1	65.9	65.9	64.5	63.3	63.5	64.2
Poor households (%)	17.5	17.3	17.3	17.0	18.1	18.9	19.7
Households in extreme poverty (%)	45.6	48.6	48.6	47.4	45.2	44.7	44.6

Source: INE, EPHPM, Tegucigalpa, May 2004.

35. The highest incidence of poverty occurs in rural areas, where 74.8% of households have inadequate incomes and 66.4% are living in extreme poverty. In urban areas, by contrast, 63.9% of households are poor and 33.6% are living in extreme poverty.

36. Overall, in 2004 the number of people affected by poverty was 4,150,307, of whom 3,002,736 were living in extreme poverty. A very worrying aspect of this is that 2,613,608 (87%) of the people affected by extreme poverty were living in households with a per capita income of at most US\$ 1 a day and 2,013,237 (67%) were living in rural areas. As poor rural families are larger, the number of children affected by poverty is alarming.

37. The poor, and especially those living in rural areas, are excluded the most owing to their restricted access to social services and to productive paying jobs, which prevents them from developing their abilities and exercising their basic human rights. The worst affected are children. It is estimated that approximately 5,000 children are living in special protection centres, often in order to escape poverty. Moreover, although exact figures are not available, it

is clear that in practically every town in Honduras there are large numbers of street children whose situation makes them potential victims of social violence.

38. The continuing poverty in Honduras is also linked to the inability of the economic sectors with the highest productivity to absorb the available workforce. In general, the main problem is the low incomes associated with temporary jobs and low productivity. The invisible underemployment rate is 29.5% for Honduras as a whole; it is 37.5% in rural areas. Open unemployment affects 5.9% of the economically active population, those most affected being women, whose open unemployment rate is higher than that of men (8.3% as against 4.7%). Unemployment is widespread among the young (53% of the unemployed are less than 24 years old) and higher among persons with a completed secondary or university education (9.3% and 8% respectively). Thus, despite the consensus that well-qualified people are a fundamental prerequisite for overcoming poverty and raising overall productivity, it has not been possible to achieve these goals in Honduras owing to the inadequate creation of jobs requiring higher qualifications.

39. In addition to the inadequacy of incomes, unequal incomes distribution is a major contributor to the poverty existing in Honduras. The Gini coefficient applied to household incomes (wages) fell from 0.60 in 1960 to 0.57 in 1998, but rose from 0.57 in 2003 to 0.64 in 2004. This means that income distribution has not improved over the past 44 years; on the contrary, wealth has become more concentrated, giving rise to a persistent critical problem in Honduran society. Of Honduras's households, 80% together receive only 36.8% of the national income, the richest 20% receiving 63.2%.

TABLE 5

Gini coefficient, 1998-2004

<i>Year</i>	<i>Gini coefficient</i>
1998	0.57
1999	0.55
2000	ND
2001	0.57
2002	0.57
2003	0.57
2004	0.64*

Source: Office of the President: Technical Support Unit (UNAT).

*INE, EPHPM, May 2004.

40. With regard to the Committee's concern that Honduras should intensify its efforts to reduce economic inequality, including the inequalities between rural and urban areas, and to prevent discrimination against the most vulnerable and marginalized groups of children, the measures taken have been inadequate and there remain serious differences between various regions, the gap between urban and rural areas still being widest. From the available data it is clear that the gap is tending to widen further in the case of important indicators such as

education, infant and maternal mortality and poverty. This shows that there is a problem of injustice in the way that the system functions, particularly affecting the most vulnerable groups—above all, children.

41. This situation continues to cause concern in Honduras, and in recent years considerable efforts have been made to improve matters. One measure taken was the formulation, in 2001, of a Poverty Reduction Strategy, the formulation and implementation of which involved a process of closer involvement of the public and the assignment of resources obtained as a result of the cancellation of foreign debt to the poorest communities.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Amendments to national legislation during the period 1998-2004

42. Honduras has made considerable efforts to bring its legislation into line with the provisions of the Convention. It must, however, be acknowledged that the country's legislation relating to children remains contradictory and that many of the laws passed in recent years have highlighted the existence of problems in reflecting the Convention's full ideological and philosophical content. For example, the laws passed during the period 1998-2004, although in most cases representing progress towards the comprehensive protection of children, contain elements that, owing to the economic vicissitudes which Honduran society is experiencing, are in contradiction with the rights enshrined in the Convention.

43. It should also be said that, although the guarantees extended to children and to society as a whole in Honduras rest on a juridical pyramid consisting of the Convention on the Rights of the Child, the Constitution and a number of other legal texts where rights are set out clearly, those responsible for taking practical action in the field of children's rights have difficulty in implementing the provisions in question. The legal texts include:

1. Decree No. 156-98, Police Organization Act. With a view to furthering the demilitarization of Honduran society, the aim of the Act is to regulate the organization and functioning of the national police force. The Act requires that the police operate on the basis of legality, continuity, professionalism, a recognized line of authority, discipline, party-political neutrality, equality, solidarity, ethics and impartiality, acting with community spirit, protecting the environment and supporting the justice system – all this within the framework of the fullest respect for human rights. To ensure that those requirements are met, the Act provided for the establishment of a National Council for Internal Security (CONASIN).

The Act also requires that, in performing their duties, police officers conduct themselves in full conformity with the Constitution and the international treaties and conventions ratified by Honduras. To ensure compliance, the Act provided for the establishment of an Internal Affairs Unit with the power to investigate offences committed by police officers and, where appropriate, to arrest police officers and place them in the hands of the competent authorities.

2. Decree No. 232-98, National Institute for Women Act. The Act provided for the establishment of a National Institute for Women as an instrument for promoting social development aimed at the full integration of Honduran women into every aspect of the process of sustainable development. Its objectives are to guarantee

women and girls the enjoyment of their rights, to promote the economic independence of women with a view to eliminating poverty and to guarantee women and girls equality of opportunity alongside men in all spheres of life.

3. Decree No. 9-99, Code of Criminal Procedure. With a view to speeding up the workings of the justice system, the Code introduced oral public proceedings and features such as prosecutorial discretion, conciliation, suspension of the public right of action, summary procedures and precautionary measures. It allows judges to decide for or against exercise of the public right of action and assigns investigative responsibilities to the Public Prosecution Department, thus guaranteeing the procedural rights of accused persons.

The Code requires that the relevant judge be informed without delay of any pre-trial detention, which may in no case exceed 24 hours.³ The Code prohibits the pre-trial detention of pregnant women and nursing mothers, and it provides for automatic prosecution in the case of offences involving abduction, rape, incest and indecent assault committed against children under 14 and disabled people. The deliberate inflicting of minor injuries and threatening with injuries are also subject to automatic prosecution if they occur in the context of domestic violence.

4. Decree No. 147-99, Special Law on HIV/AIDS. The Law, which was drafted on the basis of broad consultations with those involved in combating HIV/AIDS in Honduras, provided for the establishment of a National AIDS Commission (CONASIDA) as the managing body responsible for inter-institutional and intrasectoral coordination and as an interdisciplinary body responsible for formulating policy. The Law covers matters relating to HIV/AIDS education, information and research and, most importantly, sets out the rights and obligations of people infected with HIV or suffering from AIDS.
5. Decree No. 34-2000, Law on Equal Opportunities for Women. The aim of the Law is to eliminate all forms of discrimination against women, especially in the areas of family, health, education, work, social security, credit, land ownership, housing, culture, the media, the environment and participation. The Law provides for strict measures to eliminate discrimination against working women during pregnancy; it requires employers with over 30 women in the workforce to make space available for childcare centres; it provides for maternity leave if female workers adopt children under five years of age; and it establishes the right of pregnant adolescent students to take maternity leave without putting the rest of their education at risk.
6. Decree No. 138-2000, which requires that on 10 September (Children's Day) the public and private operators of places of entertainment grant free entry to all children aged up to 13 years, without any discrimination.
7. Decree No. 14-2001, which requires the Ministry of Education to promote and support the establishment and work of parents' associations and cooperation between parents' associations and teachers in helping the educational institutions in

³ This was increased to 72 hours in December 2004 following changes to the Constitution.

question to achieve their objectives, especially with regard to improvements in access to and the coverage and quality of education.

8. Decree No. 13-2001, which establishes that Honduran citizenship shall be automatically granted to any child born abroad to a father or mother who is Honduran by birth if either parent was born in Honduras and is thus legally entitled to Honduran citizenship at the time of the child's birth or if either parent, although born abroad, makes a successful *jus sanguinis* claim to be considered a Honduran by birth.
9. Decree No. 141-2001, Law on the Detention, Rehabilitation and Social Reintegration of Members of Criminal Gangs. The Law, which was drawn up following public consultations, provided for the creation of a national programme for the detention, rehabilitation and social reintegration of criminal gang members, to be administered by a decentralized unit of the Office of the President of the Republic. It also provided for the establishment of a national council responsible for formulating public policy in this field and a coordinating committee—made up of representatives of the relevant public and private institutions and organizations—responsible for supervising the implementation of public policy and the inter-institutional cooperation.⁴
10. Executive Order No. STSS-211-2001, which lays down regulations governing the employment of children and adolescents in Honduras. Among other things, it specifies the minimum age at which adolescents may legally be employed, spells out the obligation to obtain prior authorization from the Ministry of Labour and Social Security, lists the types of employment that are prohibited and provides for corrective measures and penalties if employers fail to ensure working conditions that comply with the legal standards. It also sets out the functions and powers of the Child Labour Inspectorate.
11. Decree No. 226-2001, Police and Social Order Act. This regulates the functions of the national and municipal preventive police. It provided for the establishment of conciliation offices for general police matters and of municipal justice departments for matters exclusively within the competence of the municipal police. It requires adolescents under 18 years of age to carry a document proving that they are minors and persons over 18 years of age to carry an identity card, in order that the police and other authorities may protect their constitutional rights. It authorizes the police to require individuals to identify themselves and provides that, if they fail to do so, they may be conducted, at their own cost, to their place of residence or work, if nearby, for the sole purpose of establishing their identity.

The Decree provides for the prohibition of the entry of children into establishments where alcoholic drinks are sold, billiards halls and places of adult entertainment. It prohibits the sale of alcoholic drinks to minors by retail establishments (supermarkets, minimarkets and grocer's shops). It provides for students under 18

⁴ At the time of writing, resources had not been allocated in the national budget for the establishment of the public bodies described in the Law. This is, in some measure, due to a lack of political will and to doubts about the usefulness of the envisaged actions in the face of a very grave problem.

who are found playing truant to receive an official warning from the school, followed by fining of the parents each time the offence is repeated. It also provides for parents, guardians and other adults with responsibility for a minor to be fined if they allow the minor to roam about unsupervised. It prescribes penalties for persons who compel or put pressure on underage children to engage in begging, vagrancy, prostitution, pornography or any other illegal activity, without prejudice to the criminal liability situation. It addresses the phenomenon of the destructive gang culture, whereby groups of adolescents aged between 12 and 18 fight among themselves or against third parties or damage public or private buildings, providing for the immediate detention of such adolescents and their committal for trial in an appropriate court.

12. Executive Decree No. PCM-006-2002. The Decree provided for the establishment of a Standing Committee for the Protection of the Physical and Moral Welfare of Children, which is made up of representatives of the Ministries of the Interior and Justice, Security and Foreign Affairs, the Supreme Court of Justice, the Public Prosecutor's Office, the Office of the National Commissioner for Human Rights, the Honduran Institute of Children and the Family (IHNFA), the National Council for Internal Security (CONASIN), the Roman Catholic church and the Evangelical Fellowship, and also a representative of the Coordinadora de Instituciones Privadas "Pro los Niños y Niñas y sus Derechos" (COIPRODEN) (Coordinator of private institutions that are pro children and their rights). The Standing Committee's mandate is to investigate reports of killings of minors and advise the executive authorities in all matters relating to the protection of the physical and moral welfare of Honduran children.
13. Decree No. 70-2002, Poverty Reduction Fund Act, which provided for the establishment of a fund to support implementation of the Poverty Reduction Strategy. The fund is managed by the Ministry of Finance on behalf of the executive authorities in accordance with principles laid down by the Social Cabinet. It was established for a period of 15 years that may be extended. In the management of the fund, due attention is paid to the principles of efficiency, effectiveness, transparency, decentralization and civil society participation.

The Act provides that the resources of the fund shall consist of: 100% of the annual amount resulting from the reduction in foreign debt servicing due to the HIPC Initiative; other amounts resulting from reductions in foreign debt servicing and amounts resulting from foreign debt cancellations, by agreement with each creditor; resources provided by other countries and by international bodies for poverty reduction; and resources received by the central Government from non-traditional sources.

The Act also provided for the establishment of an Advisory Council for the Poverty Reduction Strategy—a collegiate and participatory body advising the Social Cabinet and consisting of the President of the Republic (or whoever deputizes for the President as coordinator of the Social Cabinet), the Ministers of Finance, Education, Health, Natural Resources and the Interior and Justice, and a representative of each of the following: the Association of Honduran Municipalities, the manual and farm workers' unions, the Honduran Private

Enterprise Council (COHEP), the employers' federations, various community and ethnic organizations for promoting the welfare of women, young people and children, and various non-governmental organizations (NGOs). A representative of the multilateral organizations and a representative of the contributing countries are invited to Council meetings as observers.

14. Decree No. 339-2002, Special Law on the Declaration and Celebration of the Year of the Honduran Child, pursuant to which 2003 was declared to be the Year of the Honduran Child and a special coordinating committee was established with a mandate to prepare a plan and a special programme of activities and take steps to procure the necessary resources, to prepare and disseminate an up-to-date analysis of the situation of children in Honduras, to conduct awareness-raising and information campaigns, and to promote practical measures to help children in situations of serious vulnerability.
15. Executive Order No. 009-2003, approving the regulations for implementation of the Special Law on HIV/AIDS. Among other things, the regulations define the scope of application of the Law, establish the obligation to provide sex education and classes on sexual ethics at every level of the formal and the informal educational system, require that HIV tests be carried out on all human blood intended for use in blood transfusions, specify the biosafety standards to be observed in various contexts, and spell out the rights and duties of infected persons.
16. Decree 2003, establishing National School Meals Day.
17. Decree No. 117-2003, amending article 332 of the Criminal Code. The Decree provides for a penalty of 9-12 years' imprisonment and a fine of 10,000 to 200,000 lempiras for the ringleaders of gangs or other groups formed for the purpose of carrying out any action constituting a crime, the penalty being one third lower in the case of the other members of such illegal associations.
18. Decree No. 208-2003, Migration and Aliens Act. The aim of the Act is to regulate the country's migration policy. It recognizes as refugees those who have fled their country because their lives, safety or freedom have been threatened by: generalized, serious and continuous violence; foreign aggression or internal armed conflicts; massive, continuous and systematic violation of human rights; or sexual violence or other forms of persecution based on sexual discrimination. It includes provisions based on the international standards for the protection of child refugees, and it provides for the granting of refugee status to all persons who depend directly on a person recognized as a refugee and who constitute a family group.

It recognizes the right to family reunification on the basis of consanguinity, affinity or dependency and provides that children under 18, and persons over 18 who are dependent on their parents, shall be covered by the administrative decision relating to and the registration of their parents, with a right to the same type of identity card. It also recognizes the right to residence of foreigners: who have children who are Honduran by birth; or who have married or have established a legally recognized de facto partnership with a Honduran man or woman. It lays down the requirement that a person over 21 years of age who is subject to parental authority

or guardianship may not leave the country unless accompanied by at least one person with parental authority or at least one guardian or unless he/she can provide legal proof that authorization to leave the country has been given by the person(s) with parental authority or the guardian(s).

19. Decree No. 3-2004, providing for the establishment of a Committee for the Coordination of Special Resources for the System of Basic Public Education, with a mandate to improve access to basic education centres for children from poor families and encourage regular attendance.
20. Decree No. 62-2004, National Register of Persons Act. It provides for the obligation to register births within 30 days. Authority to register a birth is given to the father or mother, or, in the absence of both, to relatives living in the same household, or to persons who attended the birth, or, in the case of a single mother without a partner and lacking economic resources, an *alcalde auxiliar* (a senior municipal official). A fine is not imposed if registration takes place within a year following the birth.

The Act established a person's right and obligation to acquire an identity card (*tarjeta de identidad*) as soon as he/she attains the age of 18. Also, it introduced the requirement that an identity document (*carnet de identificación*) be issued to minors and the obligation to acquire and carry one and show it when requested to do so by an authorized person.

21. Decree No. 125-2004, establishing the National Children's Congress.
22. Decree No. 232-2004, establishing a national grant programme for academically gifted students living in conditions of poverty, so as to ensure that children and young people from poor backgrounds remain within the formal education system.
23. Decree No. 135-2005, approving the loan contract between the International Development Bank and the Government of Honduras for US\$ 20 million earmarked for the funding of the Comprehensive Social Protection Programme.

44. As stated in the previous report, the enactment of the Code on Children and Adolescents represented a significant advance as regards comprehensive protection of the rights of Honduran children. However, the Committee's concern about the pressing need to reform the entire legal system, adapting it to the provisions of the Convention, remains as relevant as before.

45. The task of introducing certain amendments to the Labour Code, the Family Code, the Criminal Code and the Code on Children and Adolescents, among others, in order to bring them into line with the Convention, remains to be tackled. It should, however, be mentioned that work is currently under way on elaborating and discussing the preliminary draft of the Adoption Act, which was prepared in response to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Hague Convention itself is currently under consideration for signature and ratification by the National Congress.

B. International conventions and treaties ratified by Honduras during the period 1998-2004

1. Decree No. 62-2001, which ratifies, without reservations, International Labour Organization (ILO) Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
2. Decree No. 61-2002, which ratifies, without reservations, the International Convention on the Elimination of All Forms of Racial Discrimination.
3. Decree No. 62-2002, which ratifies, without reservations, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
4. Decree No. 63-2002, which ratifies, without reservations, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
5. Decree No. 108-2003, which ratifies, without reservations, the United Nations Convention against Transnational Organized Crime.
6. Decree of 2003, which ratifies, without reservations, the Rome Statute of the International Criminal Court.
7. Decree of 2003, which ratifies, without reservations, the Hague Convention on the Civil Aspects of International Child Abduction.
8. Decree No. 235-2003, which ratifies, without reservations, the Organization of American States (OAS) Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance.
9. Decree No. 5-2004, which ratifies, without reservations, the Inter-American Convention against Terrorism.
10. Decree No. 24-2004, which ratifies, without reservations, the Stockholm Convention on Persistent Organic Pollutants.
11. Decree No. 8-2005, which ratifies, without reservations, the Optional Protocol to the International Covenant on Civil and Political Rights.
12. Decree No. 9-2005, which ratifies, without reservations, the United Nations Convention against Corruption.
13. Decree No. 24-2005, which ratifies, without reservations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
14. Decree No. 25-2005, which ratifies, without reservations, the International Convention on the Suppression and Punishment of the Crime of Apartheid.
15. Decree No. 67-2005, which ratifies, without reservations, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

C. Changes in the judicial system

46. As mentioned in the previous report, the Code on Children and Adolescents established due process in the administration of juvenile justice. Since that time, a series of further changes has been made with a view to promoting the exercise of the rights of children and adolescents and increasing respect for those rights. One example is the changes made in the judicial system in order to comply with the provisions of the Convention.

47. At the juvenile courts in Tegucigalpa, increasing assistance is being provided in the administration of justice by the services of psychologists and social workers. Considerable efforts have been made to improve staff qualifications, not only for judges but also for officials and administrative personnel, by regular and systematic training at every level to ensure that it has an impact on day-to-day practice.⁵

48. Although human and material resources for these purposes remain scarce, the country has taken steps to make more efficient use of the available resources by the introduction of unified courts, in which the work is allocated on an equitable basis. During the period 1998-2004, the number of juvenile courts was increased to 10, with a total of 15 judges. Elsewhere in the country, the courts dealing with juvenile cases are ordinary civil courts⁶ and, although they have received training in some aspects of children's issues, it is still inadequate, with the result that the juvenile courts are sometimes required to try certain cases. In this connection, the judiciary has issued rules and regulations on delegation of jurisdiction to courts whose geographical location enables them to hear cases more promptly, thus guaranteeing access to justice in a timely fashion.

TABLE 6

Number of juvenile courts and judges by department and city, 2004

<i>Department</i>	<i>City</i>	<i>Courts</i>	<i>Judges</i>
Atlántida	La Ceiba	1	1
Atlántida	Tela	1	1
Copán	Santa Rosa de Copán	1	2
Olancho	Juticalpa	1	1
Yoro	El Progreso	1	1
Choluteca	Choluteca	1	1
Cortés	San Pedro Sula	2	4
Francisco Morazán	Tegucigalpa	2	4
Total		10	15

Source: Supreme Court of Justice, 2005.

⁵ It should be stated that Honduras does not require specific qualifications or relevant preparation for the position of juvenile judge. The same applies to the post of prosecutor for children and the family.

⁶ In interviews conducted in the course of preparation of this report, a number of respondents expressed the view that the volume of work was not sufficient to justify the establishment of a specialized court.

49. As a result of the country's commitments under the Convention, there has been a considerable improvement in the service provided to Honduran children in the judicial sphere in recent years. Although the system of assigned defence counsel administered by the judiciary is encountering problems owing to a shortage of resources, steps have been taken to provide such counsel with the materials they need and the right environment to conduct their work; the provision of training has latterly been increased in order to improve the qualifications of lawyers engaged in such work. The Public Prosecution Department itself is equipped with facilities to conduct its activities. Staff work with relative comfort in their own offices and they are provided with prosecution assistants who contribute to the procedural stages during particularly busy periods. Equipment made available for their work includes mobile telephones.

50. Steps have also been taken to improve the technical reports produced on children and adolescents as part of the proceedings with a view to providing a better understanding of the child or adolescent in question and offering guidance to those who have to take a decision or present a defence. In order to expedite proceedings and comply with time limits laid down by law, questions incidental to the main suit are dealt with in parallel proceedings without halting the course of the main suit. Problems with investigations still exist, however, in particular in the area of forensic investigation, which is restricted for lack of human and material resources. This affects the process of establishing the guilt of accused persons.

51. The judiciary has also been working on the design and implementation of a statistical information system for follow-up and assessment of judicial business to help improve the decision-making process and thus observe the principles of access, legal security and transparency.

D. Mechanisms to ensure implementation of the Convention, coordinate policy on children and monitor progress

52. In 1991, as stated in the second report, the Government, with a view to honouring the commitments undertaken at the World Summit for Children in 1990, established a national intersectoral and inter-institutional committee which, following the necessary coordination and consultation process, drew up the National Plan of Action for Human Development, Children and Youth with specific targets for the year 2000, which were essentially the same targets as those set in the plans for the various sectors concerned. Three evaluations were conducted during the period 1991-1998.

53. The results achieved are a reflection of the activities undertaken in every region of the country. The municipalities, acting within the framework of the Covenant on Children, promoted by UNICEF, have included in their municipal development plans targets that corresponded to local needs and sought to remedy the deficiencies identified in all areas of the National Plan of Action by setting out specific implementation strategies, especially with regard to the survival, protection and development of Honduran children.

54. Most municipalities in Honduras are currently pursuing measures to benefit children and, despite the impact of Hurricane Mitch, the country has to date made significant progress in complying with the commitments undertaken at the World Summit for Children. Examples of such progress may be seen in the improved access to education and the continuing reduction in the infant and under-five mortality rates.

55. From the time of initiation of the National Plan of Action, it was felt that both its formulation and implementation should form part of an ongoing process that had the proposed targets constantly in view. The monitoring, follow-up and periodic evaluation of the Plan are therefore necessary to ensure that the objectives, goals and operational strategies are adjusted, confirmed and/or amended, depending on the speed and effectiveness with which progress is made towards achieving the targets.

56. Although Honduras did not draw up a new plan for the period 2001-2004, the various sectors and institutions have continued their efforts to meet the commitments made at the World Summit on Children and work is currently under way on reformulating the Plan to bring it up to date. To that end, the Office of the President has, at the request of UNICEF and civil society organizations, set up an inter-institutional committee to draw up a new plan under the coordination of the Deputy Minister of the Office of the President and consisting of representatives of the Ministries of Health, Public Education, Labour, the Interior and Justice, the Technical Cooperation Secretariat, IHNFA, the National Institute for Women, the Honduran Social Investment Fund, the Family Allowance Programme (PRAF), Save the Children, Plan International, World Vision International, the Association of Honduran Municipalities, CARE International, Casa Alianza and COIPRODEN.

57. The Opportunities Plan for Children and Adolescents incorporates the principal sectoral strategies for ensuring the realization of the objectives of achieving comprehensive human development and promoting the welfare of the children and adolescents of Honduras. It also sets out a range of measures aimed at the effective realization of children's rights through two strategies: promoting institutional action to provide services of higher quality to more children and adolescents, on the one hand, and, on the other, coordinating the work done by private enterprise, NGOs, the municipalities, political parties, civil society and support agencies.

58. The Plan focuses on six priority areas: quality and equity of primary care and nutrition; implementation of the National Plan on HIV/AIDS; improved access to and quality of education at the pre-primary, primary and secondary levels; elimination of violence, sexual exploitation and the worst forms of child labour; and the promotion of children's participatory rights. Its general framework is the Poverty Reduction Strategy (PRS), which offers potential for sustainability. The Plan is currently under review prior to its final approval.

59. It is clear that the implementation of the Convention requires, in addition to adjustments in the law, a political initiative to transform the State, not only in the economic sphere—although that is fundamental—but also in the area of social policy adjustment and new approaches to policy-making.

60. Decentralization of children's services is currently being executed and consolidated, with the inclusion of measures for the benefit of children and adolescents in the municipal development plans of more than half the country's municipalities. With the support of UNICEF and the participation of the governmental and non-governmental sectors, the municipalities have been given training in the provision of services for the protection and promotion of children's rights and, in some instances, in case handling. Child support councils, formed of volunteers from within the community, now exist in many communities across the country.

61. With regard to the concern expressed by the Committee about the shortage of human and financial resources allocated to IHNFA to carry out its mandate effectively throughout the country, it has to be acknowledged that the situation remains unchanged and that IHNFA still lacks resources and power, which affects its action and standing in the child sector. The little progress in promoting the reforms that would enable IHNFA to perform the role assigned to it by law has had adverse effects and the question of closing it has been the subject of public debate on numerous occasions. Lack of government support has resulted in a patent shortage of economic resources and qualified staff, which has over the past four years brought about an institutional crisis at IHNFA.

62. IHNFA, which was set up as the governing body on questions relating to children and the family, inherited the material and human resources of its predecessor, the National Social Welfare Board (JNBS). That gave rise to the need to embark on a process of institutional change that would lead to greater efficiency and effectiveness. This produced a conflict situation, given the nature of the JNBS, which had operated as a charitable aid institution offering ad hoc responses to the problems facing Honduran children. In the course of the adaptation process, measures were taken to scale down and/or eliminate programmes and services that did not correspond with the mandate of IHNFA and to define new programmes. Nonetheless, IHNFA is continuing to implement programmes and activities as a service provider, to the detriment of its function as the regulatory body for policy-making on children. This is shown by the enormous number of service staff it employs (nannies, cooks and guards, among others) and the very few university-educated specialist staff.

63. As to its budget, not only are the resources inadequate but 98% goes on staff salaries and other administrative services, leaving only 2% to provide care for children at risk, to undertake activities for the promotion and protection of children's rights and to supervise institutions working with children at risk or dealing with children's issues in general. Moreover, the marked decline of the IHNFA centres has had a negative impact on the coverage and quality of the services it provides.

64. IHNFA has nonetheless made some significant advances, including the upgrading of two regional offices, in Tegucigalpa and San Pedro Sula, which respond to the needs of children in each region as appropriate, with a strategy based on the skills of their specialized staff and contributions from civil society organizations and local government. Four more regional offices are currently being upgraded.

65. Another significant achievement has been the formulation of new programmes, as outlined below, which have been designed by the Institute in its role as the governing authority for child policy and which incorporate the principles and provisions of the Convention:

- *Family Welfare Programme.* The aim of this Programme is to help improve the welfare conditions of children and their families, ensuring their rights through the fulfilment of basic needs. The activities of the Programme, whose approach is essentially preventive, fall into three areas: strengthening of the family, care of children and the publicizing and promotion of children's rights. To achieve these ends, the Programme promotes active and committed participation by local government, public and private institutions and organized civil society.

During the period 1998-2004, the Programme produced a number of publications aimed at supporting the various activities being undertaken. These included a handbook on the organization and functioning of schools for parents; guidelines for the organization of community infant care centres; standards for the care of children up to the age of six years at day-care centres or integrated care centres; basic information for the training of mothers working as educators in community infant care centres; guidelines for adolescent care at vocational centres; and guidelines for the organization of municipal children's councils. Every year, the Programme provides direct care, on average, for 14,000 children aged up to 18 years and for 2,665 parents. In addition, at the local level, 288 children's councils, 195 municipal children's advocates' offices, 35 networks of municipal children's advocates, 78 parents' associations and 42 schools for parents have been set up or upgraded.

- *Social Intervention Programme.* This Programme aims to protect children who are neglected, maltreated, abused or exploited. It promotes the deinstitutionalization of children faced with such problems and provides for involvement by the family and society in the process of intervention and restitution of rights. It stipulates that the intervention process should be governed by the following principles: the best interests of the child are paramount; the protection of children is the primary responsibility of the parents; social intervention is a process aimed at immediate protection and at restitution of rights that have been violated; and any intervention is to be of a multidisciplinary nature.

During the period 1998-2004, the Programme produced practical guidelines for implementing the social intervention process, which included two subprogrammes on immediate protection, namely Foster Families and Shelter Home Placements, and carried out activities to encourage family reintegration, supported by a system of family allowances and/or grants.

Under the Programme, various initiatives and projects have been undertaken to provide care for street children and a national intervention plan has been drawn up, involving active and committed participation by NGOs, civil society, local government and families. However, despite the fact that a range of initiatives have been launched, the Programme's implementation has not met with the success that had been hoped for.

Of particular importance in the area of children's rights is the work done on preparing a supervision handbook for use by public and private institutions, whose work is concerned with the protection of children at social risk. In addition, a national census of children in closed institutions has been taken, revealing the existence of over 4,000 children placed in 102 privately run special protection institutions, in many cases as a refuge from poverty. In order to gain a better understanding of the problems affecting Honduran children, an investigation entitled "Family, childrearing models and maltreatment of children" and a study entitled "Analysis of a sample of Honduran families using the circumflex model" have also been conducted.

On average, the Programme provides direct care for 6,000 children each year. From 1998 to the present, under the deinstitutionalization process an average of 688 children have been returned to their families annually.

- *Re-education and Social Reintegration Programme.* The Programme is aimed at providing support for adolescents aged 12 to 18 years who have appeared before the juvenile courts after coming into conflict with the criminal law. The Programme, which undertakes activities to bring about the social reintegration of such young people, incorporates two subprogrammes: Alternatives to Deprivation of Liberty and Deprivation of Liberty. During the period covered by this report, the Programme and the two subprogrammes have been systematized and regulations on educational centres for the care of adolescents in custody have been drafted and approved. Work has also been done, and is continuing, on the refurbishment and improvement of facilities for adolescents in custody in order to be able to pursue an educational process that will effectively contribute to the social reintegration of adolescents in conflict with the criminal law.

The Programme deals with an average of 3,000 adolescents a year, for 22% of whom alternative non-custodial measures are applied.

66. It should be noted that the limited resources and little progress made in adapting the organizational and functional structure inherited from the JNBS have made it impossible to implement programmes in the way that they were conceived. Still less has IHNFA been able to assume its role as policy-maker and regulator of the activities of public and private institutions working in the area of children and the family. All this has had a negative impact on the coverage and quality of services, on measures for the promotion of rights and on the Institute's exercise of its role of coordinating public policy on children and the family.

67. In 2004, faced with this situation, the Presidential Committee on State Modernization, acting on the instructions of the Office of the President of the Republic and with the participation of Roche Ltd., a member of the Shaw Group, carried out a study aimed at introducing process reengineering at IHNFA. The study set out a new institutional model and a new technological and organizational structure and proposed a new set of job descriptions and administrative, financial and human resource standards and procedures. The proposal is currently under consideration. There is also a need to review and evaluate the programmatic structure, an area on which work has not yet started.

E. National Commissioner for Human Rights

68. As mentioned in the previous report, the National Congress has established the Office of the National Commissioner for Human Rights (CONADEH).⁷ Its aims are to:

- Study, protect, promote and publicize the human rights of the person;
- Deal efficiently with complaints lodged concerning violations of human rights of individuals, regardless of their status;

⁷ Decree No. 191-94, ratified by Decree No. 2-95.

- Promote amendments to legislation or administrative practices that foster or constitute human rights violations;
- Promote and/or undertake activities aimed at changing cultural patterns that perpetuate discrimination or violence against individuals;
- Coordinate, where necessary, with national and international agencies and bodies, and in cooperation with non-governmental organizations, measures relating to the protection of human rights in the widest sense, including food security for the dispossessed and respect for the dignity and worth of the human person;
- Offer guidance and support in person, by telephone or by any other available means to resolve problems within its competence;
- Provide legal counselling and psychological assistance; and
- Make available legal channels of recourse to the relevant authorities or officials in order to provide various means for opposing human rights violations.

69. The reform of the Municipalities Act provided for the establishment of the Office of the Municipal Commissioner for Human Rights,⁸ which is in the process of consolidation and will incorporate the functions of the municipal children's advocates, who, under the Code on Children and Adolescents, are to be responsible for defending the rights of children, as recommended by IHNFA as part of the process of organizing and strengthening the functioning of the municipal children's councils.

70. Action by various institutions to disseminate information about the rights of the child has resulted in an increase in reports of human rights breaches. During the course of 1998, the Office of the Commissioner dealt with some 278 complaints on such grounds as maltreatment in violation of the law, refusal of family welfare benefits, sexual abuse and economic exploitation, among others. Of the total number of claims submitted, 62% have been dealt with. In 2004, the number of complaints almost quadrupled.

71. In order to respond more promptly to the problems facing children, CONADEH has established the Programme on the Rights of the Child, which has been incorporated in its institutional working procedures together with the Programme on Women's Rights.

72. In fulfilling its role as protector of children's rights, CONADEH has done significant work on training for civilian and military personnel, members of the national police force, judges and prosecutors, municipal authority, education and health personnel, and the population in general. During Human Rights Week (24-30 October every year), the theme of human rights, especially the rights of the child, is heavily publicized within educational institutions and civil society organizations and among the general public.

73. In order to promote youth solidarity and involvement through the planning and implementation of community projects, CONADEH has supported the organization of bodies formed of young people attending State or private schools or belonging to religious

⁸ Article 59 of the Municipalities Act.

organizations, sports clubs, etc. In 2001, CONADEH promoted and supported the establishment of young people's organizations known as United Youth Councils for the Development of Honduras (CONJUDEH). In that year, three such councils were set up (one in San Pedro Sula, another in Puerto Cortés and the third in El Progreso), comprising 280 youth leaders in those cities. There are now youth councils in a large number of towns in Honduras.

F. Measures taken to ensure the systematic collection of data on children and their fundamental rights and to evaluate current trends at the national, regional and local levels

74. With respect to the recommendation of the Committee regarding the need to develop a system for collecting disaggregated data on children's rights for all areas covered by the Convention, Honduras has not developed a comprehensive data system. To date, information on children and adolescents is mainly gathered through the sectors providing care or other services for this population group. For example, the Ministry of Education prepares an annual report on developments in the education situation in Honduras. This compendium contains full information on enrolment, grade promotion, repetition and drop-out rates at the pre-school, primary and secondary levels as well as on existing curricula, results of performance tests, etc.

75. Similarly, the Ministry of Health produces quantitative and qualitative data on aspects such as healthy child monitoring, vaccination programmes, pregnancy, childbirth and post-natal care, birth rate, morbidity, mortality, incidence of transmittable diseases, etc.

76. More comprehensive information is provided by the statistics from the National Population Census held in 2001 (and conducted every 10 or 12 years in Honduras) and the data obtained from the implementation of the Continuing Multi-Purpose Household Survey (EPHPM) and the Epidemiology and Family Health Survey.

77. The EPHPM was initiated approximately 15 years ago and is conducted twice a year. Its purposes include periodic reporting on the situation and trends concerning the population, housing, education, the labour market, child labour, household income and poverty in order to contribute to the formulation, monitoring and evaluation of global and sectoral social policies and programmes. The EPHPM is carried out on the basis of a representative sample of all the country's households at the national and regional levels. In particular, this survey provides a picture of the situation of children under 18 years of age with regard to work, education, income, incidence of poverty, etc.

78. In view of the importance of gathering as much information as possible in order to design social policies which will more comprehensively meet the needs of the people in general and children in particular, the survey uses models related to topics of importance such as child labour, disability, violence (victims of robberies, maltreatment, sexual abuse, etc.) and membership of ethnic groups or communities.

79. The Epidemiology and Family Health Survey is conducted every five years and provides disaggregated national, rural and urban data on housing, family planning, sexually transmitted diseases and AIDS, sexuality of females from 15 to 24 years, fertility, maternal health, infant and under-five mortality, breastfeeding, infant malnutrition, immunization, prevalence of diarrhoea and respiratory infections in the under-fives and school attendance.

80. In order to have adequate data to illustrate the situation of the Honduran population, INE recently conducted the Standard of Living Survey, which is currently at the processing stage.

81. IHNFA has developed a child information system (SIPI) with the support of the Inter-American Children's Institute and has set up a documentation centre that forms part of the Inter-American Network of Information on Childhood. It must be acknowledged that neither system has been implemented in its entirety or is being used to its full potential.

82. As the Committee can observe, progress has been made in information management and use. However, there continues to be a lack of indicators and statistical data that treat children as a unit of analysis within the different areas and sources and there is a lack of consistency in statistical publications and qualitative and quantitative data in critical areas of childhood, such as the situation of children living in especially difficult circumstances (street children, infant maltreatment, commercial sexual exploitation, violence within the family and society, disability, etc). Honduras recognizes that much still remains to be done to effectively institutionalize this practice. It is necessary, in particular, to redouble efforts to improve basic data sources (censuses and surveys) and appropriate processing systems for efficient and functional use of the information. Also, existing mechanisms should be geared to the need for the timely and wide dissemination of data among the entire population.

83. It is recognized that these efforts will be in vain without appropriate human resources for the complex exercise of incorporating the data and knowledge acquired into development policies and programmes, in particular policies, programmes and projects for the benefit of children. Honduras requires international cooperation in this endeavour. It is especially important that effective support be obtained for organizing national population and housing censuses and household surveys in the coming years. The data provided by these censuses and surveys will be essential for meeting the needs of the population in general and complying with the Convention on the Rights of the Child in particular.

G. Measures taken for the periodic evaluation of progress with the implementation of the Convention at the national, regional and local levels, including the submission of periodic reports by the Government

84. The political commitment expressed in ratification of the Convention involves follow-up and evaluation of progress towards attainment of the objectives set out in the programme of action. Ensuring consistency and complementarity of these objectives with those agreed upon at other international conferences on health, education, childhood, the environment, nutrition, human rights, social development, women and human settlements calls for integrated mechanisms for their follow-up and evaluation.

85. Honduras has accordingly invested financial and intellectual resources to set up information management support systems in line with cost and effectiveness criteria which will make it possible to evaluate the effectiveness of measures taken to fulfil the commitments assumed under the Convention and pursuant to other international conferences. This has entailed designing and developing methodologies and indicators which are to be used for quantitative and qualitative measurements and incorporate both the government perspective and that of civil society.

86. The follow-up and evaluation work requires timely, reliable and relevant information broken down according to social, gender and geographical criteria, which entails data

collection and analysis. In this connection, the former Directorate of Statistics and Censuses has been abolished and the National Statistics Institute (INE) has been established as an autonomous body with independent powers to manage resources for effective implementation of national population censuses, EPHPM and other types of research required. INE has made significant progress in the production and dissemination of information on aspects such as child labour, disability and the situation and characteristics of the ethnic population.

87. Furthermore, with a view to strengthening follow-up and evaluation activities, Honduras has established national coordination committees to monitor progress towards achievement of the objectives of the Poverty Reduction Strategy. It is felt that these forums could also be used to monitor progress in compliance with the Convention.

H. Dissemination of the Convention

88. The organization of dissemination, awareness-raising and training activities on a wide scale is being hampered in general by a lack of resources, although particular efforts have been made to publicize the Convention. IHNFA, with the support of UNICEF, has prepared a version of the Convention for public dissemination. As part of this effort, thousands of copies of the Convention and of the Code on Children and Adolescents have been distributed at workshops, seminars and meetings held by various public and private institutions, including the Office of the National Commissioner for Human Rights.

89. Courses and seminars on the Convention and on the Code on Children and Adolescents have also been provided for public servants, teachers at the different educational levels, police officers, immigration officials, judges, prosecutors, members of the defence forces, medical officers, and health and social workers, among others. The Ministry of Education has incorporated the study of human rights, with emphasis on the rights of the child, in the basic national school curriculum at the primary grades. Congress has declared a Children's Day and the Government has declared a Rights of the Child Week, which is celebrated once a year during the school calendar.

90. With the support of UNICEF, articles referring to the rights of the child are regularly published in alternative media and in the mass media. The Ministry of the Interior has developed a successful project involving youth communicators, who carry out important work of disseminating and promoting the rights of the child in different communities within Honduras using different media.

91. In recent years, guides have been produced with proposals whose main aim is to promote the right of children to participate in school and in the community. The National Children's Congress has been established as an annual event that takes place at the National Congress premises on Children's Day (10 September) for the purpose of promoting respect for the rights of the child and raising the nation's awareness of the need to increase and improve the efficiency and effectiveness of investment in children.

92. With the support of the Ministry of Education and assistance from UNICEF, decentralization of dissemination activities has been promoted through school boards of governors and student councils, which exist in most educational establishments in Honduras.

93. Dissemination and promotion of the rights of the child require public mobilization involving both the Government and society as a whole and efforts have accordingly been

aimed at decentralization and support of local governments and public and private bodies throughout the Republic.

94. Equally important is active grass-roots participation through the councils on children's rights which have been encouraged by IHNFA in various communities within Honduras and which carry out activities to promote, defend and protect the rights of children at the local level.

95. The year 2003 was declared the Year of the Honduran Child and a special coordination committee was established with a mandate to prepare a plan and a special programme of activities to disseminate an up-to-date analysis on the situation of Honduran children, conduct information and awareness-raising campaigns and promote specific activities for the benefit of children in the most vulnerable situations.

96. Another means of dissemination is through the work of NGOs on the ground. NGOs publicize children's rights throughout the year under their respective programmes in areas such as maltreatment, sexual exploitation, child labour and sexual education, through teacher training and the training of municipal officials as well as via panels, seminars and other forums. The work of COIPRODEN is noteworthy in this field.

97. It is recognized that the application of the Convention is linked to public information and a democratic culture. New patterns need to emerge and be assimilated into daily behaviour. However, such a radical change based on the concept of children both as full subjects of the law and as social subjects, conflicts with society's ignorance and with traditions. It is therefore acknowledged that efforts to date are still insufficient, in particular in the face of situations of violence in which children are directly or indirectly involved. Furthermore, training, which is especially important in improving human resource performance, is being hampered by the excessive turnover of personnel at various public institutions.

98. In order to determine the impact of the different activities promoting the Convention and children's rights, IHNFA, with the support of UNICEF, conducted a study in 1999 entitled "How we as adults think and act concerning the rights of children". The results of the study showed that 79% of adults were aware of the rights of the child. The most well-known rights were the right to education (40%), the right not to be maltreated (27%) and the right to food (25%). Only 54% had any knowledge of the Code on Children and Adolescents. The rights with which children were most familiar were the right to education (62%), the right not to be maltreated (43%), the right to health (42%) and the right to be loved (30%).

99. With regard to the dissemination of the reports submitted to the Committee, it must be admitted that these have not been widely distributed or publicized. However, this is not the case with the observations, which were presented at a special meeting and published with the financial support of UNICEF and the Swedish International Development Agency.

100. In order to prepare this report and to ensure that the country report included all the progress made and setbacks associated with the application of the Convention, a workshop at which governmental and non-governmental organizations working with children's issues provided contributions and comments was held under the coordination of IHNFA and with support from UNICEF.

I. Social sector expenditure and resource allocation for children

101. Honduras does not keep records that give an accurate indication of State investment in social and economic policies for children. However, this investment can be appreciated from trends in social expenditure in the country. During the current reporting period, social expenditure in relation to GDP increased from 9.2% in 1999 to 12.1% in 2004. The fiscal priority given to social expenditure can also be seen in the increase from 37.4% in 1999 to 46% in 2004. In addition, a series of new social and economic programmes and mechanisms have been introduced with the aim of benefiting the social sectors and groups suffering the most hardship and having the fewest opportunities.

102. Honduras shows increased economic stability, which is reflected not only in macroeconomic successes in terms of growth, savings and investment levels but also in attendant processes. It has diversified its markets and has bilateral free-trade agreements with major countries in the region.

103. Since 1999, in the aftermath of Hurricane Mitch, social policy has focused on improving the coverage, quality and equity of basic social services while giving priority to social investment programmes over welfare programmes. For example, between 1998 and 2004 there was a constant increase in social expenditure by central Government. In 1999 public spending totalled US\$ 500.2 million and in 2004 this figure rose to US\$ 900.6 million.

104. This means that Honduras has more resources for pursuing an active social policy; more resources from the increase in social expenditure as a share of government spending; more resources from the channelling of traditionally non-social expenditure to social ends; and, what is significant in terms of quality, more resources from external debt cancellation and gradually increasing grass-roots participation in social action.

1. Social services expenditure, central Government

105. One of the cornerstones of social policy is efficiency of government measures aimed not only at sectors but also at individuals. In this respect, children have been identified as one priority target group of State social policy and various measures have been introduced to improve the services provided for them. At the same time, new economic and social programmes which benefit children directly or indirectly are being established.

106. As regards welfare assistance, the State allocates a substantial amount of social expenditure in cash benefits: student grants, family, housing, water and electricity allowances and maintenance payments. This report contains major figures on social investment from 1999 to 2004, including details relating to programmes that directly or indirectly benefit children and adolescents. The information in existence at present is very limited, restricted and, in some areas, incomplete. It is hoped that in the coming years this situation will improve. The table below outlines social expenditure from 1999 to 2004.

TABLE 7

Social expenditure indicators, 1999-2004

<i>Indicator</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total social expenditure (millions of lempiras)	7 102.6	8 605.8	12 115.8	11 531.1	14 638.6	16 570.8
Total social expenditure (millions of United States dollars)	500.2	577.6	781.7	694.6	836.5	900.6
Annual growth rate		1.15	1.35	0.89	1.20	1.08
Per capita social expenditure (lempiras)	1 112.4	1 304.5	1 855.3	1 722.4	2 133.7	2 367.3
Per capita social expenditure (United States dollars)	78.3	87.5	119.7	103.8	121.9	128.7
Macroeconomic priority (social expenditure/GDP) %	9.2	9.8	12.2	10.7	12.2	12.1
Fiscal priority (social expenditure/total expenditure)	37.4	36.7	46.3	42.9	47.7	46.0

Source: Ministry of Finance database.

107. As may be observed, social sector budget allocations decreased in 2002, when Honduras faced a difficult situation owing to the impact of the global recession, the increase in fuel prices and the reduction in earnings on major export products. Since 2003, there has been modest growth, in line with the relative fiscal priority assigned to the social sector, whose highest percentage can be seen in 2003, with a 47.3% share. With regard to macroeconomic priority, i.e. the ratio of social expenditure to GDP, the average was 11% during the period 1999-2004, the highest level occurring in the years 2001 and 2003.

108. It should be mentioned that, despite the recovery and the growth in the social sector share of the central government budget, per capita social expenditure in Honduras continues to be one of the lowest in Latin America and is still insufficient to meet the needs of the Honduran people. Furthermore, factors such as corruption and inefficient management of available resources have direct implications as regards the impact that increased social expenditure can have on improving the standard of living of the population in general and giving effect to the rights of children in particular.

2. Social budget by sector

109. In the period 1999-2004, social expenditure as a percentage of central government expenditure shows increased investment in the social sectors, in particular health and education, which together represents 71% of social expenditure. It is important to point out that the level of social expenditure in a country depends on many factors besides social investment priority, such as the public finance situation, role of the State and private sector, social deficit and quality of the public sector. The sectoral breakdown of expenditure in relation to GDP makes it possible to examine how expenditure is distributed among the different sectors and social sector institutions and how distribution priorities are established.

TABLE 8

Social budget expenditure by institution, 1999-2004
(Millions of current lempiras)

<i>Sector/institution</i>	<i>Years</i>					
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Education	2 440.8	3 227.7	4 313.1	4 903.0	6 792.7	7 918.0
Health	1 655.4	2 190.8	2 934.0	3 092.6	3 712.5	3 834.7
Employment	42.0	51.4	61.1	63.7	71.6	47.1
National Institute for Vocational Training (INFOP)	1.2	1.2	1.2	1.0	1.0	1.0
Honduran Social Security Institute (IHSS)	15.0	15.0	35.0	36.3	89.9	127.0
Honduran Institute for Children and the Family (IHNFA)	80.9	93.2	96.4	85.9	84.5	115.3
National Children's Institute (PANI)	113.4	140.1	160.5	158.7	169.7	195.7
Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Dependence (IHADFA)	5.0	5.0	5.0	7.5	7.0	7.5
National Autonomous Water Supply and Sewage Service (SANAA)	443.9	329.4	474.1	279.3	552.1	530.2
National Autonomous University of Honduras (UNAH)	635.3	779.3	906.5	1 009.7	1 112.8	1 276.6
Francisco Morazán National Teacher Training University (UNPFM)	141.7	187.6	231.1	241.2	255.2	255.6
National Public Employees' Retirement and Pensions Institute (INJUPEMP)	124.6	169.4	214.9	390.7	397.4	420.5
National Teachers' Retirement and Pensions Institute (INPREMA)	246.9	316.8	410.0	459.0	538.9	600.0
Social Housing Fund (FOSOVI)			15.9	13.1	21.0	17.1
Honduran Social Investment Fund (FHIS)	962.5	838.6	2 020.5	583.8	578.0	720.0
Family Allowance Programme (PRAF)	194.0	260.3	236.5	205.6	254.3	504.5
Total social expenditure (lempiras)	7 102.6	8 605.8	12 115.8	11 531.1	14 638.6	16 570.8
Total social expenditure (United States dollars)	500.2	577.6	781.7	694.6	836.5	900.6

Source: Ministry of Finance database.

110. With respect to macroeconomic priority by sector, the share of the education sector in relation to GDP shows a sustained increase, its highest level occurring in 2004, when it

reached 5.78%. In the health sector, the proportion of expenditure in relation to GDP shows irregular behaviour, with percentages ranging from 2.15% to 3.08% during the reference period. Given that, according to UNESCO experts, spending on education and health should be at least six and three per cent of GDP respectively, it can be seen that Honduras allocates a higher proportion to education and a very similar one to health. However, it must be admitted that there are problems of effectiveness and efficiency at these institutions, which have a direct bearing on the use of available resources and thus on the impact they can make.

TABLE 9

Social expenditure by institution as a percentage of GDP, 1994-2004

<i>Institution</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total social expenditure	9.21	9.8	12.2	10.7	12.2	12.1
Total ministries	5.37	6.22	7.38	7.45	8.76	8.61
Education	3.17	3.67	4.36	4.53	5.64	5.78
Health	2.15	2.49	2.96	2.86	3.08	2.8
Employment	0.05	0.06	0.06	0.06	0.06	0.03
Total decentralized institutions	3.85	3.57	4.85	3.21	3.37	3.48
INOP	0.002	0.001	0.001	0.001	0.001	0.001
IHSS	0.02	0.02	0.04	0.03	0.07	0.09
IHNFA	0.1	0.11	0.1	0.08	0.07	0.08
PANI	0.15	0.16	0.16	0.15	0.14	0.14
IHADFA	0.01	0.01	0.01	0.01	0.01	0.01
SANAA	0.58	0.37	0.48	0.26	0.46	0.39
UNAH	0.82	0.89	0.92	0.93	0.92	0.93
UNPFM	0.18	0.21	0.23	0.22	0.21	0.19
INJUPEMP	0.16	0.19	0.22	0.36	0.33	0.31
INPREMA	0.32	0.36	0.41	0.42	0.45	0.44
FOSIVI	-	-	0.02	0.01	0.02	0.01
FHIS	1.25	0.95	2.04	0.54	0.48	0.53
PRAF	0.25	0.3	0.24	0.19	0.21	0.37

Source: Ministry of Finance database.

111. With regard to fiscal priority, i.e. the proportion of social expenditure in relation to government expenditure, one can observe the fiscal priority allocated to the social sector in the last four years, its highest percentage share being in 2003 (47.3%).

TABLE 10

Social expenditure as a percentage of central government expenditure, 1999-2004

<i>Institution</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total social expenditure	37.37	36.7	46.3	42.9	47.7	46.0
Total ministries	21.77	23.35	27.93	29.95	34.47	32.75
Education	12.84	13.78	16.48	18.22	22.14	21.97
Health	8.71	9.35	11.21	11.49	12.1	10.64
Employment	0.22	0.22	0.23	0.24	0.23	0.13
Total decentralized institutions	15.6	13.39	18.37	12.9	13.24	13.24
INFOP	0.006	0.005	0.005	0.004	0.003	0.003
IHSS	0.08	0.06	0.13	0.13	0.29	0.35
IHNFA	0.43	0.4	0.37	0.32	0.28	0.32
PANI	0.6	0.6	0.61	0.59	0.55	0.54
IHADFA	0.03	0.02	0.02	0.03	0.02	0.02
SANAA	2.34	1.41	1.81	1.04	1.8	1.47
UNAH	3.34	3.33	3.46	3.75	3.63	3.54
UNPFM	0.75	0.8	0.88	0.9	0.83	0.71
INJUPEMP	0.66	0.72	0.82	1.45	1.3	1.17
INPREMA	1.3	1.35	1.57	1.71	1.76	1.67
FOSIVI	-	-	0.06	0.05	0.07	0.05
FHIS	5.06	3.58	7.72	2.17	1.88	2.0
PRAF	1.02	1.11	0.9	0.76	0.83	1.4

Source: Ministry of Finance database.

3. Sources of social sector funding

112. National resources are the main source of funding for the social sector in Honduras; their share reached its highest level in 2002 (89%) and lowest level in 2001, at 74% of the total social sector budget. National resources are the main source of funding for all the social sectors; a crisis in revenue collection therefore has a direct impact on the budgets of the different social sector institutions.

113. The information available shows that Honduras has been heavily dependent on external funding through loans. During the current reporting period, loans have contributed significantly to social expenditure, with percentages ranging from 10% in 2002 to 23% in 2001. Most foreign credit has been channelled to programmes for the provision of water and basic sanitation facilities, which were severely damaged by Hurricane Mitch in 1998, and to

the education and health sectors through funds operated by PRAF and FHIS, including school vouchers, mother and infant vouchers, nutrition and health vouchers, investment credit and allocations for the construction and repair of schools and health centres.

114. With respect to donations, during the period 1999-2004 the largest sum was assigned to programmes executed through SANAA for the provision of water and basic sanitation. It should be mentioned that, owing to the lack of a registration system, it is not possible to identify the amount of donations received by Honduras in the case of both public and private institutions and earmarked for the implementation of welfare and/or development programmes and projects which directly or indirectly benefit Honduran children.

4. Social expenditure for children

115. As mentioned above, Honduras has not defined or adapted its information systems to determine the extent of spending on children by the Government or as resources invested through private profit- and non-profit-making institutions and organizations. However, despite the fact that the information does not cover all the investments made in this area, the available information clearly shows that expenditure for children is undergoing a sustained increase.

TABLE 11

Social expenditure for children, 1999-2004 (millions of current lempiras)

<i>Institution</i>	<i>Years</i>					
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Education	2 066.9	387 635.2	294 347.9	204 784.1	518 979.5	883 274.0
Health	1 920.00	92 565.8	64 380.4	16 020.2	118 194.8	7 450.0
IHNFA	80.9	93.2	96.4	109.0	84.5	115.3
PANI	113.4	140.1	160.5	158.7	169.7	195.7
PRAF	121 535.1	256 724.3	325 166.9	325 943.4	83 726.5	240 088.4
FHIS	34.6	78.6	45.8	29.9	15.0	20.0
Total expenditure for children	151 948.6	737 237.2	684 197.9	576 925.6	721 170.0	1 131 143.4

Source: Ministry of Finance database.

116. As already indicated, the most prominent feature of the Honduran economy has been its slow growth rate. Despite such limitations, social expenditure indicators demonstrate the efforts that Honduras has made to promote education, improve standards of health, reduce inequalities and widen opportunities in order to provide the population in general with a better quality of life and guarantee to children the enjoyment of their rights.

III. DEFINITION OF THE CHILD

117. Regarding the Committee's concern about the use of the biological criterion of puberty to set different ages of maturity for boys and girls, the differences between national legislation and the Convention in relation to the definition of the child still exist. During the current reporting period there have been no amendments to national legislation and the biological criterion continues to be used in differentiating between boys and girls.

118. As indicated in the last report, article 1 of the Honduran Code on Children and Adolescents stipulates that "[f]or all legal purposes, a child is understood as a person under the age of eighteen years." It can thus clearly be inferred that the legal age of majority, and consequently full capacity to perform civil acts, is acquired at 18 years. Legal minority covers the following periods: childhood, which starts with birth and ends at twelve years for males and fourteen years for females, and adolescence, which starts at these ages and ends at eighteen years. Persons over eighteen but under twenty-one years are referred to as adult minors. In case of doubt about the age of a child, it is presumed until the real age is established that the child has not passed the age of eighteen years.

119. This definition of minors and adults is of general application, subject to the exceptions established by the law in certain matters. As may be observed, full capacity to perform civil acts is acquired at 18 years. However, there is an inconsistency in that young people may not marry until 21 years and adolescents are considered liable to prosecution from 12 years.

120. Honduras has no specific legislation governing medical consultations. However, in practice any persons may undergo medical consultation without the consent of their parents or legal representatives being mandatory.

121. Full legal capacity is required to grant authority to act in civil cases, which means that minors cannot validly do so in such cases. In criminal and juvenile cases, judicial practice allows persons under 18 years to grant such authority.

122. It has to be recognized that, despite the efforts made, the way in which children and adolescents are perceived in certain areas continues to be influenced by an authoritarian, male-dominated, discriminatory and exclusive culture where children are seen as having minimal rights and denied the full enjoyment of their rights until the age of majority and are accorded the lowest priority within the adult structure of the State and its policies and institutional system.

IV. GENERAL PRINCIPLES

123. Regarding the Committee's concern to ensure the implementation of the fundamental principles set forth in the Convention, the Code on Children and Adolescents incorporates the principles of non-discrimination, best interests of the child and respect for the views of the child. For purposes of applicability, steps have been and continue to be taken to achieve conformity between this instrument and laws, procedures and institutional structures in Honduras.

124. However, these principles are not always put into practice because they conflict with traditional patterns of relating to children. Since the submission of the last report, various activities have been carried out specifically to change these attitudes, especially in the areas of education and administration of juvenile justice.

A. Right to non-discrimination and non-exclusion

125. Significant efforts have been made to reduce the problems of discrimination and exclusion in Honduran society and in particular to enable the poorest population groups to participate in development, as evidenced by the implementation of programmes and projects that have an impact on the situation of vulnerability of those groups, including the following:

- *Natural Disaster Mitigation Project.* With an investment of US\$ 10.82 million and a four-year time-span (2001-2005), this Project promotes capacity-building at the national and local-government levels to reduce vulnerability to natural disasters. It involves disaster awareness-raising activities, including early warning systems, risk mapping, emergency measures and preventive planning, to be incorporated in an action plan in each municipality.
- *Our Roots Programme.* Run by FHIS since 1995, this Programme aims to improve the living conditions and promote the social capital of indigenous and black peoples by financing small-scale projects identified by the communities and selected according to eligibility criteria defined by FHIS and the federations of indigenous and black peoples. The Programme focuses on strengthening community organization, the opening and rehabilitation of roads, the provision of assistance in obtaining education, health-care and water and sanitation services, microenterprise training and the opening of rural savings and credit banks. From 1995 to the present, a sum of US\$ 1.036 billion has been invested under the Programme, benefiting approximately 125,000 families of ethnic origin.
- *Rural Land Management Project.* Executed by the Honduran Forestry Development Corporation, this Project seeks to strengthen the Corporation's technical capacity to plan, execute and supervise the management of forest resources; identify and bring under sustainable management areas of national forest; strengthen the protected areas system; channel technical and financial assistance for research and appropriate use of the uplands; and increase the outputs and functions of the country's forest resource base. With an investment of US\$ 34 million, approximately 8,000 families, including 593 indigenous families, have directly benefited.
- *Basic Education Improvement Project.* This Project was implemented from 1996 to 2001 with the aim of improving the quality of pre-school and primary education and ensuring access for poor, marginalized and isolated population groups within the framework of the process of decentralization and active and responsible participation of parents and ethnic and/or local organizations in education administration. In 1997 the Ministry of Education created the National Programme of Education for Indigenous Ethnic Groups⁹ and activities carried out during the project implementation phase included the development of proposals for the bilingual, intercultural teaching curriculum, the preparation, validation and printing of teaching materials in different languages, including dictionaries, and the design of training courses for indigenous and black teachers.

⁹ Executive Order No. 0719-EP-04, ratified by Decree No. 93-97.

- *Community Education Project.* Extending over a period of five years (2002-2006) and with an investment of US\$ 41.5 million, this Project aims to continue the process of improving the quality of pre-school and primary education and to expand access for poor, marginalized and isolated population groups by developing teaching and administrative capacities, expanding the Honduran Community Education Programme (PROHECO) and financing the reconstruction and transformation of the education system, in particular in the aftermath of Hurricane Mitch.
- *Interactive Learning Project.* Developed by the Honduran Science and Technology Council and with an investment of US\$ 12.3 million, this Project aims to broaden scientific, environmental and cultural knowledge and to promote knowledge management within the context of sustainable development and ethnic diversity. The main components of the Project are: the design and installation of an interactive learning centre to be used by children, in particular the poorest, as an informal means of education; the “Profuturo Copán” research programme, implemented in coordination with the Centre for Mexican and Central American Studies to investigate changes to the landscape of the Copán Valley over the last four thousand years; the mobile interactive learning room, operated by the Copán Association to enable children to learn about Mayan culture, with exhibitions designed for State schools, including educational material for teachers in the Spanish, English and Chorti languages, and instruction and training for teachers and guides provided by the Francisco Morazán National Teacher Training University, which has trained 12 university teachers, 100 university students, 35 guides for the Copán Ruins site and 18 indigenous leaders from three Chorti communities.
- *Sustainable Coastal Tourism Project.* With an investment of US\$ 5 million, this Project is being executed on the Atlantic Coast of Honduras, from Omoa to Iriona, including the Bay Islands, It includes a component to support the development of microenterprises by indigenous and black individuals, communities and peoples on a competitive basis. In addition to benefiting a large number of the poor, the main beneficiary ethnic peoples are the Garifuna and Negro Inglés, whose cultural events provide some of the main alternative tourism attractions.
- *Health Sector Reform Project.* With an investment of US\$ 27.1 million, this Project focuses on improving access to health services for people with low incomes and on broadening the coverage and improving the quality of services of the Honduran Social Security Institute. The Project accordingly supports wide-ranging reforms to the health system and places special emphasis on strengthening maternal and infant care services, the prevention and treatment of HIV/AIDS and problems affecting the poorest sectors of the population.

126. There have been clear advances in education and health, in particular in improving the situation of poor children in rural and urban areas. However, efforts targeting other groups of children and adolescents at risk are scarce and fragmentary. This situation has made it necessary for the Government’s assistance programmes to become a strategic tool in enhancing the participation of vulnerable groups – primarily the poor, populations of ethnic origin and women – in the development process.

127. Social policy includes the continuous quest to promote the well-being, development and survival of the infant population. In pursuing a consistent and organized approach to the protection of vulnerable groups, in particular children living in poverty, Honduras designed the Poverty Reduction Strategy (PRS) in 2001. The strategy was developed within the framework of the Master Plan for National Reconstruction and Transformation as a requirement to qualify under the HIPC initiative. The overall vision of the PRS is to reduce poverty significantly and sustainably on the basis of accelerated and sustained economic growth and the equitable distribution of the results of that growth through greater access by the poor to factors of production, including the development of human capital, and the provision of social safety nets in favour of population groups living in extreme poverty.

128. The programmatic structure of the PRS is based on the following areas: equitable and sustainable economic growth; poverty reduction in rural areas; poverty reduction in urban areas; investing in human capital; strengthening protection for specific groups; and guaranteeing the sustainability of the strategy. As of September 2004, Honduras had received a total of US\$ 248.5 million in interim HIPC relief for PRS expenditure, of which US\$ 107.93 have been applied; representing an execution rate of 43.4%. The area showing the most dynamism is investment in human capital, which absorbs around 60% of the total investment. Most of the investment has been allocated to the education sector (52%), followed by the health sector (30%) and then to strengthening social protection for specific socially disadvantaged groups.

129. The PRS establishes the following specific commitments and goals: increasing real and per capita GDP growth; reducing poverty by 24%; doubling net pre-primary education coverage for under-five-year-olds; increasing net coverage in the first two basic education cycles to 95% and in the third cycle to 70%; reducing by half the maternal, infant and under-five mortality rates; reducing under-five malnutrition by 20%; achieving 95% access by the population to safe water and basic sanitation; and achieving greater equity, raising the female human development index by 20%.

130. The overall indicators which showed performance improvements for the period 2001-2004 are the macroeconomic indicators and those for education, electricity, telecommunications, human development and protected areas with environmental management plans in place. The indicators showing slower progress are those for poverty, health coverage and water and sanitation services.

131. The main measures taken to achieve equitable and sustainable economic growth include the approval of the Financial System Act and reforms of the National Banking and Insurance Commission Act, the Deposit Insurance Fund Act and the Intellectual Property Protection Act; the Work Programme of the Central American Customs Union; the conclusion of free-trade agreement negotiations with the United States of America; the creation of the National Competitiveness Commission; the establishment of the National Centre for the Promotion of Agro-Business; the creation of the Tourism Cabinet and Tourist Police Unit; the approval of a policy to support competitiveness of micro, small and medium-sized enterprises (MSMEs); and the approval of the Financial Equilibrium Act.

132. In the area of rural poverty reduction, the Financial Support for Agricultural Producers Act has been approved along with the Property Act, which provides for the establishment of the Property Institute. With respect to programmes and projects, the National Sustainable

Development Programme, the Honduran Land Access Programme and FHIS programmes aimed at improving the country's rural infrastructure have continued to be implemented. In the agricultural sector, noteworthy developments are the establishment of six agro-food chains for dairy products, African palms, vegetables, honey, pork and beef and the creation of the Agro-Business Centre, which is responsible for improving product negotiation and marketing skills.

133. With respect to urban poverty reduction, actions are focused on stimulating the development of MSMEs as a source of employment and income generation for poor families in urban areas. A competitiveness policy aimed at supporting MSMEs and at the social sector of the economy has been launched and the Safe Water and Sanitation Framework Act has been adopted with the aim of improving access to basic services.

134. The component on developing human capital receives the largest allocations of PRS resources. Noteworthy in the area of education are the approval and launch of the Honduran Education for All (EFA) Programme for 2003-2015, which aims to achieve universal sixth-grade graduation for all school-age children by the year 2015. The draft General Education Act and reforms of the National Autonomous University of Honduras Organization Act have been harmonized; the National Education Research and Training Network has been formed of four centres affiliated with the National Institute for Educational Research and Training (INICE) and 2,725 teacher education centres; standards to regulate compulsory attendance of children at the pre-primary level have been defined; the new functional organizational structure of the departmental directorates and transformation from district to municipal education authorities have been implemented and the national curriculum for pre-primary and primary education has been introduced in the 18 departments of Honduras. Also important are the formulation and implementation of the Honduran Programme of Community Education (PROHECO), designed to facilitate access to education by the rural poor. To date, 2,120 schools have been established and operate under this Programme, benefiting 120,000 children.

135. In the health sector, PRS priorities are aimed at strengthening primary care, especially in sustaining the Expanded Immunization Programme and Comprehensive Community Child Care Programme (AIN-C), providing care services for women and improving the quality of the different health services. Noteworthy are the organization and establishment of 18 departmental health regions and two metropolitan health regions, the introduction of the licensing, accreditation and certification process for public and private health institutions, the start of implementation of a training programme to address maternal and infant mortality during the neonatal period, the definition of the curriculum for the post-graduate course in child and adolescent care and the formulation of the Strategic Health Plan to 2021.

136. With respect to affording greater social protection to specific groups, a national policy has been approved on preventing disabilities and providing comprehensive care and rehabilitation services for disabled persons and promoting and protecting their rights and responsibilities. Cooperation agreements have been signed as part of a community-based rehabilitation strategy in the Mosquito Coast region of Honduras and work is under way to formulate the National Plan of Action on Disability.

137. The National Commission on the Elimination of All Forms of Racial Discrimination has been established, the Support Programme for Indigenous and Black Populations (PAPIN) is being implemented, with a total of 24 projects and an investment of US\$ 1.2 million, and work is under way to define a support plan for the most socially vulnerable (street children, sexually

exploited children, children orphaned by HIV/AIDS, young gang members, persons with disabilities, older persons and female victims of violence).

138. At the same time, action continues to be taken to improve the living standards of the poorest inhabitants of rural and marginal urban areas through the implementation of 104 social infrastructure projects by FHIS targeting children, adolescents, persons with disabilities and older persons.

139. Measures to guarantee the strategy's sustainability are being implemented with a view to promoting good governance and democratic participation, such as replacing presidential designates with a vice-president, incorporating plebiscites and referendums in the Political Constitution and adopting a new Electoral and Political Organizations Act.

140. Further measures include the approval of the Preventive Education Programme managed by the Division on Prevention of Criminal Gangs; the establishment of the Safer Communities Programme, which promotes community participation, in conjunction with the preventive police, in security issues; the implementation of the strategy to combat drug trafficking in the Gracias a Dios and Colón provinces; the enactment of amendments to the Transit Act; and the promulgation of the Law on Registration, Possession and Carrying of Firearms and Control of Ammunition, Explosives and Other Similar Devices.

141. The main challenges facing PRS implementation in the medium and long terms include the need to strengthen national appropriation of the process through building civil society capacities, adequate outreach and interaction on PRS objectives, goals and results, the definition of precise indicators to measure progress and to identify problems, and the promotion of social audits. It is also necessary to strengthen the mechanisms linking local supply and demand in order to guarantee decentralized resource application and the impact of action taken.

1. Situation of ethnic groups

142. In the Committee's observations to Honduras, specific concern was expressed about the living conditions of children belonging to ethnic groups, the enjoyment of their rights and their protection against discrimination. In this respect, attention is drawn to the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

143. While there are no specific studies on the situation of children of ethnic origin, the Population and Housing Census conducted in 2001 showed that there were 473,531 persons belonging to eight ethnic groups, representing 7.2% of the population of Honduras. Seventy-five per cent identified themselves as "indigenous" and 25% as being of African descent (Garifunas, Negro Inglés and Misquitos). Forty-two per cent of the ethnic population are children under 14 years of age.

144. The little information that is available on the situation of the ethnic population points to high illiteracy rates and low average years of schooling among indigenous groups. However, this is not the case of the Garifunas and Negro Inglés, for whom illiteracy rates are below the national average. A similar situation is seen in their levels of secondary and higher education. This appears to be related to the fact that these groups live in more developed areas.

TABLE 12

Ethnic population, illiteracy and completion of secondary or higher education, 2001

<i>Ethnic group</i>	<i>Population</i>	<i>Percentage of persons aged 15 years and over</i>	
		<i>Illiterate</i>	<i>Completed secondary or higher education</i>
Lencas	300 594	32.6	6.3
Garifunas	49 952	9.0	21.9
Misquitos	55 500	22.8	10.0
Tolupanes	10 343	45.9	3.8
Negro Inglés	13 303	4.0	29.5
Chorti	37 052	36.4	4.2
Pech	4 138	34.0	9.2
Tawahka	2 649	25.7	10.2
Total	473 531	26.3	11.9
National total	7 000 011	20.0	18.4

Source: INE, Population and Housing Census, 2001.

145. The census data also show that 59.3% of ethnic households are unable to meet their basic needs. This rate is 15 percentage points above the national average.

146. Although some ethnic peoples have achieved a certain level of political and social advancement, in general many of these groups face risk situations such as:

- Insecurity about ownership and use of the territory in which these peoples live owing to the lack of land title in some cases and land-grabbing by municipal corporations and others; harassment to sell their land; and constant incursions into their territories by outsiders;
- Destruction of river basins and other natural resources by foreigners: sawmill operators, livestock farmers, poor peasant farmers and others;
- Constant repression of and threats against ethnic movements and impunity of those responsible for violations and abuses;
- Interference in the internal affairs of these peoples from outside sectors in order to safeguard their interests (politicians, governments, entrepreneurs, livestock farmers);
- Low levels of participation by women in organizational processes;
- High rates of poverty;
- Accelerated process of cultural devaluation among the younger population;

- Few and inadequate social services among indigenous and black communities (health, education, safe water, sewerage, electricity, telephones, roads and infrastructure), resulting in high illiteracy and low schooling rates, high levels of malnutrition and infant and maternal mortality and limited life expectancy;
- Slow implementation of the bilingual intercultural education programme; and
- Limited knowledge of the magnitude and importance of indigenous and black peoples' specific problems and needs or of the rights available to them, leading to inadequate policies, programmes and projects.

147. A large number of national and international public and private organizations are working to improve the living conditions of these populations. However, no precise information exists on the programmes carried out by them, the amounts invested or the impact of these investments on improving the living conditions of these groups.

2. Situation of women and girls

148. Regarding the concern expressed by the Committee about the situation of girls in Honduras, we are pleased to report that Honduras has made considerable efforts in recent years to reduce gender-based discrimination, in particular through the promulgation of the Equal Opportunity for Women Act, which establishes specific measures to overcome sex-based discrimination in various areas.

149. Although data disaggregated by age and sex do not exist in all areas, the little information that is available reveals progress in this field. For example, there are currently more girls than boys in the nation's schools. In 2004, the proportion of the female population between five and 18 years attending some form of educational institution was 59.3%, compared with 55.6% of the male population in this age group.¹⁰ In that year, as a result of higher rates of enrolment and continuation in the education system among girls, the illiteracy rate for females between 15 and 35 years of age was lower than for males; consequently, the average number of years of schooling for this female group is higher than for males. With regard to health, the increase in the life expectancy of women is an example of the work carried out in this field.

150. The efforts to improve women's education and health are reflected in the gender-related development index, which rose from 0.544 in 1994 to 0.652 in 2003. The gender-empowered index, which recorded a value of 0.406 for 1995, rose to 0.428 in 2004. The population census of 2001 showed that 54.4% of administrative and executive posts and 56.6% of technical posts in Honduras were occupied by women.

151. Despite these advances, the difference between the gender-related development index and the human development index (0.657) indicates that women's inequality persists in access to material conditions of well-being, specifically in the income variable. It is estimated that incomes earned by women represent 42% of incomes earned by men. There are also gender equality problems in the field of politics. Only 6.7% of National Congress deputies are women and 10 of the 18 departments of Honduras currently have no such representation by women.

¹⁰ INE, EPHPM, May 2004.

152. Furthermore, social, domestic and family violence against women and girls shows an upward trend. The Public Prosecutor's Office reported that, in 2004 alone, an average of two violent deaths involving female minors were recorded each week. Reports of sexual offences against minors have increased, reaching an average of 11 reports per week in 2004. As regards domestic violence, an average of 72 such reports were dealt with each week at the first and second family courts of Tegucigalpa alone.

153. The above could be associated with an improvement in reporting capacity. However, this greater reporting capacity has not been matched by an increased response capacity of Honduran society. There are virtually no services to support women and children who encounter this type of problem. The number of shelters in Honduras providing comprehensive protection, psychological care and legal services to female victims of domestic violence is extremely small, while counselling services are concentrated in the main cities. The rate for persons treated at health counselling centres in 2004 for problems relating to domestic violence was 198.9 per 100,000 inhabitants.

154. The National Institute for Women (INAM) has worked arduously to promote and achieve equal rights and opportunities between men and women in Honduran society. The main achievements of the current reporting period include the formulation and approval of a national women's policy covering five basic areas: education and development, the economy, health, social and political participation, and violence prevention and reduction.

155. With the support of women's organizations and international cooperation, INAM has been lobbying intensively for a gender approach to be incorporated as a cross-cutting theme in educational curricula at the different levels of the national education system and, in particular, in the training of professionals in the fields of education, health and justice and the national police force, and in health plans and programmes such as the Strategic Plan against HIV/AIDS and the Programme of Comprehensive Care for Women.

156. At the municipal level, there has been intensive lobbying for a gender approach to be included in the environmental management handbooks of the Ministry of Natural Resources and the Environment as well as in municipal development plans. Work has also been carried out to promote and organize municipal offices for women, with the result that there are currently 20 such offices operating in the same number of municipalities.

157. In the area of social and political participation, a large number of workshops on political awareness and education have been held in the country's different departments, focusing on political lobbying and negotiation and publicizing the new Electoral Act. In this field, a national network of women politicians has been set up with the participation of 90 women from the different political parties and covering 89% of the municipalities of Honduras. This will undoubtedly have an impact on the social and political participation of Honduran women and therefore on strengthening democratic governance.

158. In the area of violence prevention and reduction, a domestic violence court has been established in Tegucigalpa and a judge appointed in San Pedro Sula to hear domestic violence cases. Work has also been undertaken with the Supreme Court of Justice and the Public Prosecution Department to define, install and operate a domestic violence statistical data and monitoring system and all Honduran judges and prosecutors have received training in gender issues, gender-based violence and the implementation of the Domestic Violence Act. In addition,

the process of setting up emergency telephone lines has been initiated at the Ministry of Security in order to assist and advise female victims of violence. In that field, work has begun on translating the Domestic Violence Act into the dialects and languages of the nation's ethnic groups. The translations into Misquito, Tawahka and Garifuna have now been completed.

159. With regard to the economy and poverty, a proposal for a national employment policy has been prepared and submitted to the Ministry of Employment. The proposal aims to ensure gender equity and to improve the working conditions of women. Also, with the support of the United Nations Population Fund and the Swedish International Development Agency, a model on accessing and controlling social and productive resources has been developed. The model will be incorporated in the EPHPM conducted by INE. The data collected using the model will facilitate the design of gender-differentiated policies, programmes and projects geared to the actual conditions in which men and women live.

160. A legislative proposal now exists to define new offences, to amend the offences of rape, incestuous sexual abuse, the abduction and holding of persons for sexual purposes, trafficking in persons and human smuggling, and to increase the penalties for those offences.

161. It must be emphasized that national results conceal the existence of large disparities in gender equality and thus in levels of discrimination against women and children, in particular in the more economically and socially backward departments and municipalities.

B. Best interests of the child

162. With regard to the Committee's comment that current domestic legislation has partially integrated the principles of the best interests of the child and respect for the views of the child, Honduras has, during the current reporting period, ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the optional protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

163. The National Commission for the Eradication of Child Labour,¹¹ which was established in that context, has, through a broad process of consultation, formulated the National Plan of Action for the Gradual and Progressive Elimination of Child Labour. An inter-institutional commission comprising representatives from the Government, civil society and multilateral agencies was also set up in mid-2002 for the purpose of formulating the National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents. The plan is at the final review stage.

164. An important step forward is the recognition of the right of pregnant students to be granted maternity leave without jeopardizing the continuation of their studies.

165. In general, the best interests of the child will normally apply in cases of dispute over child custody or care or child maintenance by parents or application of socio-educational measures in regard to children who infringe the criminal law. Despite legal reforms, the concept of the best interests of the child has still not become well-established in practice in Honduras. For example, in administrative proceedings relating to the protection of children at social risk and in judicial proceedings concerning children who are victims of crime or who

¹¹ Decree No. 17-98.

infringe the criminal law, the application of the best interests of the child is relative. With a view to their “protection”, a considerable number of children are placed in special public or private protection institutions, in many instances as a refuge from poverty, and, in the case of offences of unlawful association, the rule is immediate arrest and confinement.

166. In order to change attitudes with respect to the consideration of children’s views on matters which directly concern them and are related to their rights and, most importantly, to develop greater awareness of children’s rights and the guarantees afforded them by law, considerable efforts have been made in the area of training for teachers, judges, personnel of public and private institutions and the population in general. Despite these efforts and although the law states that, in administrative and judicial proceedings, a child must be heard before a decision is taken or an order is issued, there are very few cases where this is applied in practice. To date, no studies on respect for the views of the child in the different spheres of national life have been carried out.

C. Right to life, survival and development

167. The most significant advances are concerned with survival. Between 1998 and 2004, a clear and sustained decline in the number of deaths of children under five can be seen. Infant and under-five mortality rates have maintained a downward trend and are currently estimated at 30.8¹² and 45 per thousand live births respectively. Mortality is significantly higher in rural areas, in particular in regions with greater levels of poverty and large indigenous populations, confirming the exclusion of these population groups.

TABLE 13

Perinatal, infant and under-five mortality rates by health region and urban and rural area, 2001

<i>Health region</i>	<i>Perinatal mortality (per thousand births)</i>	<i>Infant mortality (per thousand live births)</i>	<i>Under-five mortality (per thousand live births)</i>
Metropolitan	29	34	37
1	50	46	58
2	20	31	46
3	23	24	35
4	23	38	45
5	31	41	59
6	39	33	37
7	33	52	66
National total	29	34	45
Urban	25	29	36
Rural	32	38	51

Source: Ministry of Health, ENESF, 2001.

168. The reduction in under-five mortality is due, among other factors, to the success of health education and control measures against infectious, contagious, gastrointestinal and

¹² INE, Population Projections, 2001-2015.

respiratory diseases and to the work carried out under the Immunization Programme. The proportion of children under five who are appropriately vaccinated for their age (with the bacillus Calmette-Guérin (BCG), polio, diphtheria, pertussis and tetanus (DPT) and measles vaccines) rose from 78.4% in 1996 to 83.7% in 2001.¹³ According to information from the expanded immunization programme, this figure rose to 95.5% in 2004.

169. Mortality rates for adolescents, however, show an upward trend. Half of adolescent deaths today are due to avoidable causes related to social circumstances, such as violence, rather than illnesses. In recent years, traffic accidents were the main cause of death among young people. An increase is also seen in suicides and homicides, especially among males. Whereas in 1990 violent deaths accounted for 15% of deaths of 15 – to 19-year-olds, in 2004 this figure rose to 19%.

170. With regard to maternal mortality, the rate fell from 182 per 100 thousand live births in 1990 to 108 in 1997. This is related to the efforts made in developing the health service infrastructure to care for pregnant women and to the increase in hospital deliveries. The proportion of pregnant women receiving prenatal check-ups was 82.6% in 2001 (85.5% in urban areas and 80.7% in rural areas) and the average number of check-ups during pregnancy was six (6.7 in urban areas and 5.5 in rural areas). The number of attended births in health clinics increased from 45.6% in 1990 to 61.7% in 2001. Despite these advances, problems of inequality persist in terms of access to maternity services, depending on the area of residence. In 2001, in urban areas 82.4% of births took place in hospitals, compared with 37.5% in rural areas. This has a bearing on maternal mortality rates: 73% of maternal deaths occur in the case of births outside hospitals and these deaths generally have preventable and/or avoidable causes.

171. It should be underlined that women's access to information, education and family planning services has increased considerably. In 1990/1991, 46.7% of women (between 15 and 44 years of age) with partners used some method of contraception. This percentage increased to 61.8% in 2001 (70.4% in urban areas and 54.6% in rural areas).

172. Despite these efforts, teenage pregnancies pose a serious problem in Honduras. In 2003, 10.8% of females between 12 and 19 years of age had at least one live-born child. Births by women under 20 years old account for 15.7% of all births and 12% of the overall fertility rate can be attributed to adolescent fertility. It is noticeable that the relative proportion of adolescent fertility in the overall fertility rate is higher among groups having low levels of schooling and generally living in rural areas.

173. With respect to nutrition, considerable efforts have been made to improve the nutritional levels of children in particular, as can be observed in the improvement in the indicator of weight for age. In 1991, 21.4% of infants from 12 to 59 months of age had low weight for their age whereas this figure appears to have fallen to 18.4% by 2001.¹⁴ This is related to efforts to establish a breastfeeding culture through education campaigns, to programmes such as the Baby-Friendly Hospital Initiative and to the extension of the rest period for pregnant women and breastfeeding mothers. In 2001, 34.9% of babies five months old and younger had been

¹³ Epidemiology and Family Health Survey, 1991/1992, 2001.

¹⁴ Epidemiology and Family Health Survey, 1991/1992, 2001.

exclusively breastfed and 95.8% of children under 5 years of age had been breastfed at some time.¹⁵

174. However, the slight increase in the indicator of weight for age in under-five-year-olds has not had an impact on the incidence of chronic malnutrition, as measured by height for age among new school entrants between 6 and 9 years of age,¹⁶ which increased from 34.9% in 1991 to 36.2% in 2001. Malnutrition is worse in rural areas, where 42.1% of children have chronic malnutrition, compared to 24.6% in urban areas. A school lunch programme has been widely disseminated to address this problem. However, it must be admitted that Honduras still does not have a food security plan and thus the impact of the various programmes being carried out in this field is not guaranteed.

D. Right to freedom of expression and right to be heard

175. With respect to the recommendation of the Committee that further efforts be made to ensure the implementation of the principles of the best interests of the child and his or her right to participate in the family, at school, within other institutions and in society in general, steps have been taken, with the support of UNICEF and various national and international NGOs,¹⁷ to promote the active participation of children in schools and in communication, sports and religious activities, among others. Participatory experiments conducted with these members of the population are helping to strengthen the exercise of their civic rights. Children and adolescents are endeavouring to play a more active part in society and their demands are gradually becoming more widely recognized. These initiatives have brought about changes in children's daily lives within their families, schools and communities. As a result of ongoing demands by organized civil society, the participation of children in various spheres of national life is now recognized.

176. To that end, workshops, meetings, gatherings and other events have been organized, with children and adolescents assuming leading roles. Such activities have led to the formation of school boards of governors and student councils, youth open forums and, recently, the Children's Congress and Student Legislative Congress. The successful work of youth communicators is also worthy of mention.

- *School boards of governors and student councils.* The organization of school boards of governors and student councils received a strong impetus following the repeal of the ban on students' organizations, which had been in force since the mid-1980s and had been mentioned as a concern of the Committee in its observations on the report of Honduras submitted in 1999. It is estimated that, in most primary and secondary schools, boards of governors and student councils directly elected by the children have been set up. Both organizations work for the promotion and protection of their rights and represent the interests of children and adolescents before teachers, education authorities and, in some cases, local, departmental and central government authorities.

¹⁵ Ditto.

¹⁶ PRAF, Height Census of First-Grade School Entrants.

¹⁷ There are some 63 children's NGOs in Honduras which encourage the participation of children and defend their rights. There are also 74 youth NGOs working in this field.

- *Youth open forums.* Young people have participated in open forums in some municipalities in Honduras, where they have discussed problems that they face in their municipality and have formulated recommendations and requests to the municipal authorities.
- *Children's Congress.* This initiative, sponsored by UNICEF and supported by the National Congress and the Ministry of Education, provides a platform for the promotion of children's rights and for children to express their concerns about the exercise of and respect for their rights, including the need to ensure the effective implementation of the Convention on the Rights of the Child in Honduras. Its participants are 128 pupils enrolled at primary schools in the nation's 18 departments who show academic excellence, good conduct, leadership and initiative and who, for one day (Children's Day), assume the role of the people's parliamentary representatives, proposing and approving laws and measures to promote the development and comprehensive protection of children. At the close of the day, the adult parliamentarians make public commitments to follow up the children's proposals. Such commitments are very rarely fulfilled. Thirteen Children's Congresses have been held to date.
- *Student Legislative Congress.* This was established by Decree No. 85-2004 and, like the Children's Congress, provides a platform for promoting the rights of young people. Its participants are 128 students aged between 13 and 17 years enrolled in the nation's public and private schools who show academic excellence. The goal of the Congress is to advocate laws and measures to promote youth development. The Congress is held on Students' Day (11 June). Eleven Student Congresses have been held to date.
- *Youth communicators.* Sponsored by UNICEF and supported by the Ministry of the Interior and Justice and municipal governments, this represents one of the most successful experiments involving the participation of young persons. The role of youth communicators is to promote the rights of the child, encourage children and adults to report violations of those rights and urge adults to prevent and eradicate such violations through the use of communication media available within their communities. Youth communicators now constitute a network covering most of the country's departments. The Office of the Covenant on Children within the Ministry of the Interior and Justice reports that there are in existence 167 youth communicator networks, in which 4,075 young persons participate. Youth communicators are involved in researching, producing and disseminating information on the situation of children in their communities and in some cases have obtained sponsorship to broadcast their own radio and television programmes. In these programmes the legislation in force relating to children's rights is publicized, the main problems affecting children in the community are made known and discussed, other children are encouraged to become involved and a positive image of children is promoted. Many youth communicators have been involved in the formulation of municipal development plans and in various international events concerned with children's rights.

177. Most of the processes of children's participation and involvement have been launched and supported by different national and international public and private organizations, both technically and financially, including, in particular UNICEF and Save the Children UK.

V. CIVIL RIGHTS AND FREEDOMS

A. Right to name and nationality

178. Article 22 of the Constitution of the Republic stipulates that "nationality is acquired through birth or naturalization". Article 23 states that "Hondurans by birth are those born in national territory and those born abroad to a mother or father who is Honduran by birth; those born on board Honduran military ships or aircraft and on board merchant ships in Honduran territorial waters; and children of unknown parents found on the territory of Honduras". In addition, article 28 states that "no Honduran by birth may be deprived of his or her nationality. Hondurans by birth shall maintain this right even if they acquire another nationality". In accordance with this article, children adopted by foreigners keep their Honduran nationality notwithstanding their acquisition of the nationality of their adoptive parents while they reside in the country, and article 39 lays down that "[e]very Honduran shall be registered with the National Registry of Persons".

179. Article 29 of the Code on Children and Adolescents stipulates that "[e]very child has the right to a nationality and to his or her personal identity and the right to possess a forename and surname and to know who his or her parents are". Article 30 states: "For the purposes of the preceding article, the father, mother or legal representatives shall register the newborn child with the National Registry of Persons in conformity with the law. Failure to fulfil this duty shall be an offence punishable in accordance with the provisions of specific laws."

180. Given the problems of access to civil registration offices, which are located in the administrative centres of the country's 298 municipalities, the National Registration of Persons Act lays down that births occurring in the country must be registered within 30 days and that birth certificates must be issued free of charge. To facilitate registration, the Act states that the declaration of birth may be made by the father or the mother, or, in the absence of both, by relatives living in the same household or by persons who attended the birth or persons working in the social welfare institution responsible for the care of the child. It also stipulates that, in villages or settlements where there is no hospital, doctor or nurse, if the mother of a newborn child has not declared the birth and is a single mother with no partner and lacks economic resources, municipal officers are required to obtain details of the birth and apply for registration to the civil registration authorities. A recent amendment to the Act eliminates fines and increases the registration time limit to one year. Once a period of five years has elapsed, registration is to be carried out by court order.

181. Despite these provisions, inadequate registration practice has given rise to problems of under-registration and of delays in the registration of births. Consequently, a large proportion of children do not have birth certificates. According to a study conducted in 2001, average registration in departmental administrative centres is 87% but could be just 10% in rural areas. The same study found that non-registration and the absence of birth certificates are due to cultural and economic factors and to ignorance of the registration procedure and of the importance of this document. The cultural factor is particularly prevalent in rural areas, where children are registered when they have survived and reach the age of two or three years. The economic factor is very important because of the costs involved in travelling from remote

areas to municipal administrative centres. Problems also exist when children have not been recognized by their fathers and the mothers are hoping that this will occur. Moreover, civil registration officers' lack of training gives rise to registration errors, which can only be corrected through the judicial system.

182. During the present reporting period, regular campaigns have been conducted, with the participation of governmental institutions and civil society organizations and with the support of UNICEF, to mobilize public opinion and make people aware of the necessity and importance of registering a child's birth, to make the registration procedures widely known and to motivate parents and relatives to register children, in particular residents of rural areas. One of the most notable efforts has been the campaign entitled "All Honduran children have the right to a name and a nationality", which was conducted by UNICEF and the National Registry of Persons and which resulted in the registration of more than 360,000 children whose ages ranged between 0 and 12 years.

183. Significant efforts have also been made to train personnel of the different civil registration offices. However, this has not produced the expected results and has been hampered by constant staff changes caused by party-political interference in the appointment of officials and employees at the National Registry of Persons.

184. Regarding the birth registration data used to identify the child, article 43 of the National Registration of Persons Act stipulates that a child has the right to his or her individuality and to the name or names legally belonging to him or her. The child is registered with the family name of the father and of the mother or with conventional family names if the identity of one or both parents is unknown (article 55).

185. Article 88 of this Act defines the obligation and right to acquire an identity card at the age of 18 and introduces identity documents for children from 12 to 18 years of age, with the requirement that such documents be obtained, carried and shown upon request from the competent authority.

B. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

186. One of the most significant achievements in recent years has been the greater visibility of the problem of maltreatment of children. Issues, such as domestic violence, which in the previous decade were of interest only to groups working with women and children, are today part of the public debate. In addition to measures of protection and *amparo* guaranteed under the new legislation on domestic violence and violence against women, innovative programmes have been implemented to promote "proper treatment", being understood to mean improving the quality and warmth of relationships between children and adults in day-to-day contacts.

187. Honduras has made considerable efforts to reduce and eliminate maltreatment in the different areas of children's lives, in particular within the family, at school and in society. Honduran legislation establishes the right of children to protection from all forms of physical, sexual or mental abuse or harm, neglect or negligent treatment, ill-treatment or exploitation. Although parents generally treat their children with respect and affection, a study conducted by IHNFA in 2001, in the Municipality of the Central District, entitled "The family, child-rearing models and child maltreatment", showed that there are groups of highly vulnerable children

facing serious difficulties in situations of physical, psychological and emotional neglect, harsh discipline and abuse. The findings of the study included the following:

- Fourteen per cent of families surveyed reported the absence of the father or mother as a family member. The children in those situations are victims of physical, psychological and emotional neglect and harsh discipline.
- Forty-five per cent of families covered by the study reported monthly incomes below US\$ 200. The children living in those conditions are victims of physical, psychological and emotional neglect and harsh discipline.
- The child-rearing models used showed the prevalence of well-known traditional and typical patterns. Seventy-eight per cent of parents said that they would not tolerate their children's questioning their authority or allow them to contradict. Interpersonal relationships between these parents and children do not permit dialogue or allow for the right of every child to be heard and treated as a person. Parental authority is exercised with shouted commands, verbal punishment, harsh discipline or abuse.
- A large proportion of children are not happy in their family environment. There are signs of fear, coldness and unhappiness, which indicate emotional neglect and harsh discipline.
- Of the children interviewed, 14.6% said that they performed income-generating activities to help their families. Of these, only 23% had reached the third grade. Under those circumstances, such children are the victims of neglect, harsh discipline and abuse.
- Maltreatment is more frequent in low-income households. In higher socio-economic levels, while proper treatment predominates, children also suffer from a lack of attention.

188. In recent years there have been significant advances in promoting respect for the rights of the child and proper treatment in the school environment, with emphasis on participatory and respectful teaching methods which challenge children to show their creativity and promote self-confidence. The most common response of teachers to bad behaviour by their pupils is to speak to the parents, lower grades and talk directly to the children. However, despite the efforts made, a consistent number of children are still exposed to maltreatment by their teacher when they misbehave. The most common forms of maltreatment are being punished with recreation withheld, being the butt of jokes or insulted and, to a lesser extent, being hit. Most cases of maltreatment involve children from households with incomes below the poverty line. However, teachers who “do nothing” in response to bad behaviour or disobedience on the part of their pupils are not fulfilling their role as guide and instructor. It is known that a large number of teachers pay no attention to pupils' idleness or bad behaviour, which also constitutes neglect.

189. Despite amendments to the law and the establishment of offences committed by adults against children, there has been little impact on curbing the incidence of these offences. According to partial figures, 829 cases of child victims of maltreatment were reported to the

Public Prosecutor's Office in 2004, mostly involving physical abuse (86%). Clearly a large number of cases are not reported for reasons ranging from ignorance and a lack of faith in the justice system to fear of the institutional maltreatment to which victims are often subjected.

190. Furthermore, there is no special treatment for children involved in reports of sexual abuse or maltreatment, which means that they are forced to go through legal proceedings that in some cases last for months or even years and are subjected to interrogations, medical examinations and confrontation with their abusers. All these circumstances discourage the reporting of incidents.

191. While the adaptation of the judicial system is important, only coordination between governmental institutions and civil society will ensure effective intervention to protect Honduran children from such abuse. While work is now under way to change everyday attitudes of society towards children, it is also necessary to make further progress in changing the economic models that affect vast sectors of the Honduran population and have a direct bearing on the enjoyment of their rights. The continuing expulsion of inhabitants of rural areas is resulting in overcrowding in cities, which do not have even the minimum facilities to receive them. In this context, community-based social action and measures advocated by local governments and by NGOs located in the municipalities have a fundamental role to play in promoting education and the prevention of abuse and violence since those involved are aware of the day-to-day environment of the children, which helps to provide a rapid response geared to their situation.

192. With respect to the Committee's concern about cases of police brutality against children working or living on the streets, Honduras can report that it has continued to strengthen its preventive police training programmes on children's rights and that a process has been initiated to purge the law-enforcement apparatus and raise its professional standards. The judicial system has also been strengthened through the establishment of juvenile courts and the appointment of supernumerary judges in the country's different departments. The Office of the Procurator for Children and the Family has been set up and a special unit to investigate violent deaths of children was established in 2004. Training activities in the field of human rights, and, in particular children's rights, have also been carried out in recent years, with the participation of all justice practitioners throughout Honduras.

193. However, it has to be acknowledged that the police, whose constitutional mandate assigns it the role of maintaining internal order and security, has in reality performed a major role in the pursuit and arrest of children and adolescents living in situations where they are denied all rights (street children, abandoned children, etc.). In no way is such an approach based on children's rights and joint social responsibility since, from the ideal perspective of comprehensive protection, the focus of concern should be on social policies for this population sector. From that point of view, it is the State and Honduran society as a whole who are gravely violating the rights of these children and their families.

194. Furthermore, in response to the reports of extrajudicial executions of adolescents and young people, and following the visit in 2001 by the United Nations Special Rapporteur on extrajudicial, arbitrary or summary executions, a special commission comprising the Public Prosecution Department, the Supreme Court of Justice and IHNFA was set up for the investigation of extrajudicial killings. This commission submitted an official report, which was

published on 25 September 2002. The report states that there were 2,162 murders, including 601 (27.8%) of children between 12 and 18 years of age, in Honduras during that period.

195. The Ministry of Security's Special Unit for Investigation of Deaths of Minors reported 980 cases of deaths of minors between July 2003 and September 2005. Of these, 157 were referred to the Public Prosecutor's Office and 823 are still under investigation. Of the 157 cases referred to the Public Prosecutor's Office, 20 (13%) involve authorities, 77 (49%) gang members and 60 (38%) individuals. It has to be acknowledged that the level of impunity in these cases is alarming: of the 287 persons against whom charges were brought in the 157 cases of deaths of minors referred to the Public Prosecutor's Office, only 72 were detained and only 9 have been convicted.

196. It is recognized that the detention of children under the age of 18 by the police is one of the most arbitrary and illegal expressions of the doctrinaire approach prevalent in many fields related to the rights of the child in Honduras. The events of recent years clearly show the extent of this phenomenon. The year 2002 saw the start of a strong reversal in the trend towards greater respect for human rights that had begun in the early 1990s. Detentions¹⁸ have been increasing as a result of a public security policy which has focused a large part of its activities on children and adolescents.

197. In general, the amendments to the Criminal Code criminalizing gang membership¹⁹ have favoured the indiscriminate detention of adolescents. In the period from 14 August 2003 to December 2004,²⁰ cases of arrest of adolescents rose to 787, of which 597 (75.8%) were referred by the Public Prosecutor's Office to the juvenile courts. The increased strictness of the crime control system also extends to the criminal justice system, which is applying internment measures with increased severity. Of the 597 adolescents referred to the juvenile courts, 462 (77%) have been deprived of liberty and only 93 (15.5%) have been the subject of precautionary measures.

198. The crime control and law enforcement policy which has clearly targeted children under 18 years of age is the product of a social construct in which "minors" are consistently viewed as one of the central reasons for the growing wave of insecurity in the country, thus reinforcing a punishment-based approach to police and judicial practice, as reflected in the figures given above.

VI. FAMILY ENVIRONMENT AND OTHER TYPES OF CARE

A. Parental responsibility

199. The presence or absence of one or both parents has a direct or indirect impact on the opportunities for children's comprehensive development and on their vulnerability to ill-treatment and labour and sexual exploitation.

¹⁸ In December 2004, the Constitution was amended to increase the period of detention pending investigation from 24 to 72 hours.

¹⁹ The Christian Youth Association of Honduras and Save the Children UK estimate that 64 per cent of all gang members are in the 12- to 17-year age group.

²⁰ The date on which the amendment to article 332 of the Criminal Code came into effect.

200. Most children in Honduras live in nuclear households; in rural areas, there is a higher proportion of extended households. While this is the dominant pattern, there is evidence of growing family instability. For example, the urban population grew by 70.7% between 1997 and 2004 and the rural population by 19.6%; this has had a negative impact on families and on upbringing models. Other developments too, including the rises in the number of households headed by women, in poverty, in women's participation in the work force, in internal migration towards development areas and in migration to other countries, entail risks for the stability of some children's family environment.

201. According to data from the Multi-purpose Household Survey of May 2004, 25% of households in Honduras are headed by a woman. The proportion of such households is higher in urban areas (30.3%) than in rural areas (20.5%). Moreover, 60.8% of households with a male head and 54% of those with a female head live in conditions of extreme poverty. The rise in participation in the work force varied from 25.4% in 1989 to 32.7% in 2004.

202. Industrial growth, especially the growth of assembly plants (the maquila industry), has spurred internal migration, particularly of women, to areas where there is a serious shortage of basic infrastructure services. In addition, there has been a dramatic increase in the past decade in the numbers of young children and adolescents whose fathers and mothers have gone to work outside the country. Such circumstances entail high levels of family disintegration (especially in urban areas) and poor conditions for bringing up children. A large number of Honduran households are trying to survive, but at the cost of their disintegration.

203. According to a study of maleness and other sociocultural factors associated with paternity carried out by the National Autonomous University of Honduras in July 2004, "because they concerned only with the biological aspects of their sexuality and not with all that sexuality entails, men do not act as responsible fathers". Of the men questioned in the study, 77% said that it was the woman who was responsible for becoming pregnant and that it was up to her to make sure that that did not happen. In this context, lack of concern about paternity is closely linked with casual sexual relations, early pregnancy, absence or inadequacy of sexual guidance, poverty and family disintegration.

204. In May 2004, two bills designed to promote responsible paternity were submitted to the National Congress. They lay down rules concerning the procedure for the recognition of paternity that better protect the best interests of the child: an obligation to undergo DNA testing to determine paternity and, in the event of a positive result, an obligation for the father to assume legal and economic responsibility for the child and to pay the costs of the test. The proposals have not yet been accepted, and women's and children's organizations have said that the bills need to be amended and subjected to wider public debate in order to make them more comprehensive.

205. Childcare has traditionally been a matter for children's parents, but especially their mothers. The role that mothers play in child care is greater in rural than in urban areas, and far smaller in the cities. Grandparents (both grandmothers and grandfathers) also play a significant role in child care; such help is more common in urban than in rural families. Children are more likely to be looked after by their mothers in households of low socio-economic status than in medium- or high-status households, which make more frequent use of grandparents, domestic employees or day-care centres. The younger members of the

household, on the other hand, play a far smaller role, although the situation has been changing in recent years, particularly in disadvantaged city neighbourhoods.

206. Many mothers' ability to look after their young children during the working day has been diminished by the social and economic changes of the past few decades, especially the rise in female employment. This has led to wider availability of public and private childcare and pre-school education services and consequently to increases in the numbers of boys and girls being looked after by people who are neither their parents nor their relatives. While no precise information is available concerning the prevalence of institutional care of preschool children, it is low because of the limited supply and families' inability to afford this type of service. Most working mothers rely on the help of relatives, neighbours or baby-sitters or, to a lesser degree, of organized childcare centres.

207. The functions of the Honduran Institute for Children and the Family (IHNFA) include promoting and supporting the establishment of local services for children. Through the Institute's Family Welfare Programme, which is aimed at promoting and developing a culture in which children's rights can be exercised and enforced and children are recognized as persons, support has been provided for the establishment of 181 municipal councils and a similar number of children's advocates in all parts of the country. The Institute also provides direct services to an average of 1,600 children a year in 42 comprehensive-care centres for children aged between 0 and 5 years and technical and financial support to 85 organizations carrying out childcare programmes in 92 private centres and has contributed towards the establishment of 250 community children's homes that look after an average of 12 foster children each. In this connection, the Institute has worked with the Francisco Morazán National Pedagogical University to draw up a training and certification programme for child-minders and foster mothers and guidelines have been drawn up for the establishment and running of community childcare centres and homes.

B. Children deprived of their family environment and placed in care

208. On average, IHNFA cares for 5,300 children and adolescents at risk or deprived of their family environment every year. The main reasons why children are admitted to the Institute's Social Welfare Programme are that they are living on the streets (19.3%), are vagrants (11.5%), are being neglected by their parents (7.5%), live in extreme poverty (5.5%), are being physically abused (5.9%) or are disabled (4.7%).

209. The Social Welfare Programme protects children through placement in foster families and public and private special protection homes, support for deinstitutionalization and promotion of a new definition of the mission of conventional protective institutions, both public and private.

210. Each year the Institute cares for an average of 300 children in 100 foster families and slightly fewer than 1,300 children in four special protection homes under its own management. It also provides care for around 3,700 children in some 99 private protection homes, some of which are subsidized by the transfer to the Institute of proceeds from the sale of national lottery tickets.

211. However, the Institute has difficulty in finding families to provide this type of care. The reasons are, on the one hand, that the Institute is not sufficiently active in encouraging families to take part in the process and, on the other, that the results are not positive for the foster

families. Firstly, the placement is temporary and not definitive; second, the foster parent becomes emotionally attached to the foster child, which represents a risk for any other children the family may have, and lastly the foster child is exposed at the end of the placement to the pain of separation from its temporary family, with the added problem that foster families are currently denied the right to apply to adopt the children they take in.

212. Furthermore, the Institute's weakness as the body responsible for child protection policy means that there is no guarantee that the rights of children in special protection centres run by private organizations will be properly respected, particularly as regards "non-institutionalization".

213. No figures are available concerning the size of the problem of street children and the programmes and actions on their behalf are totally uncoordinated, which obviously has an impact on their effectiveness. Between 2003 and 2004, the Institute carried out a programme for the eradication of child labour in fast food restaurants in Tegucigalpa and Comayagua which covered 874 children.

TABLE 14

Street children helped in Tegucigalpa and Comayagua, 2003 and 2004

<i>Year</i>	<i>Numbers of children by age group</i>		<i>Total</i>
	<i>5-11 years</i>	<i>12-17 years</i>	
2003	194	322	516
2004	141	217	358
Total	335	539	874

Source: IHNFA, Social Welfare Programme

214. Since May 2003, the First Lady's Office has been carrying out a project entitled "Zero Children on the Streets of Honduras" which has so far helped 2,500 children in the country's main urban centres. The project's objectives include identifying and rescuing street children in cooperation with IHNFA, the Young Offenders' Division of the Office of the Public Prosecutor, the Preventive Police and juvenile judges. Most of the children are now being fully protected in centres run by IHNFA or by NGOs with which the Institute has concluded agreements. Others have been returned to their families and to school with the help of financial subsidies, scholarships and parental education programmes. The project is being supported by a large number of young volunteers, who provide help with sporting, cultural and manual activities as well as psychological and educational assistance.

215. Regarding the protection of the children of persons deprived of liberty, it is only in the Women's Social Adaptation Centre that children under three years of age can stay with their mothers for the benefit of their psychoemotional development. For this, an area has been fitted out as a day-care centre and mothers and staff of the Adaptation Centre have been trained in providing for the children's needs within the framework of their rights. The Government's greatest difficulties in providing care for the children of detainees are that prison system staff are not trained to work with children, the infrastructure is inappropriate and there are permanent health and nutritional risks.

C. Recognition of the system of adoption in the best interests of the child

216. Article 142 of the Code on Children and Adolescents makes it obligatory to inform IHNFA, the Public Prosecutor's Office or a juvenile judge when a child can be presumed to have been abandoned. At present, the total number of children who could be put up for adoption is not known: on the one hand, IHNFA has no precise information about the number of children declared by juvenile judges to have been abandoned²¹ and on the other, private organizations do not routinely report to the Institute and it lacks the resources to keep a regular watch over the protection centres in the country.

217. In 1999, a study made by INHFA of boys and girls in closed centres found that there were 3,807 children in such centres and that 94% of them were in private centres. Most of the children had been taken in because they were in a risk situation, especially as a result of abandonment or extreme poverty, or were orphans.

218. IHNFA figures show that in 1999 there were 1,308 children in centres run directly by the Institute and 1,189 children in private centres subsidized by the Institute. Of the total, 152 children had been taken in because they had been completely abandoned or were orphans and consent had been given for their adoption. The number of adoptions in 1999 was 43, showing that barely 28% of the children available for adoption were in fact adopted.

TABLE 15

Numbers of children adopted per year, 2002-2004

Year	<i>Intra-country adoptions</i>			<i>International adoptions</i>			<i>Grand total</i>
	<i>Monoparental</i>	<i>Couples</i>	<i>Total</i>	<i>Monoparental</i>	<i>Couples</i>	<i>Total</i>	
2002	4	21	25	7	23	30	55
2003	5	5	10	7	27	34	44
2004	3	17	20	9	21	30	50

Source: IHNFA, Adoption Department.

219. Adoptions have increased in the past three years. International adoptions remain the most numerous. Among the reasons for this are that intra-country adoption is not heavily promoted, it is a common practice for Hondurans to recognise children and register them as their own, and international adoption is profitable both for foreign adoption agencies and for Honduran lawyers, since the fee of 45,000 lempiras set for an international adoption in the Bar Association's tariff is exceeded in practice.²²

220. The Committee recommended that Honduras should accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. While Honduras did not ratify that instrument during the period covered by the present report, work has been in progress since 2000 on an adoption bill. This draft legislation has been extensively discussed

²¹ Assuming that all children cared for in public and private protection centres who fulfil the requirements for being declared to have been abandoned are brought before juvenile judges.

²² An investigation in 2003 by the *El Heraldo* newspaper found that adoption had developed into a lucrative trade, with a cost of from US\$ 5,000 to 6,000 for foreign adopters and of around \$800 for Hondurans.

and, together with accession to the Hague Convention, is close to approval by the sovereign National Congress.

D. Illicit transfer and non-return

221. In Honduras, trafficking in children for the purposes of fraudulent adoption and/or international trafficking began in the 1980s. The main reasons included the deterioration of the economy, the infantilization and feminization of poverty and the low age of first employment.

222. Trafficking in children and adolescents is largely initiated by parents who, in an effort to alleviate their family's economic difficulties, agree to their sons and daughters being taken to cities, especially Tegucigalpa and San Pedro Sula. In general, the girls become domestic employees; in other cases they are trafficked or exploited for the sex trade. There are people who go to villages and act as intermediaries and others who kidnap children in public places (parks, markets, hospitals, shopping centres, etc.), in the street or on the way to school.

223. In 2004, 60 cases of child kidnapping were reported to the Office of the Special Prosecutor for Children and the Disabled. Many of the children concerned have not returned home. Each year, around 100 children and adolescents are reported missing in the country's two main cities alone. It is estimated that some 15 children and adolescents could be migrating through the country's land border posts every day. The ease with which children are able to leave the country is evidence of the existence of a well-organized network of traffickers and contacts.

224. The organization Casa Alianza reported in 2003 that, according to its investigations, the route used by traffickers of minors aged between 12 and 15 was Tegucigalpa, San Pedro Sula, Guatemala, Mexico, and United States of America. By way of example, there are known to be some 60 brothels in Guatemala alone in which Honduran women and girls are working. According to press reports, 12 minors have been found working in bars in Houston, Texas, where they are forced to prostitute themselves.

225. The ratification in April 2002 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the accession in July 2003 to the United Nations Convention against Transnational Organized Crime are proof of the Honduran authorities' political will to put an end to the illegal activities that affect the lives and safety of Honduran children.

226. The Commission on the Child and the Family of the National Congress is currently studying a bill aimed at establishing new offences relating to, and greater penalties for the commercial sexual exploitation and the unlawful displacement and detention of children, and the Interinstitutional Commission against the Commercial Sexual Exploitation of Children and Adolescents is attempting to obtain the repatriation of some 300 adolescent Honduran girls who are being used in the commercial sex trade in Central America.

227. For their part, the Immigration and Foreign Nationals Directorate, the International Organization for Migration and Casa Alianza have signed an agreement for the assisted return or repatriation of unlawfully displaced children from countries such as Guatemala, Mexico and the United States. The agreement also provides for support for migrant children. Under the agreement, Casa Alianza took part in the repatriation of some 60 children in 2004 and IHNFA has designated special staff to assist repatriated children and adolescents.

228. Honduras is applying the Hague Convention on the Civil Aspects of International Child Abduction. To ensure that the Convention is properly applied, IHNFA and the Ministry of Foreign Affairs have provided training for judicial officers.

E. Abuse and neglect. Ill-treatment of children

229. Regarding the Committee's concern about the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, about the lack of trained personnel and the insufficiency of rehabilitation measures and facilities for children who have been ill-treated and those involved in ill-treatment and about children's limited access to justice, Honduras is pleased to report that, while there have been no changes to the law during the period under review to provide for harsher penalties for ill-treatment of children, substantial efforts have been made, with the support of UNICEF and the participation of various public and private institutions, to reduce ill-treatment. Among the means employed have been publicity in the mass media, courses, seminars, workshops, and schools for mothers and fathers.

230. In addition, steps have been taken to promote fuller reporting of cases of ill-treatment. It is among the functions of the national and municipal human rights commissioners and the municipal children's advocates to protect children against ill-treatment. It is also compulsory for professionals and institutions, particularly those in the fields of education and health, to protect and look after children and adolescents who show obvious signs of having been the victims of aggression or whom examination reveals to have been ill-treated and to report such situations within 24 hours to the Office of the Public Prosecutor, police stations, the National Human Rights Commissioner, juvenile judges or other governmental or non-governmental entities that work to protect children's rights. In such instances, health professionals must issue a free medical certificate so as to facilitate the filing of a complaint and the Office of the Public Prosecutor is empowered to bring criminal proceedings on its own initiative or at the request of a concerned party. The perpetrators of ill-treatment and their accomplices and the persons civilly or criminally liable for the acts in question are obliged to undergo treatment and rehabilitation programmes.

231. Likewise, work has been done on training officials who have to deal with cases of ill-treatment of children. The Code on Children and Adolescents provides for the application through IHNFA of protective measures when the rights of children or adolescents are infringed. Those measures include immediate protection, guidance, support and provision of a temporary guardian, inclusion in assistance programmes, and medical and psychological care. A number of NGOs are also active in these areas.

232. With respect to protection services for ill-treated children, the Ministry of Health has 13 offices in 10 of the country's departmental capitals. They are situated in urban health centres or state hospitals, which facilitates access to comprehensive care. Guidelines to ensure that care for cases of ill-treatment is the same throughout the health sector have been drawn up and issued with the support of the Pan American Health Organization as part of the second stage of the Central American project on women, health and development. IHNFA has a counselling centre in the national capital which also offers services under the maleness programme drawn up by the Ministry of Health to provide individual and group therapy for men involved in intrafamily violence.

233. Although there is no precise information about its size, what little information there is about the problem of intrafamily violence shows that it is a serious one. The survey of families, upbringing models and ill-treatment of children that IHNFA made in 1999 among a sample population of 432 families²³ living in urban and rural areas in the municipality of the Central District showed that Honduran children encounter ill-treatment in some form or other every day. The results revealed that, at 63.9%, the punishment model is the most widespread and formative in relations between fathers, mothers and children. The study showed that parents are aware that they use coercive methods to assert their authority, particularly shouting (34.9%), physical punishment (19.2%), insults (7.1%) and quite often reproaches for the sacrifices they make for their children (7.3%). All such situations are linked with authoritarian mindsets and with failure to observe children's basic rights.

234. Ill-treatment occurs not only within families, but also at school and work and, in the final analysis, in all aspects of life in which children and adolescents are involved: it is the expression of an authoritarian, intolerant culture centred on the adult that results in asymmetrical relations of authority in which discipline is taken to mean punishment. Ill-treatment of this kind accounts for a large proportion of the cases dealt with by the existing family counselling units. However, the reluctance to disclose such situations notwithstanding, complaints are becoming more frequent, thanks to the efforts made to promote a culture of openness in the population: the Office of the Public Prosecutor registered a total of 609 cases of ill-treatment of children in 2002 and 773 cases in 2004, with complaints of ill-treatment by transgression accounting for 92.7% of the cases in the latter instance.

235. Complaints of intrafamily violence registered by the Ministry of Health's Family Counselling Programme are also rising. They numbered 2,417 in 1998 and 4,413, or 82.6% more, in 2004. As already stated, there is a close link between this development and the work done by government and non-governmental institutions in support of women's and children's rights.

236. It has to be said that the measures to promote reporting have not been accompanied by any increase in the capacity of the system as a whole to respond to complaints. According to official figures, in 2004 the Ministry of Health's Family Counselling Programme dealt with 13,917 people involved in problems of domestic violence and ill-treatment of children. However, only two offices have a psychologist, a psychiatrist, a social worker and a legal adviser; the others have only a psychologist and a social worker. INHFA has a family counselling unit in Tegucigalpa that deals with the problem as best it can, but that is clearly not enough to cope with the growing demand. Institutions have only a very limited capacity to respond to the population's needs, a problem that is compounded by the difficulties of access to the administration and justice: while special courts have been set up to deal with cases of domestic violence, they are few in number and are concentrated in cities.

²³ In all, 2,400 persons, of whom 1,092 (45%) were aged between 8 and 17.

VII. BASIC HEALTH AND WELFARE

A. Health and health services

237. The rights to life, health and social security are laid down in Title I, Chapter II, of the Code on Children and Adolescents (arts. 12-23). Since submitting its second periodic report, Honduras has continued to step up its efforts to improve access to health and in particular to improve the provision and quality of basic services, above all those for mothers and children.

238. The Health Sector Reform Project is aimed at constructing a universal-access health system, based on primary care, social participation and decentralization of services so as to reduce mortality, especially maternal and infant mortality, and ensure better control of the main transmissible diseases. The main components of the reform are strengthening of the Ministry of Health's responsibilities, professionalization and training for health workers, early reform of the social security system and promotion of healthy municipal environments.

239. With reference to the Committee's concern about limited access to healthcare services in rural and remote areas, the Ministry of Health worked during the period covered by this report, despite the damage caused by Hurricane Mitch, to repair affected health centres and to add to the healthcare infrastructure, especially that intended for rural people (rural health centres, CESAR). Although no information is available about the numbers and types of private (profit-making or non-profit) healthcare establishments in Honduras, what figures there are show that both healthcare establishments and hospital beds became more numerous in the period 1998-2004.

TABLE 16

Health establishments by type, 1998-2004

<i>Type of establishment*</i>	<i>1998</i>	<i>2004</i>
Community delivery care centres	9	9
Rural health centre (CESAR)	861	1 041
Health centre with doctor (CESAMO)	231	251
Mother and child clinics	16	34
Hospitals	31	31
Hospital beds	4 739	5 158

Source: Ministry of Health, *Salud en Cifras 1998/2004*

* Only establishments and beds coming under the Ministry or the social security system.

240. Access to health services, particularly primary care, has therefore improved. The average number of consultations per person rose from 1.0 in 1998 to 1.2 in 2004. The corresponding figures for children under 5 years of age were 2.24²⁴ in 1998 and 3.0 in 2004. The largest increase was in consultations for newborns, which rose from 77.7% in 1996 to 90.7% in 2001. Such consultations are particularly important because they provide access to the package of preventive and promotional services, to the treatment of prevailing diseases and

²⁴ Total new consultations for under-fives/total population of under-fives.

to nutritional rehabilitation. During them, emphasis is placed on breast-feeding, age-appropriate feeding and nutrition and forms of early stimulation, and vaccination and prophylactic administration of micronutrients and antiparasitics are begun.

241. In addition, the Honduran Social Security Institute has broadened children's access to health care by raising the age limit for receipt of comprehensive care from 5 to 12 years.

242. As can be seen from the following table, control of vaccine-preventable diseases has continued through the maintenance and/or increase of immunization coverage.

TABLE 17

Immunization coverage of children under 1 year of age, 1998-2004

<i>Year</i>	<i>Biological vaccines</i>			
	<i>Sabin</i>	<i>DPT</i>	<i>BCG</i>	<i>MMR*</i>
1998	97.8	96.8	96.3	100.0
1999	95.0	95.2	93.1	98.1
2000	88.0	94.0	100.0	97.9
2001	99.0	96.0	93.0	99.0
2002	95.0	95.0	94.0	97.0
2003	92.0	92.0	91.0	95.0
2004	90.0	89.0	93.0	92.0

Source: Ministry of Health, *Salud en Cifras 1998/2004*.

* Children under 2 years of age.

243. The results of the efforts made in this respect can be judged from the absence of cases of poliomyelitis and measles. However, there are still cases of rubella, whooping cough, tetanus, neonatal tetanus and tuberculous meningitis. In the case of rubella, an epidemic outbreak in 1999 necessitated the intensification of control measures. The same was true of whooping cough in 2000.

TABLE 18

Epidemiological monitoring of vaccine-preventable diseases, 1998-2004

<i>Year</i>	<i>Rubella</i>		<i>Whooping cough</i>		<i>Tetanus</i>		<i>Neonatal tetanus</i>		<i>Tuberculous meningitis</i>	
	<i>Cases</i>	<i>Rate</i>	<i>Cases</i>	<i>Rate</i>	<i>Cases</i>	<i>Rate</i>	<i>Cases</i>	<i>Rate</i>	<i>Cases</i>	<i>Rate</i>
1998	399	2.95	57	0.97	24	0.41	6	0.03	6	0.03
1999	1 108	18.30	23	0.38	16	0.26	2	0.01	7	0.12
2000	201	3.20	169	2.73	9	0.15	0	0.00	11	0.18
2001	7	0.19	37	0.58	18	0.28	2	0.01	8	0.31
2002	5	0.08	71	1.14	17	0.27	2	0.01	8	0.32
2003	1	0.01	93	1.40	23	0.34	4	0.02	2	0.08
2004	1	0.01	104	1.48	13	0.18	1	0.01	3	0.04

Source: Ministry of Health, *Salud en Cifras. 1998/2004*.

244. It is recognized that in some municipalities the health services' response capacity is very limited and too small to cover even 70% of the communities or their inhabitants. Additional means of providing care are therefore required in these areas.

245. During the period covered by the present report, the Ministry of Health continued its efforts to identify strategies for extending cover to communities and population groups having no physical or economic access to basic health services. As part of the project for the restructuring and extension of basic health services (Proyecto de reorganización institucional y extensión de los servicios básicos de salud, PRIESS)²⁵ and as a means of dealing promptly with the low levels of basic health service coverage, particularly for population groups living in extreme poverty, a number of municipalities have been selected as priority areas for support and the strengthening of primary care. The intention is to extend basic health service coverage through the application to families in the bottom two income quintiles who live in the priority municipalities of a basic services package (BSP) worth approximately US\$ 15 a head per year, and thus to strengthen or commence real and sustained basic coverage.

246. The municipalities were selected using three groups of indicators: the human development index (HDI), the index of chronic malnutrition at school entry (IDCEPI) and the index of unmet basic needs (NBI). This method led to the identification of three priority groups:

- *Priority 1:* municipalities with the lowest HDI (below 0.45), a high IDCEPI (height/age deficit greater than 51.9%) and a high NBI (60% or above);
- *Priority 2:* municipalities with a low HDI and a satisfactory level of either of the other two indicators;
- *Priority 3:* municipalities with satisfactory levels of one or two of the three indicators.

247. The chosen strategy provides for the delivery of three types of BSP to the villages in the priority municipalities. Each village is assigned a health team comprising two groups of people:

- An itinerant health team made up of health workers with responsibility for at least 20 villages a year that makes six two-day visits a year to each selected village. This team will deal with spontaneous demand on the first day of each visit and make home visits to families at risk on the second day.

Each itinerant team comprises four people with the following qualifications: general practitioner, trained nurse, nursing auxiliary and environmental health worker or health promoter. These are external staff and they supplement the offer of basic health services from the local UPS (service production unit). The UPS managers review and approve the team's schedule and performance, meeting the team every two months at the local UPS headquarters for the purpose;

- A permanent health team made up of volunteers from the community and supported and supervised by the itinerant team during its visits. The permanent team will deal with spontaneous demand and will identify families at risk. It reports on its activities to the relevant UPS at regular intervals and to the itinerant team at each of the latter's visits.

²⁵ Executing agency for an IADB loan in support of the Sectoral Health Reform.

248. The activities included in each type of basic services package are shown below:

TABLE 19
Activities included in the three types of BSP

<i>No.</i>	<i>Activity</i>	<i>BSP 1</i>	<i>BSP 2</i>	<i>BSP 3</i>
1	Morbidity care	x	x	x
1.1	Acute diarrhoeas (under-fives)	x	x	x
1.2	Acute respiratory infections (under-fives)	x	x	x
1.3	Spontaneous demand	x	x	x
1.4	Home visit to families at risk		x	x
2	Child health promotion services	x	x	x
2.1	Vaccination (under-fives)	x	x	x
2.2	Growth and development monitoring (under-fives)	x	x	x
2.3	Infant diseases	x	x	x
2.4	Administration of micronutrients and deparasitization		x	x
3	Pregnancy and neonatal care	x	x	x
3.1	Prenatal monitoring	x	x	x
3.2	Birth care	x	x	x
3.3	Neonatal monitoring	x	x	x
3.4	Promotion of exclusive breast-feeding	x	x	x
4	Community and environmental services	x	x	x
4.1	Environmental education and monitoring	x	x	x
4.2	Vector monitoring and control	x	x	x
4.3	Drinking water and sanitation (monitoring)	x	x	x
5	Health of adults and the elderly		x	x
5.1	Education to promote self-esteem		x	x
5.2	Family-planning advice		x	x
5.3	Early diagnosis of cervical cancer		x	x
5.4	Control and treatment of pulmonary tuberculosis		x	x
5.5	Detection of and care for post-traumatic stress		x	x
5.6	Education in use of health services		x	x
5.7	Organization of and advice for health committees		x	x
6	Medicine-related services			x
6.1	Education in use of medicines			x
7	Occupational health services			x
7.1	Promotion of safe activities			x

Source: PRIESS, Honduras, 2000

249. The proposed actions and their cost have been precisely determined for each of these services. In addition, standards have been drawn up for the contracting of private providers to

support the activities of the UPS in health regions where basic health services do not cover all the population.

250. Basic health service coverage may be extended either through official health establishments or through NGOs contracted for the purpose. Health regions share in identifying the private organizations willing to provide services and in vetting their management and accounting systems.

251. The Ministry of Health makes monthly payments to NGOs that provide a BSP. The amounts vary according to the size of the population to be covered and not according to the production of services. The agreement may be rescinded if targets are not met.

252. At the first level of care, the work to extend coverage focuses on establishing contacts with communities through "health volunteers". They carry out community censuses, provide health information to families, make early identification of diseases in target groups, identify families at risk, give rudimentary care and refer to institutions cases with which they are unable to deal.

253. With the application of this strategy, access to health services has been opened up to 50,000 people (principally mothers and infants) who did not previously have regular access to them. To this end, five agreements have been signed with four NGOs for the provision of a basic services package to 50,000 residents of 6 communities in 6 municipalities in 2 health regions. The extension of coverage began with special emphasis on the municipalities with the country's highest incidence of poverty and worst health indicators.

TABLE 20

Increase in care in municipalities with BSP coverage, 2002

<i>Health region</i>	<i>Municipalities</i>	<i>Increase in care (%)</i>
Region 1	4	107.0
Region 2	2	27.3
Region 5	5	17.4
Region 7	7	49.0

Source: Ministry of Health, PRIESS. Tegucigalpa, 2003

254. Some of the benefits stemming from this strategy are described below:

- Although the process has been dependent on foreign loan funds, the increase in the Ministry of Health's spending in the past two years has enabled health services to be extended to a segment of the population that previously had no access to them. Consequently, there has been no significant rise in health costs per person receiving care. In other words, the budget increase has served more to extend cover than to increase the provision of services to people who already had them;
- In communities to which cover has been extended through a BSP, access to services has been improved. The system is based not on creating new

infrastructure but on bringing services closer to communities and referring cases that warrant it to care centres elsewhere in the health network;

- The provision of services through local NGOs has mainly benefited poor, rural and indigenous communities and can contribute towards delivery that is culturally closer to users;
- As part of a new process to guarantee the provision of services, the Ministry of Health is defining machinery for the accreditation of service providers. In addition, health areas and the public health network are taking on functions in extending coverage that, when the strategy was first introduced, were only performed by NGOs.

255. The greatest benefit of all has been the design and initial implementation of a model for the extension of health services through the conclusion of contracts with non-governmental organizations. The impact of this extension is now being assessed.

256. To sum up, significant progress has been made – above all through the implementation of primary health services for mothers and under-fives and through the emphasis placed on improved management of such services – in children's access to the enjoyment of the right to health. Special efforts are being made to bring health services closer to people in rural areas. Some progress has been made in guaranteeing the right to health during adolescence. More generally, there has been progress towards greater equity and, especially where under-fives are concerned, the inclusion in health service policy of the principle of the best interests of the child.

257. It has to be said that, the considerable efforts to extend and promote health services notwithstanding, there are still problems of supply and demand. On the one hand, the Ministry of Health, the Honduran Social Security Institute and private-sector (profit-making or non-profit) institutions have been unable to establish any real linkages that would guarantee access and contribute towards universal coverage and there remain serious differences in access and quality of services between regions, departments and urban and rural areas. On the other, people often seek help from second – and third – level centres, where providing care costs more both for the health system and for the patient.

B. Improvements in health indicators

258. In general, there have been substantial improvements in health indicators. Gross mortality rates are moving downwards. Gross mortality went from 6.4 per thousand inhabitants in 1993 to 5.0 per thousand inhabitants in 2004. Over the same period, infant mortality declined from 50 to 30.8 per thousand live births. The under-five mortality rate fell from 45 in 1996 to 30.8²⁶ in 2004 and maternal mortality fell from 182 for 100,000 live births in 1993 to 108 in 1997²⁷.

259. The decline in infant mortality is due, inter alia, to the implementation of strategies to promote health and prevent the main pathologies occurring in the country's epidemiological

²⁶ National Statistical Institute, *Proyecciones de población 2001-2015* (Population forecasts 2001-2015).

²⁷ Ministry of Health, *Investigación de mortalidad en mujeres de edad reproductiva, 1990 y 1997* (Study of mortality in women of reproductive age, 1990 and 1997).

context. The Integrated Management of Childhood Illness (IMCI) strategy is the basic component of care for under-fives. The objectives are the swift reduction of infant mortality and the improvement of the quality of care. The strategy covers diarrhoea, pneumonia, malaria, measles and malnutrition and is being fully implemented in primary-care services throughout the country.

260. Overall, the factors that can be considered to have contributed most towards the reduction of infant mortality and mortality among under-fives are the efforts made as part of the immunization programme, the improvements in access to oral rehydration therapy and the prevention and care of pneumonias and diarrhoeas and the increase in institutional births. The Healthy Schools programme promoted by the Office of the President also deserves mention in this connection: activities under it include the promotion of healthy habits, the early detection of disease and training for families.

261. The greater prevalence of institutional prenatal care (68% in 1996 and 82.7% in 2001) and the rises in the average number of checkups per pregnancy (from 5.8 to 6.0) and the proportion of institutional deliveries (54.2% in 1996 and 61.7% in 2001) have helped to reduce maternal mortality and improve the health of mothers and newborns.

262. The steady declines notwithstanding, mortality rates remain high. Furthermore, they vary widely across the country. The latest figures available for maternal mortality show that there are seven departments where the rate exceeds the national average. In all of them, there are population groups living in extreme poverty.

TABLE 21

Maternal mortality by department, 1997

<i>Department</i>	<i>Maternal mortality per 100,000 live births</i>	<i>Department</i>	<i>Maternal mortality per 100,000 live births</i>
Atlántida	70	Islas de la Bahía	NA
Colón	174	La Paz	146
Comayagua	126	Lempira	140
Copán	139	Ocotepeque	120
Cortés	105	Olancho	106
Choluteca	90	Santa Bárbara	65
El Paraíso	101	Valle	102
Francisco Morazán	104	Yoro	62
Gracias a Dios	326	Country as a whole	108
Intibucá	182		

Source: Ministry of Health, IMMER/ 1997; NA: Not available.

263. Perinatal, infant and under-five mortality also remain high and, as in the case of maternal mortality, vary widely between departments and between urban and rural areas. Perinatal mortality is highest (72% above the national average) in health region No. 1, which comprises the departments of El Paraíso and Francisco Morazán. The differences between urban and rural areas confirm the exclusion of rural inhabitants.

264. Infant and under-five mortality are highest in health regions 7, 5 and 1, comprising the departments of Olancho, Copán, Ocotepeque, Lempira, El Paraíso and Francisco Morazán, whose inhabitants have less chance of access to healthcare and live in poverty. Like perinatal mortality, infant and under-five mortality are higher in rural than in urban areas.

TABLE 22

Perinatal, infant and under-five mortality by health region and for urban and rural areas, 2001

<i>Health regions</i> ²⁸	<i>Perinatal</i> <i>(per thousand births)</i>	<i>Infant</i> <i>(per thousand live births)</i>	<i>Under-five</i> <i>(per thousand live births)</i>
Metropolitan	29	34	37
1	50	46	58
2	20	31	46
3	23	24	35
4	23	38	45
5	31	41	59
6	39	33	37
7	33	52	66
Country as a whole	29	34	45
Urban	25	29	36
Rural	32	38	51

Source: Ministry of Health, ENESF/2001.

265. The main recorded causes of overall mortality are accidents and violence (33.6%), circulatory system diseases (27.1%), cerebrovascular diseases (13.6%), intestinal infections (11.7%) and malignant tumours (7.5%). The remaining 32.6% comprise ill-defined signs, symptoms and states of morbidity. That is evidence of problems of quality in recording causes of death, to which must be added the problem of under-recording (estimated at 52%).

266. In children under one year of age, acute respiratory infections account for 23.5% of deaths, followed by birth-related traumas (16.5%), prematurity and low birth weight (16.1%), sepsis (9.1%) and congenital anomalies (8.7%). Among children under five, the main causes of death are acute respiratory infections (23%), diarrhoeas (21%), delivery – related deaths and

²⁸ Metropolitan (includes the Municipality of the Central District); Region 1 (departments of Francisco Morazán and El Paraíso); region 2 (Comayagua, Intibuca and La Paz); Region 3 (Cortes, Santa Barbara and Yoro); Region 4 (Choluteca and Valle); Region 5 (Ocotepeque, Copán and Lempira) Region 6 (Atlántida, Colón and Islas de la Bahía), Region 7 (Olancho); Region 8 (Gracias a Dios).

perinatal infections (33%). The main causes of maternal mortality are haemorrhages (47.1%), hypertensive disorders (19.4%) and infections (15.2%).

267. As 74% of the causes of maternal mortality, 78% of the causes of infant mortality and 44% of the causes of under-five mortality are preventable, it can be seen that there is still room for improvement in this area.

268. In the country's epidemiological context, there is high morbidity and mortality from infectious, contagious and preventable diseases, re-emerging diseases such as malaria, tuberculosis and dengue and new pathologies such as cancer and AIDS.

269. Thanks to action taken between 1998 and 2004, the incidence of malaria fell from an initial level of 77.9 per 100,000 persons to 72.5 per 100,000 in 2004. Over the same period, the incidence of tuberculosis fell from 83.3 to 48.0. There has been a decline in recent years in classic dengue, which fell from 482.1 per 100,000 in 1998 to 231.9 per 100,000 in 2004, but haemorrhagic dengue has made its appearance because of the circulation of the four serotypes of the dengue virus. In 2003, the rate of haemorrhagic dengue was 10.1 per 100,000; in 2004, it rose to 12.6 per 100,000. To counter this trend, which affects children in particular, the Ministry of Health has promoted community participation in a variety of activities, including the Health Care Management Homes (HOGAZA) programme supported by CARE/USAID which is being implemented in 130 disadvantaged communities in 15 municipalities in the departments of Lempira, Intibucá and La Paz.

270. The proportion of the population with access to improved sources of water supply (tap within the dwelling, tap outside the dwelling but within the property, tap outside the property but within 100 m) rose from 65.5% in 1991 to 78.7% in 2001. The proportion of the population with access to piped water differs sharply between urban and rural areas (91.6% and 66.6% respectively). There are also health repercussions in the fact that 51% of urban dwellers but only 14% of rural dwellers are supplied with disinfected water.

271. Numerous governmental institutions, private development organizations and foreign aid agencies are active in this domain. Foremost among the public entities are the Autonomous National Water Supply and Sewerage Service (SANAA), the Ministry of Health and the Honduran Social Investment Fund (FHIS). The foreign aid agencies and private development organizations normally operate in conjunction with local organizations according to the guidelines of, and under agreements with SANAA, the Ministry of Health and FHIS.

272. Work has been in progress on setting up water boards in municipalities to manage, operate and maintain local water supply services. The Municipalities Act empowers such boards to "build, maintain and manage water distribution networks and sewerage". The Act provides the bases for a more proactive role by municipal entities and water boards and so for the fuller satisfaction of people's needs.

273. Access to improved basic sanitation (flush toilet, simple latrine, flush latrine) increased from 63% in 1991 to 78% in 2001. The proportion of the population with an electricity supply rose from 43.6% in 1991 to 69% in 2001.

C. Nutritional conditions

274. With reference to the Committee's concern about the persistent high rates of malnutrition in children under five years of age and in school-age children, substantial efforts have been made to improve nutritional status, particularly of children, as can be seen from the improvement in the weight-for-age indicator. In 1991, 24.3% of children from 12 to 59 months old were underweight for their age (global malnutrition); by 2001, this figure had fallen to 18.4%.²⁹ The prevalence of anaemia in children from 12 to 59 months old declined from 32.6% in 1991 to 29.6% in 2001.

275. These improvements stem from the efforts made to establish a culture of breast feeding through education campaigns, early inclusion of newborns in the growth and development monitoring programme, the baby-friendly hospitals initiative, schemes such as those for welfare benefits from the Family Allowance Programme (PRAF), increases in leave from work for pregnant women and nursing mothers, the activities of infant care centres, etc. In 2001, 34.9% of children between 0 and 5 months old had been exclusively breast-fed and 95.8% of children under five years of age had been breast-fed at some stage.³⁰

276. Despite these efforts, malnutrition among school-age children remains serious. The rate of chronic malnutrition as measured by height for age in school entrants between 6 and 9 years old³¹ increased from 34.9% in 1991 to 36.2% in 2001. Malnutrition is worse in rural areas, where 42.1% of children, as against 24.6% in urban areas, suffer from chronic malnutrition.

277. The country has made considerable efforts to tackle this situation through a variety of food and nutrition programmes supported by bodies for international cooperation, especially the United States Agency for International Development (USAID), the World Food Programme (WFP), the European Economic Community and CARE International, as well as through bilateral cooperation with several friendly countries.

278. A number of programmes stand out in this respect. Among them is the Complementary Feeding Programme (PAMI) carried out by the Ministry of Health, IHNFA and a number of private development organizations in 16 of the country's departments. The Programme serves an average of 767,000 people a year, 60% of them children between 0 and 6 years of age, 38% of them pregnant or nursing women and 2% of them volunteers who help with distribution.

279. The Ministry of Education carries out a school snack programme with the help of the Office of the President and WFP. This programme has been expanded in recent years and now covers an annual average of 1,004,555 children (90% of school enrolment) in 12,879 public schools.

280. Since 1990, PRAF has had a number of welfare benefits programmes aimed at providing support for the basic health and educational needs of families living in extreme poverty. However, the distribution arrangements provide no guarantee that such families will benefit and there is no regular assessment of how far the programmes meet their fundamental objectives.

²⁹ ENESF 1991/1992, 2001.

³⁰ *Idem.*

³¹ PRAF, Height census of school entrants, 1991-2001.

281. Regarding health, there is the mother-and-infant voucher scheme under which, for a maximum of three persons per family, the sum of 50 lempiras a month is transferred to families living in extreme poverty with children under five years old, a pregnant or nursing mother and/or a child with a disability. The scheme operates in 211 municipalities; over the period 1998-2004, the beneficiaries numbered 536,625, of whom 22,618 were pregnant or nursing women, and the total investment amounted to 287,639,649 lempiras. Using funds from IADB/PRAF project 1026, the scheme was extended in recent years to a further 40 municipalities, benefiting 260,628 people, including 5,669 pregnant or nursing women.

282. In the sphere of education, there are the school voucher and the school bag schemes. The first of these provides for the transfer of 50 lempiras a month to children in the first four grades of public school whose families have a monthly income of less than 600 lempiras. The benefit is limited to a maximum of three children per family. The scheme, which is funded by Honduras, operates in 204 municipalities. During the period 1998-2004, benefits were paid for a total of 636,115 children and the overall investment amounted to 310,290,250 lempiras. From 2002, the scheme was extended to a further 40 municipalities, benefiting 316,474 children for an investment, from IADB/PRAF project 1026 funds, of 235,811,360 lempiras.

283. Under the school bag scheme, children in the first three grades of public school in the country's poorest communities receive basic educational materials free of charge. A total of 620,407 children benefited from the scheme between 1998 and 2004, for an investment of 43,336,136 lempiras.

284. Working with the support of the Food and Agriculture Organization of the United Nations (FAO), the Ministry of Agriculture and Livestock carries out programmes and projects to improve food production and consumption. It has been able to establish replicable models that, through community participation, ensure the seasonal availability of basic foods.

285. The Food for Work programme is intended to improve food availability and consumption in very poor rural families. It is being implemented in 17 departments and beneficiaries number an average of 28,000 families a year. The State Forestry Administration-Honduran Forestry Development Corporation (AHE-COHDEFOR) and the Ministry of Natural Resources and the Environment are among the institutions active in this area.

286. The Office of the First Lady has been instrumental in obtaining support from the Caja del Monte de España Foundation for the establishment of rural credit banks to finance micro-projects in the areas of pig- and poultry-farming, pottery-making, tailoring and the production of a variety of locally-consumed farm products. In 2004, more than 28,000 members of the Honduran Confederation of Rural Women (CHMC) from 14 departments received microcredits totalling over 125,000 euros (2,800,000 lempiras).

287. There are also NGOs, churches and Honduran and foreign non-profit organizations that work in support of food security. However, because of the lack of coordination between their programmes and projects and the absence of systematic information about numbers of beneficiaries and the resources and strategies employed, it is difficult to determine the impact of their activities.

288. The Ministry of Health's Micronutrient Deficiency Diseases Prevention and Control programme covers a range of activities, including compulsory iodization of salt,³² vitamin A fortification of sugar, fluoridization of iodized salt and iron fortification of flour. In addition, a quality control system has been established for fortified salt, sugar and flour. Over 90% of the samples of salt, sugar and flour examined during the most recent checks were found to have been sufficiently fortified. However, there are still vulnerable population groups that do not consume fortified salt or sugar. In 1999, an outbreak of goitre in an endemic area affected 3.5% of the population.³³

289. Studies had been made in recent years to determine the levels of vitamin A deficiency in the various parts of the country. The Ministry of Health distributes vitamin A, iron and other vitamin supplements to children and pregnant women who visit health centres.

290. It must be stressed that reducing malnutrition in children is one of the global targets of the Poverty Reduction Strategy. Also, in 2000 Honduras signed the United Nations Millennium Declaration, which sets specific targets regarding the "[halving], between 1990 and 2015, [of] the proportion of people who suffer from hunger". In this connection, Honduras reaffirms its pledge to move forward in this domain. However, because of the country's levels of poverty and the lack of coordination between programmes and institutions there is a risk of negative impacts on nutrition indicators.

D. Adolescent health

291. With respect to the Committee's concern at the high and increasing rate of teenage pregnancy and the insufficient access by teenagers to reproductive health education and counselling services, including outside schools, the Ministry of Health has worked hard during the period covered by the present report to define a national comprehensive-care programme for adolescents that takes into account the criteria of the Convention and the recommendations of the Cairo and Beijing conferences and embodies strategies to promote health actions for adolescents and their environment: family heads, peer groups and teachers.

292. In 2002, the programme was approved and set up as a sub-unit of the Directorate-General of Health Promotion and Protection. The sub-unit has written a handbook for the comprehensive care of adolescents and the rules it contains have been widely publicized among health workers and at the various levels of care.

293. Since 2002 comprehensive services for adolescents have been provided in the country's various health facilities and a care network with an comprehensive-care approach specifically for this population group is gradually taking shape. As has already been said, there are rules and protocols for care and a care-quality initiative. The Ministry of Health has supported work with groups of young people through national and departmental events and educational activities in municipalities.

294. Although 48% of females between 15 and 24 years of age have received some formal sexual education, pregnancy rates in this age group are high. They rise with age: 10.7% at

³² Decree No. 304-60.

³³ UNICEF/Honduran Association of Salt Producers, "*Hacia la eliminación de los desórdenes por deficiencia de yodo en Honduras*" (Towards the Elimination of Iodine Deficiency Disorders in Honduras), Tegucigalpa, January 2000.

age 15, 16.0% at age 16, 28.7% at age 17, 39.0% at age 18, 55.9% at age 19 and 83.1% at age 24. Of females between 15 and 24 years of age, 63.7% report not having wanted to become pregnant at the time in question.³⁴ Overall, 27% of females under 18 years of age have had a live child.

295. This situation is attributable to the high rates of early sexual onset: 10.5% among girls aged under 15 and 47% among girls aged under 18. No data is available concerning pregnancy in girls aged under 15, but maternal mortality in this age group (12-14) is estimated at 391 per 100,000 live births, or above the overall rate of maternal mortality, which is estimated at 108 per 100,000 live births.

296. Regarding the concern about drug and narcotics use among adolescents, both health and education programmes have for several years now included action to prevent consumption of such substances. The most recent study found that, of males from 15 to 19 years of age, 13.8% consumed alcohol regularly and 84.4% did so occasionally, while 16.2% smoked cigarettes daily and 28% did so occasionally.

297. While no up-to-date figures are available, it is known that a large number of adolescents consume some kind of drug such as marijuana, cocaine, crack, etc.; overall, 15% of adolescents are estimated to have used a drug of this kind at some time. Hospital mortality records for adolescents aged between 15 and 19 show a link between death and violence, suggesting that many of the deaths are associated with preventable risk behaviours.

298. The situation is serious and the following are therefore among the priority areas for action under the Health Sector Strategic Plan for 2002-2006: adolescent pregnancies and their consequences, such as abortions, high levels of mortality and psychosocial disorders; the incidence of HIV/AIDS and sexually transmitted infections (STIs) among adolescents, and the use and abuse of alcohol, tobacco, and drugs and narcotics. A variety of activities aimed at prevention, intervention and rehabilitation have already been carried out with the help of national and international organizations and the active participation of large numbers of adolescents. It is hoped that these efforts will soon be reflected in falls in the indicators in question.

E. HIV/AIDS

299. The country's economic and social situation is not conducive either to the promotion and protection of health in general, or to the control of STIs and HIV/AIDS in particular. Recognizing the scale of the problem, the sovereign National Congress adopted the HIV/AIDS Act through Decree No. 147-99 of 9 September 1999. The Act came into force immediately after its publication in *La Gaceta*, the official gazette. It lays down the general principles for national policy regarding the prevention, investigation, control and treatment of the virus, highlighting aspects such as education and public information and the rights of people living with AIDS. There is also a multisectoral body, the National AIDS Commission (*Comisión Nacional del SIDA, CONASIDA*), which is responsible for promoting and establishing interinstitutional coordination and guiding policy regarding AIDS.

300. CONASIDA drew up the country's HIV/AIDS National Plan for 2003-2007 (known as "PENSIDA II") with the participation of the various actors involved and the support of the

³⁴ Epidemiology and Family Health Survey, 2001.

Global Fund and UNAIDS. The national strategy is designed for the integration and coordination of the relevant sectors, particularly people living with AIDS. In practice, however, there are problems in institutionalizing CONASIDA as the supreme HIV/AIDS policy management body and problems of coordination and linkage between State bodies and between State bodies and civil society.

301. The National AIDS Forum was set up in 2002 as a medium for promoting, strengthening and supporting the coordination of activities between the Government, civil society, the international cooperation community and representatives of the United Nations system. It has been very successful in socializing PENSIDA and above all in initiating a profound dialogue on the topic of HIV/AIDS between the various players on the national scene.

302. In 1989, the Ministry of Health set up the National Programme on Sexually Transmitted Diseases (ETS/SIDA), which continues to pursue a series of actions for the prevention and control of HIV/AIDS in three basic areas: prevention (information, education and communication), diagnosis and treatment. In addition, a care protocol has been established and antiretrovirals have been included in the Ministry of Health's basic pharmacopoeia.

303. In recent years, there has been far wider access to diagnosis, counselling and treatment, thanks to the support of the Global Fund and the creation of self-help groups by people living with AIDS. A pilot project for the prevention and/or reduction of mother-to-child transmission began in 2002. In 2003, it was made a national programme with the objective of halving the current 35% rate of such transmission by 2010.

304. With the aim of preventing sexually transmissible diseases, especially AIDS, instruction in sexual health has been included in basic education curricula and there has been an increase in large-scale publicity campaigns aimed at changing attitudes, knowledge and practice among the population in general and children in particular. Prevention and awareness campaigns targeting vulnerable groups have continued. Regarding the protection of the affected population, there are numerous private non-profit organizations (Honduran and international) active in the areas of prevention and care, both for adults and for children.

305. Another important development has been the founding of the National Association of Persons Living with HIV/AIDS (ASONAPVSI DAH), which comprises groups of persons living with AIDS and has as its principal missions training and the protection of the rights of persons living with AIDS. The creation of the Interinstitutional Committee for the Support of Children Orphaned or Made Vulnerable by HIV/AIDS, which comprises public and private bodies, international cooperation agencies and persons living with HIV/AIDS, stands out among the results of the first national forum on children, orphaned, affected, infected or made vulnerable by HIV/AIDS. The Casa de los Angeles (Angel House) project for the provision of comprehensive care to children with HIV/AIDS is another important development. It is being promoted by the Office of the First Lady with the support of the non-governmental organization Madreselva (Honeysuckle). The work done in the areas of prevention and care by other NGOs and religious organizations present in Honduras also deserves mention.

306. The problem of HIV/AIDS has developed alarmingly since the first case came to light in 1985. The incidence per 100,000 persons increased from 15.58 in 2000 to 22.4 in 2004 and the level of under-recording is estimated at 45%.³⁵ The official statistics show that 21,196 cases

³⁵ Department for the Control of Sexually Transmissible Diseases and HIV/AIDS.

had been registered by October 2004, with an annual average of 1,051 cases. Of the persons registered as seropositive, 23% (4,851) are asymptomatic carriers and 77% (16,345) have developed AIDS.³⁶ Since 1997, AIDS has been the second cause of hospitalization (after violence) and the first cause of death among women of reproductive age.

307. Although most known cases of AIDS (58.6%) concern men, figures show that the pandemic is increasingly spreading to women. That is because the predominant mode of transmission is heterosexual intercourse (86%), a fact that in turn has a direct influence on the incidence of mother-to-child transmission, which is the second cause of infection (6.5%). The rate of mother-to-child transmission is currently put at 35%.

308. The epidemic mainly affects the economically active population, principally the young, since people aged from 20 to 39 constitute the worst-affected age group, accounting for 67% of all cases. Persons aged between 0 and 19 years account for 8% of cases and 68% (1,130) of them are aged under 15. The number of AIDS orphans is estimated at 27,000 and it is thought that this figure could triple in 10 years.³⁷

309. Among the reasons for the high rates of infection are sexual conduct and the population's perception of its vulnerability: 44% of men and 54% of women think that they run no risk of HIV infection. Furthermore, studies of sexual behaviour show that among women aged between 15 and 44 the mean age at first intercourse is 18.3 years, meaning that a large proportion of this age group is beginning sexual activity early, thereby increasing its vulnerability to HIV infection.

310. In conclusion, it should be noted that by subscribing to United Nations General Assembly resolution S-26/2, which was adopted on 27 June 2001 and contains the Declaration of Commitment, Honduras reconfirmed its pledge on HIV/AIDS.

VIII. THE RIGHT TO EDUCATION, RECREATION AND CULTURAL ACTIVITIES

311. The Committee expressed concern at the low rates of school enrolment, especially in rural and remote areas, the high dropout rates in primary and secondary schools, and the lack of attention to the special needs of working and disabled children. The Committee recommends that the State Party continue its educational activities by strengthening its education system and policies so as to reduce regional disparities in access to education and to establish educational retention programmes and vocational training programmes for school dropouts.

312. Article 35 of the Code on Children and Adolescents provides that female and male children have the right to education on an equal footing as regards access to and time in the education system, the right to be respected by their teachers and challenge evaluation criteria, the right to organize and join student bodies and the right to participate in scholarship programmes. It further provides that the right to education includes the right to up-to-date education of high quality.

³⁶ These figures attest to substantial under-recording stemming from: (i) difficulties of diagnosis, especially in rural areas; (ii) covering-up of cases because of prejudice, and (iii) shortcomings in the Ministry of Health's disease information system. The Sexually Transmitted Diseases and HIV/AIDS Control Programme puts the current number of cases at approximately 67,000.

³⁷ Most child victims of HIV/AIDS are cared for by Honduran or international NGOs.

313. Since submitting its previous report, Honduras has undertaken a series of measures to guarantee the country's children access to high-quality education by expanding educational coverage, adjusting education to the needs of the community, creating conditions conducive to reduction of the dropout rate and giving priority to disadvantaged sectors and to the building of an intercultural, participatory education system. Bilingual intercultural programmes for ethnic communities are under way thanks to expansion of the training of bilingual teachers. The inclusion in the syllabus of the topic of the environment and the training of teachers to view the environment as a common good are developments of the greatest importance.

314. As the place it occupies in the Poverty Reduction Strategy indicates, education is a priority area for the Government. Of the Strategy's 11 global targets, four have to do with the expansion of education coverage. The aims are to double net preschool-education coverage among children between ages 5 and 6 and to increase primary education coverage to 95% and secondary education coverage to 70% so that 50% of the work force will have completed secondary education.

A. School attendance

315. Among children aged 5-18 years the school attendance rate is 57.4%. It is higher in urban than rural areas and, in a reflection of the efforts made to improve access to primary education, highest of all among children aged 7-12 years. It drops drastically after age 13, attesting to the difficulties of access to secondary education, particularly in rural areas, and showing that there is little chance of an increase in the average school-attendance rate in the medium term.

TABLE 23

School attendance by area of residence, age group and sex, 2004

<i>Age group/sex</i>	<i>Area of residence</i>		
	<i>Country as a whole</i>	<i>Urban</i>	<i>Rural</i>
Total, 5-18 years	57.4	64.4	52.5
Boys	55.6	63.1	50.5
Girls	59.3	65.6	54.7
5-6 years	36.0	42.4	32.1
Boys	34.7	42.1	30.2
Girls	37.4	42.7	34.2
7-12 years	89.3	90.5	88.6
Boys	89.4	90.4	88.7
Girls	89.3	90.6	88.5
13-15 years	38.2	57.6	23.4
Boys	34.1	53.1	20.4
Girls	42.2	61.9	26.4
16-18 years	21.3	35.3	8.6
Boys	18.4	33.1	6.2
Girls	24.4	37.3	11.3

Source: National Statistical Institute, EPHPM, May 2004...

316. As regards the gender disparities, the figures are evidence of the country's efforts to improve girls' access to education. The attendance rate among girls is 3.7% higher than that among boys, owing to the higher female attendance rates in rural areas. Girls' attendance rate is also higher after age 13, showing that both in urban and in rural areas more girls than boys remain in the education system.

317. As has been said, bilingual intercultural education programmes for ethnic communities are under way. There are, however, still constraints in the form of shortages of teachers (most schools in ethnic villages have one teacher and only a very few have two)³⁸ and of teaching materials. In addition, the school dropout rate in ethnic communities is higher than in the rest of the country.

318. With respect to the Committee's concern about lack of attention to the special needs of children with disabilities and working children, the Education Regulations provide that special education for children whose problems are not serious is to be developed by including the children in ordinary educational units under the permanent guidance of suitably trained staff. To improve this process, teachers are being trained in experimental educational units which, as part of the process of educational reform, include children who do not have serious problems of intellectual, physical or psychological development.

319. To make access to education easier for children who work, the school timetable is divided into morning, evening and day shifts. Of the 2,630,305 children in Honduras between 5 and 18 years of age, 13.7% (359,752) are involved in revenue-earning activities; of these working children, 33.1% both study and work and 66.9% only work. Most (59%) of the children who only work are aged between 14 and 18 and 87.4% of the working children live in rural areas.

320. The information about children who both study and work provided by the Household Survey shows that, despite having a revenue-earning activity, many boys and girls have not dropped out of school. However, the Survey also shows that there are many children who only work and who failed to complete their primary education.

321. The category that gives the greatest cause for concern comprises the rural children aged between 10 and 13 who only work and for whom there is virtually no chance of re-entering the education system since their parents often have to withdraw them from school to help with the family's subsistence activities.

³⁸ The one or two teachers teach all six grades.

TABLE 24

Average number of years of education of 5-18-year olds who work, by area of residence, age-group and sex, 2004

<i>Age group/sex</i>	<i>Country as a whole</i>		<i>Urban</i>		<i>Rural</i>	
	<i>Study and work</i>	<i>Only work</i>	<i>Study and work</i>	<i>Only work</i>	<i>Study and work</i>	<i>Only work</i>
Total, 5-18 years	5.4	5.1	6.9	5.8	4.5	4.8
Boys	5.1	5.0	6.7	5.8	4.3	4.8
Girls	6.1	5.5	7.1	5.9	5.0	4.8
5-6 years	--	--	--	--	--	--
7-9 years	1.8	3.0	1.4	--	1.9	3.0
10-11 years	3.1	2.6	3.3	--	3.1	2.6
12-13 years	4.2	4.7	5.1	5.1	3.9	4.6
14-15 years	5.7	5.1	6.8	5.6	4.9	4.9
16-17 years	6.7	5.2	7.7	5.5	5.6	5.0
18 years	7.4	5.4	8.6	6.4	5.9	4.7

Source: National Statistical Institute, EPHPM, May 2004

322. The System of Distance Secondary Education (SEMED) was established by , the Ministry of Education to encourage 13-year-olds to enter and/or stay in the national education system. It began with the common cycle and has gradually come to offer a bachelor's in business administration. Excellent results have been obtained in the 10 years the programme has been running and demand now exceeds supply. A number of private organizations with formal and informal vocational education projects are involved in the System.

323. In 2001, the Government, together with Honduran and international NGOs, drew up the National Plan of Action for the Gradual Eradication of Child Labour. To date, 15 projects have been executed under the Plan. They include the Youth Voucher and Friendly Hand projects for the training of adolescents and young people for productive work; a comprehensive care programme for children working in the Tegucigalpa crematorium, designed to rescue them and integrate them in formal or informal education, and a programme for the eradication of child labour at traffic lights and in fast-food restaurants in Tegucigalpa and Comayagua whose objectives were also comprehensive care and the return of the children to the formal or informal education system. It must be said that because of a shortage of funds not all of the projects identified in the Plan have achieved their goals, but it is hoped that more resources will be available in coming years as a result of the cancellation of the country's foreign debt.

1. Preschool education

324. In the Honduran education system, preschool education has historically been optional and the range of services on offer has been wider in the private sector. Over the past several years, however, the Ministry of Education has been developing early education programmes (the "initial cycle") for five- and six-year-olds.

325. Between 1990 and 2004, the net enrolment rate for five- and six-year-olds rose by 21.9%, going from 14.1% in 1990 to 36.0% in 2004. Attendance in this age group is higher in urban than in rural areas. The Education for All, 2003-2015 plan (EFA) provides for an obligatory year of pre-schooling for five- and six-year-olds to give them the skills they need to enter primary education. Further contributions towards this goal have come from, inter alia, the Honduran Programme of Community Education (PROHECO), the community centres for initial education (CCIE) and the centres for nonformal preschool education (CEPENF).

326. The extension of initial-cycle coverage is being supported by a variety of Honduran and international organizations. Foremost among them is UNICEF, which has given priority to early stimulation, the training of educators and the building and use of innovative teaching materials for children under 6.

2. Primary education

327. In primary education, school attendance has risen uninterruptedly from 79.6% in 1990 to 89.3% in 2004. In the 7-12 age group, attendance continues to be higher in urban than in rural areas. However, the efforts made to facilitate rural children's access to this level of education are obvious. Prominent among them is the impetus given to the community education programme PROHECO as a means of decentralization and community participation aimed at ensuring school access for children living in poor and isolated rural communities. There are currently 2,128 schools of this type; they serve 120,000 children and guarantee 200 days of classes a year. Another significant factor is the formation of, and granting of legal personality to local education development associations (*Asociaciones de desarrollo local educativo, ADEL*) in order to facilitate the management of financial resources intended for improving infrastructure and safety in educational centres. There are currently more than 4,000 ADEL.

328. As has already been said, initial access to primary education does not seem to be a problem in terms of gender parity. In urban areas, 90.4% of boys and 90.6% of girls attend school; in rural areas, the corresponding figures are 88.7% and 88.5%. Of total primary-school enrolment, 93.1% is in public and 6.9% in private schools.

329. Honduras is close to achieving the goal of universalizing access to primary education. Now the challenges facing the country in the medium term are to reduce the school dropout rate and improve the terminal efficiency and the quality of education. That entails reducing the number of one-teacher schools, improving teachers' performance and implementing all components of the education reform.

3. Secondary education

330. There is a serious problem of access to secondary education. The information available shows that attendance declines with age, attesting to problems of access. In the 13-15 age group, the attendance rate is barely 38.2%; among children aged 16-18, it falls to 21.3%.

331. The differences between urban and rural areas at this level of education are striking. In urban areas, attendance rates are 57.6% for 13-15-year-olds and 35.3% for 16-18-year olds; in rural areas, they are 23.4% and 8.6% respectively, owing to the higher dropout rates and more limited access to secondary education found in these parts of the country.

332. As has already been said, from age 13 onwards a higher proportion of girls than boys attends school. That shows that in urban and rural areas alike girls stay longer in the national education system than boys.

333. It must be said that the nationwide figures conceal sharp differences between departments and regions. Enrolment rates remain low in rural and isolated areas. Figures from a study carried out by the Social Forum for the External Debt of Honduras (FOSDEH) and published in the newspaper *Tiempo* in November 2003 show that the indicators of coverage are low in the poorest departments (Lempira, Intibucá, La Paz and Copán). In Lempira, the secondary education coverage rate is barely 8.5%. In Francisco Morazán and Cortes, where it is 62.2% and 49.4% respectively, it is also low by comparison with these departments' higher concentrations of urban dwellers.

334. It must also be said that, although secondary education in the official system is free, the actual costs for poor families are high and there are few economic assistance programmes for poor children or adolescents. While scholarship programmes funded by the public or private sector have grown in recent years, they are still inadequate for the levels of poverty and need in Honduran homes.

B. Quality of teaching and competence of teachers

335. One of the most important advances in the education sector has been the launching, as a result of a participative effort by Honduran society, of the Basic National Curriculum. This initiative marks the beginning of the process of the transformation of education in Honduras with the aim of providing effective, sufficient high-quality education with gender parity.

336. The new structure calls for the primary cycle to comprise nine grades. This will help to resolve the problem of access disparities between primary education and the first cycle of secondary education.

337. Teacher competence is a central theme in the process of improving the quality of education. According to information from the Ministry of Education, slightly more than 20,000 teachers have been trained in the past two years. Despite the efforts that have been made, the quality of teachers is still low. That is due in part to the fact that teachers have a pay structure that depends more on length of service than on performance. Generally speaking, the system is not conducive either to the regular updating of skills or to the improvement of performance.

338. Primary-school teachers currently number 32,144, of whom 74% are women. Most of them are young: 73.7% are less than 44 years old. As regards training, 45% of them (14,339 persons) have some degree of specialization and 98% claim to have undergone some refresher training, albeit not always connected with their work as teachers.

339. Half (50.1%) of all primary-school teachers work the morning shift, 16.6% work the afternoon shift and 31.5% work double shifts. Slightly more than half (52%) serve as assistant teachers and 22.7% perform functions as school heads or deputy heads in addition to their teaching duties. Only 50.5% of schools have a formally appointed head; the rest have assistant teachers who act as heads without having the title that goes with the job.

340. Of the country's public schools, 44% are one-teacher schools and 66% of them cover the six grades of primary education. In addition, there are infrastructure problems and shortages of teaching materials. There are great disparities as regards school equipment. In the poorest departments, the average value of school equipment is below the national average.

341. While there have been improvements in access and coverage, there are still shortcomings and imbalances as regards the quality of education. Schools in urban areas have more materials and their teachers have more opportunities for professional training and development: 57% of teachers in such areas have a postgraduate qualification as opposed to 37% of the teachers in rural areas. To overcome these problems, the decentralization of education is getting under way. In this way it is hoped to anticipate and reduce as far as possible the risks of causing further imbalances in the education system.

312. That apart, there has been progress on several fronts during the period covered by the present report, including the institution of a system of incentives to encourage teachers to remain in poor rural areas and advances in the regulation of the education system. The approval of the register of educational establishments, the consolidation of a number of sources of information and the new data obtained from exams are helping to improve planning and evaluation within the education system. Decision-making is being improved and facilitated by the creation of an information system holding administrative records from all educational establishments. It is hoped that the quality of teaching will also be improved by improving the education infrastructure, an activity in which the Honduran Social Investment Fund (FHIS) is heavily involved.

313. The departmental and municipal directors are the officials responsible for supervising public and private education at the preschool, primary and secondary levels. However, supervision is not generally a process aimed at improving the quality of education, but covers only examination of the enrolment reports and efficiency indicators and, in the case of private institutions, of the enrolment and monthly fees that they charge.

314. Honduran education law applies to private as well as to public schools. Consequently, private establishments too are supposed to implement the education reform but, because of the Ministry of Education's weakness as a supervisory body, there is no guarantee that they are doing so. There are currently considerable differences between the quality of the education to which the poor have access and the education available to the rich. That will no doubt deepen still further the divides in Honduran society.

C. Terminal efficiency, repetition and dropout rates

345. Terminal efficiency is a very important indicator for measuring the quality of an education system. In primary education, it has been improving since 1990, but has changed little in recent years. Between 1990 and 2000, terminal efficiency rose from 49.7% to 62.5%, but the rate of improvement has slackened in the past few years.

346. The slowdown is attributable to the repetition and dropout rates seen at the primary level. In primary education, the repetition rate is high, particularly in the first three grades and in rural areas. In urban areas, repetition is highest in the first and second grades. In both urban and rural areas, repetition rates are higher among males than among females. Logically enough, the high repetition rates affect the dropout rate and, in the final analysis, terminal efficiency.

TABLE 25

Primary-education repetition rates in the 5-15 age group by grade, sex and area of residence, 2004
(percentages)

<i>Grades</i>	<i>Country as a whole</i>			<i>Urban</i>			<i>Rural</i>		
	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Overall	12.0	13.8	10.2	8.6	9.9	7.2	14.2	16.4	12.0
First	20.7	22.6	18.7	14.4	16.5	11.9	23.8	25.8	21.8
Second	15.2	17.9	12.4	10.2	13.1	7.5	18.2	20.7	15.6
Third	10.5	12.7	8.5	8.4	9.4	7.5	11.9	14.8	9.2
Fourth	7.7	8.6	6.8	6.4	6.3	6.5	8.5	10.3	6.9
Fifth	6.4	7.8	4.9	4.8	5.6	4.0	7.7	9.9	5.6
Sixth	5.0	5.3	4.7	5.7	6.4	4.9	4.5	4.7	4.6

Source: National Statistical Institute, EPHPM, May 2004.

347. The dropout rate has remained at approximately 7.4% for the past five years. The causes of dropout include not only repetition but, in 51% of cases, economic difficulties (20%, difficulty in acquiring school supplies; 15%, difficulty in obtaining clothes and footwear; 16%, shortage of food). There is thus a link with the annual cost of education to households. The Ministry of Education estimates the cost for a child aged 5-10 at US\$ 77 (1,420 lempiras) and the cost for a child aged 10-15 at US\$ 98 (1,820 lempiras). It is easy to understand that this makes access to education difficult, given that 64.2% of Honduran households live in poverty and that 38.4% of the country's inhabitants belong to households with a per capita income of a dollar or less a day.

348. In 2000, to counter dropout and repetition, the Ministry of Education introduced the Save the First Grade programme, which currently operates throughout the country. There is also a government-funded Scholarships for Excellence scheme to encourage retention and high performance at the various levels of education. In addition, much important work is being done in these regards by Honduran companies and foreign firms operating in the country. It is hoped that these efforts will together result within the next few years in substantial improvements in educational indicators.

349. Honduras subscribed to the Millennium Development Goals and has incorporated them in its Poverty Reduction Strategy through Legislative Decree 77-2004 (the Poverty Reduction Management Act) of 28 May 2004, which provides a framework for poverty-reduction policies and action up to the year 2015. It must be stressed that the education sector has a crucial place in the Poverty Reduction Strategy, which sets for it the following main targets for achievement by 2015:

- Doubling of the net pre-basic-education coverage for children under five;
- 95% net coverage in the first two cycles of basic education;
- 70% net coverage in the third cycle of basic education;
- 50% of the workforce to have full secondary education.

350. It is estimated that the country will be close to achieving 100% preschool-education coverage by 2015 and 100% primary-education coverage in 2014. In the case of secondary education, however, the annual growth rate is too low for full coverage to be reachable by 2015. If the trend of recent years continues, the maximum achievable level is likely to be barely 70%.

D. Eradication of illiteracy and increasing of the mean duration of education

351. Illiteracy indicators have improved significantly since the submission of the previous report. According to figures from the National Statistical Institute, between 1998 and 2004 illiteracy declined from 20.0% to 18.5% overall, from 31.1% to 18.2% among males and from 30.6% to 18.7% among females, from 36% to 29% in rural areas and from 9% to 6% in urban areas. In rural areas and among women, it declined strongly, but nonetheless remains high, especially in older age groups.

352. Thanks to programmes such as EDUCATODOS (Education for All), Accelerated Primary, Literacy Training in Basic Education for Young People and Adults, Functional Education, Interactive Radio, A Teacher at Home, Young People on the March and Tele Básica, which uses television to provide basic education, an average of 35,000 people aged between 14 and 70 and divided almost equally between males and females successfully complete the equivalent of one grade of education every year.

353. Despite the efforts, access to education remains a problem. The average duration of education is barely 5.5 years and 1 in 10 people in urban areas and 3 in 10 in rural areas are illiterate.

TABLE 26

Illiteracy and average duration of education by sex and area of residence, 2004

<i>Area of residence</i>	<i>Illiteracy (%)</i>			<i>Duration of education (years)</i>		
	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Country as a whole	18.5	18.2	18.7	5.5	5.3	5.6
Urban	9.6	8.8	10.2	6.9	6.7	7.0
Rural	27.0	26.3	27.8	4.1	4.0	4.2

Source: National Statistical Institute, EPHPM, May 2004

354. The Constitution makes it obligatory for the State to provide free, high-quality education³⁹ to all the inhabitants of Honduras. However, the results of the Household Survey show that access to education is not equal. Illiteracy and reduced duration of education correlate closely with the level of household income. The illiteracy rate is considerably higher among members of households in income quintile 1 than among members of households in quintile 5 and females are worst affected. The average duration of education is more than twice as high among members of households in quintile 5.

³⁹ The reference is to primary education for the age group 7-13 (Constitutional Law on Education, art. 150).

TABLE 27

Illiteracy and average duration of education by income quintile and sex, 2004

	<i>Illiteracy (%)</i>		<i>Duration of education (years)</i>	
	<i>Quintile 1</i>	<i>Quintile 5</i>	<i>Quintile 1</i>	<i>Quintile 5</i>
Country as a whole	40.0	6.8	3.8	9.7
Males	35.9	6.4	3.8	9.9
Females	53.7	7.7	3.9	9.2

Source: National Statistical Institute, EPHPM, May 2004

355. Illiteracy is highest among persons aged over 35. This applies both to men and to women, but the rates among women are worse than those among men. There are no great differences in average duration of education between people aged 15-35 and those aged 36-59. This shows that progress in education has been driven by the improvements in access to primary education, particularly for females, and that the differences that do exist are a product of past shortcomings.

TABLE 28

Illiteracy and average duration of education by age group and sex, 2004

<i>Age group (years)</i>	<i>Illiteracy (%)</i>			<i>Duration of education (years)</i>		
	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
15-18	8.0	9.1	6.8	6.7	6.4	6.9
19-24	10.1	10.5	9.8	7.3	7.0	7.6
25-29	11.0	13.3	8.9	7.1	6.7	7.4
30-35	14.1	14.3	13.9	6.9	6.8	7.0
36-44	16.9	16.1	17.6	6.9	6.9	6.9
45-59	26.3	24.2	28.3	6.1	6.2	5.9
60 and above	48.9	45.5	52.6	4.6	4.6	4.6

Source: National Statistical Institute, EPHPM, May 2004.

E. Recreation, rest and cultural activities

356. To encourage children to spend their free time in activities suited to their age and conducive to their physical and mental development, participatory sports and cultural activities have an important place in educational curricula. Proper care of children's physical health is also promoted through the dissemination of information about preventive activities, including the consumption of a balanced, nutritious diet and the prevention of sexually transmitted diseases such as HIV/AIDS.

357. School shifts include a period of rest and recreation within the educational establishment, where an area is set aside for play and sports. A programme for the building of sports grounds with the participation of central and local government authorities and the public in the

communities concerned has been under way since 1990; however, there are still too few such facilities. The establishment of sports schools and the building of sports grounds with the participation and municipalities in the community has also been encouraged.

358. Outside schools, the Ministry of Arts, Culture and Sports is supporting the building and running of cultural centres in towns. The centres offer classes for children in a variety of arts (painting, theatre, dance, music, etc.).

359. Efforts have also been made to encourage children to read by setting up new and/or supporting existing children's libraries and by making Language Week, during which there are public readings of important literary works, a regular event. An important innovation under the educational reform has been the establishment of school libraries; these are largely stocked with the works of Honduran authors. Despite these efforts, there is not much interest in reading; very few Honduran children read during their free time.

360. As in all other countries, television is a growing medium of entertainment for the population in general and has a decisive influence on the transmission of values to children. In 2001, 85% of households had a television and children spent an average of 24 hours a week watching television programmes. Their preference for cartoons, serials, action films and musical programmes can be explained in part by the shortage of educational programmes. In addition, although a programme to provide public schools with computers began in 1993, Honduran children have only very limited access to such machines and to the Internet. In general, access to information has improved thanks to the media, but it has to be acknowledged that there is no official policy in this area aimed at meeting the needs of children and adolescents.

361. With respect to discipline and the supervision of pupils, the Education Regulations prohibit all forms of corporal, mental or economic punishment, the expulsion of pregnant adolescents, the setting of tasks as a disciplinary measure and the humiliation of pupils who make a mistake. In proven cases of theft, physical or sexual assault, sale or consumption of alcoholic beverages or drugs or carriage of weapons, the child's parents and the Young Offenders Division of the Office of the Public Prosecutor must be informed immediately. These rules, like all those concerning education, apply both to public and to private schools.

362. Monitoring systems are internal to the school and are the responsibility of the head teacher, who can also receive complaints from parents. This shows the emergence of a new concept of school discipline that not only implies greater respect for pupils but also encourages them to express themselves and participate. As such, it represents an important change in thinking, but it is not yet very effective in practice.

IX. SPECIAL PROTECTION MEASURES

A. Children in conflict with the law

363. The Committee expressed concern that deprivation of liberty was not used systematically as a measure of last resort; that due process was not fully respected; and that there was a lack of adequate training for the police on the application of the Convention and other relevant international standards. It recommended that particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions and that alternative measures to deprivation of liberty should be strengthened.

364. With respect to juvenile justice, Honduras continued its efforts to increase the number of appropriately specialized courts. As has already been said, there are currently 10 juvenile courts in 8 departments. To cope with the demand, some courts, such as those in Tegucigalpa, San Pedro Sula and Santa Rosa de Copán, also have supernumerary judges.

365. Substantial efforts have been made during the period covered by the present report to train judicial and police officials in issues relating to the rights of the child. The Judicial Training College, the National Human Rights Commissioner and international bodies such as UNICEF, the European Economic Community and USAID played important roles in these efforts.

366. Honduras has ratified a number of international agreements and conventions concerning juvenile justice. The relevant instrument in domestic law is the Code on Children and Adolescents; it guarantees all children and adolescents access to justice on an equal footing through a specialized system for the administration of justice. That entails the recognition of children and adolescents as subjects of law and the giving of precedence in all proceedings to their best interests. It is now the juvenile judges who are responsible for dealing with cases, which they must do taking into account the principles of respect for the dignity of the child or adolescent, due process, due consideration for age, the right to advice, social and family rehabilitation, the importance of the child's or adolescent's opinion and the young person's best interests.

367. The Code represents a step forward in Honduran law, since it provides for trials with full guarantees and gives competence in matters of preventive detention to the judge. However, the system is not yet operating properly and adjustments are needed both to the Code on Children and Adolescents and to the Criminal Code. In addition, doctrinal and procedural difficulties created by the Code have led to disorder within the system.

368. Generally speaking, the administration of justice entails the combined action of four bodies: the police, the Office of the Public Prosecutor, the judicial system and IHFNA. However, owing to gaps in the law and financial and human-resource constraints and shortages, none of these bodies fully discharges its mission and the system does not work properly. As a result, in many cases there is neither protection nor punishment, which in the final analysis means that rights are not safeguarded.

369. Similarly, the structures that support probation and community service are severely constrained and the services responsible for socio-educational measures are not functioning properly, mainly because IHNFA lacks the capacity to put measures into effect and to monitor and assess the progress regarding adolescent offenders' right to rehabilitation. On the whole, it can be said that the services responsible for the physical and psychological rehabilitation and

social reintegration of adolescents in conflict with the law are virtually inoperative because of economic, human and logistic constraints.

370. As regards sentencing, there is no death penalty in Honduras, nor can adolescents be sentenced to life imprisonment. The maximum period for which adolescents aged more than 12 but less than 18 can be deprived of liberty is 8 years. However, in view of the rise in public violence and insecurity occasioned by the growth in delinquency and organized crime, the presidential office for security suggested in 2003, as part of the law reform proposals, that Title III of the Code on Children and Adolescents should be amended to raise the time-limit on internment from 8 to 20 years. The proposal was discussed with judicial officers, who proposed that the increase in the period of internment for offending minors should be set at 12 years and that the list of reasons for which a juvenile judge could order internment or deprivation of liberty should be expanded to include: threats against judicial officials; the offence of criminal association and property offences; a risk that the offender would rejoin the criminal organization to which he was suspected of belonging, and a risk that he would take reprisals against a plaintiff.

371. This proposal, had it been accepted, would have made the list of reasons for which a minor could be deprived of liberty far longer than that for adults, which allows for only four possibilities. Fortunately, thanks to action by local organizations for the defence of human and children's rights, and by the UNICEF office in Honduras, which suggested that, instead of partial and isolated changes that would have the scope of reducing the rights of the child, there should be a more comprehensive review of the Code, the proposal was unsuccessful.

372. A study of the juvenile criminal justice system is now in progress under the auspices of UNICEF and could form the basis for a reform of the Code on Children and Adolescents. The Office of the Public Prosecutor has indicated that the changes could be along the lines of: empowering prosecutors to order the arrest of an adolescent; making it compulsory to produce a summons and not merely a complaint in cases involving juvenile offenders; introducing the concepts of abbreviated proceedings, agreed sentencing, and suspension of proceedings; and establishing the office of Executive Magistrate, as is being done in the adult justice system. Thought is also been given to the question whether the maximum permissible period of internment for minors should be increased.

373. As has already been said, note should be taken of the pressure being exerted on the juvenile justice system by the changes made to article 332 of the Criminal Code through the so-called "Ley Antimaras" (Anti-gang Law). According to figures from the national police and the judiciary, between 14 August 2003 (when the amended article 332 came into force) and 31 December 2004, a total of 3,319 people were arrested for the offence of "criminal association"; 2,532 (76%) of them were adults who were brought before the criminal courts in various parts of the country, and 787 (24%) were aged less than 18 and were placed at the disposal of the specialized juvenile authorities. Preventive detention was ordered for 77% of the arrested minors, which is disturbing evidence of the use of preventive detention as a general rule and not as an exception, as the law requires (Code of Criminal Procedure, art. 184, and Code on Children and Adolescents, art. 198).

374. Statistics from the Rehabilitation and Social Reintegration Programme for adolescents in conflict with the law show that 1,267 adolescents, 71% of them deprived of liberty, were

admitted to the programme in 2004. Of the 442 of them who had been arrested for criminal association, 82% were deprived of liberty.

375. IHNFA has four centres for the detention of adolescent offenders, three for males and one for females. They have a total maximum capacity of 435 detainees. Because of the reform of article 332 of the Criminal Code and the harsher treatment of juvenile suspects, this capacity was exceeded by more than 300% last year. Furthermore, the centres suffer from serious infrastructure and staffing problems and this directly affects the quality of the care provided to inmates.

376. The Rehabilitation and Social Reintegration Programme was assessed in 2002 with the help of UNICEF. The findings were that:

- 61% of the children had no access to a real comprehensive process of rehabilitation capable of preparing them properly to rejoin society when their detention was over. Barely 19% of the plan was fulfilled and staff were too few and of poor quality. Only 61% of the centres had a schedule for family visits;
- The children's diet was 56% deficient;
- The children's privacy was not respected, on the grounds that, for security reasons, their possessions had continually to be searched for drugs and weapons;
- As detainees, the children were either not allowed to participate in the running of the centres or were allowed to do so only to a limited extent.

377. The situation has not changed, and one of the system's great defects is the absence of the periodic checks required under article 198 of the Code on Children and Adolescents of the measures of detention ordered by juvenile judges. This deprives the adolescents of the possibility of shortening their period of deprivation of liberty by replacing detention by some other preventive measure, which only 187 of the adolescents in the Rehabilitation Programme were able to enjoy in 2004.

378. Another problem is that in detention centres minors awaiting trial are not held separately from minors who have been sentenced. In practice, there have been many occasions when there have been serious disputes in rehabilitation centres between adolescents who belong to gangs and others who do not. In addition, the location of the detention centres causes the adolescents to be cut off from their immediate families, many of whom live far away and cannot afford to visit their children often.

379. IHNFA, society and a number of governmental and non-governmental institutions are currently very anxious to improve this situation. One proof of this is the foreign technical and financial help being given to IHNFA for the upgrading of facilities in order to improve detainees' security and enable the development of a real process of rehabilitation and social reintegration for the adolescents in detention centres.

B. Children in situations of exploitation

1. Child labour and its worst forms

380. The Committee expressed concern about: (a) the lack of a national plan for the elimination of child labour; (b) the need for better arrangements to enforce child labour laws, including stronger labour inspectorates and penalties for violations; (c) the need for continued enforcement of labour law prohibiting the work of children in the maquila industry; (d) the situation of children who are forced to live and work on the streets and are therefore vulnerable to forms of exploitation and abuse, including sale, trafficking and abduction.

381. With respect to child labour, Honduras has signed an agreement with ILO/IPEC which has led to substantial progress in this field, including the establishment by Decree No. 17-98 of 7 September 1998 of the National Commission for the Eradication of Child Labour, a tripartite body comprising government institutions, local non-governmental organizations and international and multilateral organs such as ILO/IPEC and UNICEF. The Commission, which comes under the Ministry of Labour and Social Security, proposes and implements policy regarding child labour and monitors compliance with it.

382. Among the Commission's achievements are: the making and publishing of the first diagnosis of the child labour situation in Honduras and the drafting, approval and launching of the National Plan of Action for the Gradual Eradication of Child Labour. The Plan was prepared after extensive consultations and contains policy guidelines as well as 12 strategic projects, some of which are being implemented by governmental or non-governmental organizations.

383. The Commission's work on defining the legal bases for the regulation of child labour culminated in the approval, through Executive Agreement No. STSS-211-01 of 10 October 2001, of the Regulation on Child Labour (see the official gazette, *La Gaceta*, No. 29.654 of 11 December 2001). The Regulation defines what types of work are forbidden to adolescents, the working shifts for adolescents aged over 14 who have been legally authorized to work, and occupational health measures; it also established the Child Labour Inspectorate.

384. To stimulate greater local involvement, the Commission has worked to establish a number of subsidiary bodies in the form of regional technical subcouncils whose members are trained to promote national child labour policy. To raise awareness among the public in general and workers' organizations in particular, training has been provided to 600 people, 200 of whom are members of the General Workers' Confederation (*Central General de Trabajadores de Honduras*, CGT).

385. To ensure that it has up-to-date information, the Commission has had child labour included in the topics covered by the National Statistical Institute's Multipurpose Household Survey, which annually measures the size of the country's labour force. Information on child labour is now compiled, processed and published at regular intervals, which will enable the assessment of the efforts made to eliminate it. In addition, spot checks have been made of child labour in shrimp farms, salt works, sugar plantations and melon farms in the south of the country and on the presence of child workers at the Tegucigalpa crematorium and in domestic service in Tegucigalpa and San Pedro Sula; a study has also been made of commercial sexual exploitation of children in these two cities. These investigations have

contributed towards the elaboration of special projects and the involvement of the local authorities and communities in tackling the problem of child labour.

386. Lastly, Honduras has, by Decree No. 62-2001 of 24 May 2001, ratified ILO Convention 182, the Worst Forms of Child Labour Convention.

387. Honduras is aware that, the above progress notwithstanding, coordination and linkage of public policy in the various sectors concerned are weak and there is a marked shortage of resources to tackle a problem of the magnitude of that of child labour. Furthermore, the municipalities' child-protection policies, which could help to deal with the problem more successfully, are in their infancy.

388. As a result, child labour from a very early age, especially labour in conditions of high risk or exploitation, is a reality in Honduras. The 2002 household survey found that there were 356,241 working children between the ages of 5 and 17 and that 123,195 of them were aged between 5 and 13 and were therefore performing work that was very risky for their age, since they were below the minimum working age.

389. In 2004, the number of working children between the ages of 5 and 17 was 282, 867, which represents a drop of 73,374 (20.5%) in two years. It should be noted that the decline was greatest (95%) among children aged between 5 and 13. This improvement is attributable to the greater efforts made to reduce work by children in this age group, whom Honduran law does not permit to undertake income-generating activities.

390. Of the children who work, 6 in 10 no longer attend school. The school dropout rate rises with age, from 14.7% among children aged between 5 and 9, to 43% among those aged between 10 and 13 and 71.9% among those aged between 14 and 17.

391. The following are some figures concerning "presumably permitted" child labour (work by children above the minimum working age of 14):

- 67.2% of the children live in rural areas;
- 7 in 10 do not attend school;
- The mean duration of education among those who work and do not attend school is barely 5.1 years.

392. These figures are clear evidence that child labour has a direct impact on the overall mean duration of education, since most of the children in question drop out of the education system without having completed primary school.

393. Apart from the children whose work is permitted by law, thousands of children are engaged in risky tasks in conditions of exploitation, without basic security for their health or physical or mental integrity, and are, moreover, not subject to any form of State control. They include children who work on rubbish tips or at crematoria, those who sell things on the streets or at the roadside, those who make fireworks or work in domestic service or agriculture, those who are exposed to pesticides or high voltages, those who carry heavy loads that harm their health, and so on.

394. In 2001, an ILO/IPEC study found that some 200 children were working as commercial divers in the municipality of Villeda Morales in the department of Gracias a Dios.. While work is now being done specifically to prevent damage to health from commercial diving, numerous more general programmes have come into being because of the serious harm the activity has already caused among people for whom it is a full-time occupation. Another ILO/IPEC study made in 2001 found that 96 children, 70% of whom were between 8 and 13 years of age, were working on the municipal rubbish tip in the nation's capital.

395. In 2002, it was estimated that 20,764 boys and girls were employed as domestic servants in private households. Of these, 94.3% were girls of various ages (including girls below the minimum working age), many of whom were subjected to cruel and degrading treatment, physical abuse and exhausting work days up to 14 hours long, forced to abandon their education and, in an estimated 5.1% of cases, sexually abused. At present, there are no government programmes for the control of domestic work and the law is still very weak as regards domestic employees, since the Labour Code only regulates issues relating to their wages.

396. Furthermore, the General Labour Inspectorate only has 35 inspectors, and of them only 3 deal solely with permitted child labour (work by children aged over 14). In the case of child labour in the informal sector, the Inspectorate's role is confined to that of an amicable negotiator or mediator in employer-employee disputes. In these circumstances, the worst forms of child labour exploitation go uninvestigated by the Child Labour Inspectorate, which says that it does not have the necessary powers or resources. Those constraints notwithstanding, the Inspectorate has been able to win a good degree of credibility and recognition for itself and to act to protect child workers in the business, services and farming sectors.

397. In the case of high-risk work, the greatest challenges are to clarify the legal penalties applicable to people who employ children in hazardous activities and to draw up specific legislation to regulate domestic service and other forms of high-risk occupation.

398. To facilitate working adolescents' access to education, the Ministry of Labour is carrying out an ILO-funded project called "My First Job". This provides adolescents with employment opportunities and the additional support of a scholarship to continue their studies. However, in the Poverty Reduction Strategy, the principal mechanism for allocating to the resolution of social problems funds freed by debt relief, no programmes/projects have yet been defined or amounts earmarked for the implementation of the National Plan of Action for the Gradual Eradication of Child Labour. It is hoped that this situation will change in the near future and that the recent establishment of the Executive Secretariat of the National Commission for the Eradication of Child Labour will be of help in this respect.

2. Sexual abuse and commercial sexual exploitation of children

399. The Committee recommended that Honduras should undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the commercial sexual exploitation of children.

400. The ratification by Honduras, through Decree No. 62-2002 of 7 May 2002, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was an important development in this regard.

401. Following up on the commitments made at the Stockholm and Yokohama world congresses, Honduras has established an interinstitutional commission for the purpose of formulating the National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents. The commission is coordinated by the Child and Family Commission of the National Congress and comprises representatives of organized civil society, the Government and multilateral agencies. In May 2005, it put forward a proposal for a "national plan of action against commercial sexual exploitation of children and adolescents in Honduras, 2005-2010".

The plan covers strategy and action in the areas of: policy, law, investigation, punishment, prevention, protection, care, rehabilitation and reintegration. It calls for the adoption of properly thought-out, stricter legal rules, the provision of funding to improve the capacity of the police and criminal investigation authorities, the establishment of victim-support programmes and awareness-raising among the public about the problem of sexual exploitation of children, particularly its consequences and ways of preventing it.

402. With regard to changes to the law, a proposal has been drawn up following consultations with judicial officials, civil society and children that were organized by the interinstitutional commission and supported by ILO/IPEC, UNICEF, Save the Children UK and the Irish non-governmental organization GOAL. It was finalized in April 2004 and contains the following main suggestions: alter the definition of "protected legal asset" from "sexual freedom" to "liberty and personal integrity"; introduce new offences of commercial sexual exploitation, child pornography, sexual tourism, and paid sexual access to minors; revise the offences of rape, incestuous sexual abuse, abduction and detention of persons for sexual purposes, trafficking in persons.

403. There have been several investigations into this issue, but not enough information is available to say precisely how large the problem is. It is clear, however, that it is serious. A study by Save the Children UK found that in August 2000 there were 2,280 child victims of commercial sexual exploitation in Tegucigalpa. Of these, 1,710 (75%) were girls and 570 (25%) boys. In the same year, the National Police registered 122 cases of kidnapping, 81 rapes and 327 attempted rapes, meaning that there were two cases of abduction and abuse, two rapes and four attempted rapes every week. These figures tripled in 2004.

404. A study by the non-governmental organization Casa Alianza in 2000 documented 1,019 cases of child victims of commercial sexual exploitation in Tegucigalpa, of whom 979 (96.1%) were girls and 40 (3.9%) boys. It revealed that commercial sexual exploitation of children occurs, in descending order of frequency, mostly in the street, in bars and nightclubs, via cellphone, and in discotheques and brothels. It also showed that dozens of commercial establishments tolerate and promote it.

TABLE 29

Child victims of commercial sexual exploitation, by place of exploitation, Tegucigalpa, 2000

<i>Place</i>	<i>Number</i>	<i>Percentage</i>
Street	495	48.6
Bars and nightclubs	154	15.1
Via cellphone	100	9.8
Discotheques	90	8.8
Brothels	87	8.5
Restaurants	40	3.9
Private houses	20	2.0
Massage parlours	14	1.4
Main roads	8	0.8
Tegucigalpa crematorium	7	0.7
Beauty salons	3	0.3
Cafes	1	0.1
Total	1,019	100

Source: Casa Alianza

405. The National Police say that the problem is concentrated in the country's productive belt, especially in the maquila, commercial development, tourist and migration zones. To deal with it, in 2004 the National Police set up its Sexual Offences Unit, which focuses its investigations on the commercial sexual exploitation and sexual abuse of children. For such investigations, the National Police has, with the help of Save the Children UK, established a special procedure and report forms. In addition, a training plan has been launched to improve police officers' ability to respond to the problem.

406. It must be said that there have not so far been any systematic campaigns to increase public awareness of the problem, although the mass media do play an important role by denouncing cases, albeit sometimes in a sensationalist fashion.

C. Children with disabilities

407. The Committee expressed concern at the lack of adequate infrastructure, qualified staff and specialized institutions for children with disabilities. It recommended the development of early identification programmes to prevent disabilities, the implementation of alternative measures to the institutionalization of children with disabilities, the conduct of awareness-raising campaigns to reduce discrimination against them, the establishment of special education programmes and centres and the encouragement of their inclusion in the education system and in society, and the establishment of adequate monitoring of private institutions for children with disabilities.

408. The Code on Children and Adolescents provides, in its article 108, that children with disabilities have the right to a full life and to special care and attention, which should if possible

be individualized, so as to assure their dignity, enable them to fend for themselves and facilitate their active participation in the community. Article 109 of the Code provides that for these purposes the States must develop and coordinate programmes of prevention, protection, treatment and rehabilitation for the children.

409. Historically, Honduras has not kept disability statistics, and it was not until 2002 that, with the financial support of international organs, the National Statistical Institute included a module to collect them in the 26th Multipurpose Household Survey.

410. This survey revealed that 2.6% of the total population had some form of disability. Of the 177,517 people concerned, 55% were males and 45% females. Children accounted for 23% of the total, or 40,829 individuals; 3% of them were less than one year old, meaning that each year there are 1,225 children under one who have special needs, mostly as a result of congenital problems or pregnancy or delivery care. The study also found that 75% of the parents of children with disabilities had not detected the disability during the child's first two years of life.

411. Since the Committee made the above recommendations, a number of attempts have been made with the support of PAHO to define a national policy for the prevention of disability and the care and rehabilitation of persons with disabilities. However, it was not until April 2004 that the Executive Power approved the "National Policy for the Prevention of Disability, the Comprehensive Care and Rehabilitation of Persons with Disabilities, and the Promotion and Protection of Their Rights and Duties". A bill for the promotion and protection of persons with disabilities is currently under discussion in the National Congress. It provides for the establishment, possibly as part of the Ministry of Health, of a public office with responsibility for putting policy in this area into operation.

412. The call for special education programmes and centres for children with disabilities has largely been satisfied by some 50 private organizations, some of them subsidized by the Government and grouped in associations. No precise figures are available for the number of people cared for by these organizations and there is no supervision of the organizations by the State.

413. There are only two public special education centres. They are run by IHNFA and care for an average of 600 children a year. IHNFA also has a special aid programme for children with disabilities, which mostly provides prostheses and subsidizes the cost of special examinations.

414. Promotion of the integration of children with disabilities in ordinary schools is part of the educational reform, and teachers are given special training to make such integration easier.

415. As regards disability prevention, the Ministry of Health has been working hard to extend the coverage and improve the quality of care and monitoring during pregnancy and delivery. It has also included folic acid in its basic pharmacopoeia.

416. The National Council for the Care of Children with Disabilities (CONAMED) has neither had the support nor achieved the prominence that were hoped..

417. With respect to physical and mental rehabilitation, the Telethon Foundation occupies a prominent position, as it does in other countries, by making comprehensive rehabilitation services available to the population in various parts of the country. In addition, The First Lady's Office and IHNFA have a programme for the free provision of prostheses, wheelchairs, etc. that goes some way to meet the needs of the affected population. In 2004 alone, some 2,000 wheelchairs were distributed to people in a variety of communities.

CONCLUDING REMARKS

418. Honduras is facing the challenge for the coming years of establishing a genuine national system for comprehensive protection of children and adolescents. For this, the lead body will have to be strengthened so that national policies for ensuring the exercise and safeguarding of children's and adolescents' rights are more clearly defined. The system will need, on the one hand, policy-definition, – execution and – assessment levels and, on the other, a set of subsystems linking the organizations and institutions (public and private, Honduran and international) that work for children's rights. It will help to bind together the variety of these bodies and so boost the impact of their activities.

419. In addition, the network of institutions will need an information system that will: help it to determine the scale and consequences of the problems affecting children, provide it with support for decision-making, and enable it to establish machinery for the requesting and submission of accounts. It will be important in this connection to promote better and wider production of primary information about the situation of children and adolescents in the various areas of rights recognized in the Convention.

420. To conclude, institutionality, legality and consensual policy-making remain vital for effective action on behalf of children and adolescents. They require:

1. The signing of a national agreement for the promotion and pursuit of policies for children's comprehensive protection;
2. The establishment of a new institutional framework for the sector, such as a national system for comprehensive protection of children and adolescents;
3. The elaboration of a new plan of action for children and adolescents for the coming decade that takes into account all the areas of the rights of the child recognized by Honduras;
4. The definition of areas, methods and indicators for rights-based action;
5. The establishment of machinery for the evaluation, monitoring and periodic adjustment of targets;
6. The reform and/or adjustment of child law;
7. The definition and application of machinery for the requesting and submission of accounts by the various players (public and private);
8. The promotion of more investment, with greater efficiency, efficacy and transparency, in both the public and the private sectors;
9. The involvement of the greatest possible number of social players in analysing the strengthening of central and local government action on behalf of children and adolescents; and lastly
10. The wide dissemination of the present report, especially in local areas.

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