



Convention on the Rights of the Child

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Summary Record of the 1208th MEETING

Held at the Palais Wilson, Geneva, on Friday, 19 January 2007, at 10 a.m.

Chairperson: Mr. Doek

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (item 4 of the agenda) (continued)

Third periodic report of Honduras on the implementation of the Convention on the Rights of the Child (CRC/C/HND/3; list of issues to be taken up (CRC/C/HND/Q/3); written replies by the State party concerning the list of issues (CRC/C/HND/Q/3/Add.1))

1. At the invitation of the Chairperson, the members of the delegation of Honduras took places at the Committee table.
2. **Ms. García De Zúñiga** (Honduras) said that the Poverty Reduction Strategy occupied a key position among the public policies of Honduras and that most of the objectives established under it, particularly reducing child mortality and improving educational coverage, related to children directly. In conformity with the Millennium Development Goals, the Strategy also aimed to keep all children in school until the end of the primary education cycle, reduce child and maternal mortality by three quarters, combat malaria and other serious illnesses and stabilize then reduce HIV/AIDS infection rates.
3. **Mr. Zermatten** welcomed the large amount of information contained in the written replies and the third periodic report, while noting that the report had been submitted four years late. Since consideration of the second periodic report, Honduras had ratified a number of international instruments, including the two Optional Protocols to the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers, but it had not yet acceded to others, in particular the Hague Conventions.
4. While aware of the hurdles hindering the application of the Convention in Honduras, including poverty, violence and the effects of Hurricane Mitch, the Committee noted that some of the recommendations made upon consideration of the second periodic report had not been implemented, including those relating to birth registration, sexual and economic exploitation and street children.
5. A number of laws had been adopted in various fields but, according to the report, some of those laws were incompatible with the Convention; it would be interesting to know whether the Convention would take precedence in the event of a conflict with one of those laws and whether the State party intended to harmonize domestic law with the Convention.
6. The delegation might also indicate what proportion of the 2005 budget had been allocated to implementing the “Opportunities Plan for Children and Adolescents” and whether the State party, which already had a National Commissioner for Human Rights and municipal children's advocates, intended to appoint a national commissioner for children's rights.
7. It would be useful to have more extensive details on the legal age at which children were able to access health-care services without parental consent, the age for completion of compulsory education, the age of sexual consent, the age for voluntary enlistment in the armed forces, and the age at which a child was capable of giving evidence in court. It would also be useful to know whether the practice of using physiological criteria to determine a child's maturity was still in force despite the recommendation by the Committee in that regard following consideration of the second periodic report.

8. Laudable efforts had been made in the legislative sphere to combat discrimination but much remained to be done to safeguard the rights of indigenous peoples, girls, persons with disabilities, street children and child victims of enforced disappearances and extrajudicial killings. The birth registration rate remained inadequate despite the adoption in 2004 of a law on the matter; the delegation might indicate whether the Honduran authorities had any plans to conduct campaigns promoting the registration of children.

9. The delegation might also indicate whether it saw any contradiction between the content of article 15 of the Convention (right of association) and the provisions of the new article 332 of the Criminal Code pursuant to which the police were able to arrest young people who were members of gangs (*maras* or *pandillas*) solely on the ground of their appearance and tattoos, without an arrest warrant.

10. **Ms. Ortiz** observed that poverty, unemployment, violence, the effects of Hurricane Mitch and the tragic situation of migrants who had been returned to Honduras by countries they had tried to emigrate to were factors to be taken into account when considering the report. As Honduras was unable to address all these issues by itself it had for the last few years been in receipt of aid from the international community and it would therefore be useful to have some details on the how that aid was used to implement the Convention and follow up the Committee's recommendations.

11. The delegation might also indicate how the Honduran authorities coordinated activities, policies and programmes for children, whether they worked with civil society and children's associations, how the municipal children's advocates ensured that public institutions did not violate children's rights and how the authorities managed the State budget and international aid.

12. The delegation might also indicate why the reform of the Honduran Institute of Children and the Family had not yet been completed, in particular whether the delay was the result of a conflict between the Code on Children and the Family and the Convention. The delegation might also indicate why the Institute did not receive all the resources it needed to operate and whether it might in future receive any assistance under international programmes to combat the exploitation of child labour and the commercial sexual exploitation of children.

13. Details would be welcome on the establishment of the child protection system, the progress made and the difficulties which arose during the process, the role played by the individual components of the system, its lead body, relations with the Advisory Council for the Poverty Reduction Strategy, its role and the volume of resources allocated to it. More extensive information would also be useful on the role of local child protection authorities and offices and on the distribution of duties and powers between central and local authorities.

14. It would be useful to know the extent to which civil society had worked on the preparation of the report under consideration, whether civil society was involved in schemes to improve the coordination of activities and whether it helped draw up national and sectoral plans and policies. It would also be useful to know how Honduras envisaged the role of international development aid agencies and how it intended to continue implementing programmes financed by such agencies when they stopped allocating funds to them.

15. **Mr. Siddiqui** asked what was preventing the Government from establishing a comprehensive centralized data system covering the various fields and categories related to children (vulnerable groups, children with disabilities, street children, child victims of

sexual exploitation, etc.), pursuant to the Committee's previous recommendations on the matter and whether a solution could be envisaged for the near future.

16. He wondered why the increase in social expenditure had not led to a reduction in poverty, especially among children.

17. **Mr. Kotrane** asked why the age of criminal responsibility was different for girls (14 years) and boys (12 years) and what the effects of this were.

18. He also asked whether the State had drawn up a clear policy to disseminate and implement the Convention on the Rights of the Child.

19. **Mr. Liwski**, while noting that the budgetary allocations earmarked to implement children's policies were not as high as planned, asked whether the Government was making sufficient efforts to mobilize the necessary resources and the extent to which the Heavily Indebted Poor Countries Debt Initiative had enabled investment in actions to benefit children to rise. He also asked whether the objectives set under the Poverty Reduction Programme, especially the 25 per cent reduction in poverty and educational coverage of 95 per cent, were realistic and whether progress towards those targets was already being made.

20. He asked whether there were any statistics on police violence and ill-treatment of children in detention centres, how many people had been taken to court as a result of such conduct, what penalties had been handed down, what measures had been taken to tackle the problem of violence against young detainees and whether a training system designed to achieve a change in officials' behaviour had been put in place.

21. **Ms. Khattab** stated that children with disabilities, children from indigenous communities, children living in remote rural areas and girls were the victims of discrimination. She stressed that it was important to declare the birth of a child so that the child would be able to enjoy all his or her rights and she therefore asked what was being done to remedy the continuing disparities between rural and urban areas in that field despite the decree establishing the national system for birth registration.

22. She asked whether the Government had implemented a national policy against the commercial sexual exploitation of children and what measures had been taken to combat the poverty in which children lived, to tackle increasingly widespread crime and violence and to address the impunity of those perpetrating the ill-treatment of children.

23. The delegation might indicate whether the decrease in the percentage of breastfed infants, which had fallen from 35 per cent in 2001 to 30 per cent recently, was the result of protests from the breast-milk substitutes industry, which had resulted in the suspended implementation of Ministerial Decree No. 4780 on rules governing the promotion and protection of breastfeeding. It would be useful to know what the Government was doing to protect breastfeeding and whether it intended to amend the national law on the matter, which had not been revised for several years.

24. **Ms. Smith** recommended improving town planning in Honduras, a country where sports fields were often lacking even though rest, leisure, recreational, cultural and artistic activities were an important right in terms of the educational and social development of the child. She asked whether there were plans to attempt to persuade children to watch less television and play outside instead and to incorporate areas for sports and recreational activities into the local planning process.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

25. **Ms. García De Zúñiga** (Honduras) said that 58 per cent of the country's 3.5 million children lived in rural areas and 41.7 per cent in urban areas, 50.9 per cent were boys and 49.1 per cent were girls. Children between 0 and 10 years of age accounted for 25 per cent of the total population.

26. Honduras had made considerable progress with regard to institutional matters. In 1997 the Honduran Institute of Children and the Family had succeeded National Social Welfare Board. The Institute had 53 centres nationwide and implemented three basic programmes covering health care, family welfare and Community development; social assistance and protection; and training and social reintegration. An assessment conducted in 2006 of the action taken by the Institute highlighted a discrepancy between the mandate conferred upon it and its main actions over the nine years since its establishment. Various political and economic events that had occurred in the country had influenced the Institute's actions. Since the outset it had been categorized as a lead agency rather than a programme-implementing body. The reform carried out in 2006 led the Government to inform the population about the Institute's role as lead agency as conferred under its mandate; additionally, a draft amendment to article 2 of the Law on the Honduran Institute of Children and the Family providing for the Institute to be the lead agency and the principal technical authority of the State in its sphere of competence was submitted to the National Congress.

27. The actions taken by the public and private sectors in the field of child protection and family had to be part of a national policy rather than a response to certain individual needs so that the various problems facing children at the local level could be resolved. It would be preferable to take preventive measures to stop children from finding themselves in situations that were so difficult that the child's links with society and the law were stretched to breaking point.

28. The draft reform submitted to Congress had a budget-related component. There was a proposal to allocate 25 million dollars to the Honduran Institute of Children and the Family to enable it to assume its new duties as the body responsible for children's policies. The execution of that budget, which related to the period 2007-2010, would be subject to annual review. The priority would be prevention and to that end local authorities would be mobilized along with local associations, non-governmental associations, religious, sporting and cultural organizations, etc.

29. The reform of the Honduran Institute of Children and the Family also entailed a change to its staff numbers – fewer than ten per cent of its 954 officials were qualified, and those that were did not necessarily have specialist training in children's issues as there was no university training in that field in Honduras at all.

30. The members of the Management Board of the Honduran Institute of Children and the Family, which was headed by the President of the Republic, were representatives from the ministries of health, education, labour and social security, and the interior and justice; the members of the Advisory Council were representatives of 13 bodies in the public and private sectors.

31. **Mr. Zermatten** asked what proportion of the budget referred to would be allocated to salaries (currently 95 per cent) and prevention work, given that prevention was the main field in which the Government was seeking to enhance the activities of the Honduran Institute of Children and the Family. Information on the measures envisaged to increase the proportion of qualified staff would be welcome.

32. **Ms. García De Zúñiga** (Honduras) replied that the plan was to allocate some 70 per cent annually to staffing costs. The reformed Honduran Institute of Children and the Family should have a maximum of 100 officials.

33. **Ms. Ortiz**, said that if she understood correctly, the Honduran Institute of Children and the Family was going to stop supplying services directly to children and would be closing its centres, and she asked what would become of the 954 people who worked there at the moment.

34. **Ms. García De Zúñiga** (Honduras) explained that the 41 nurseries of the Honduran Institute of Children and the Family would be transferred to local groups. The cost outlay was too high for the Government in relation to the results obtained, but more importantly the sectors concerned needed to be involved. The issue of juvenile offenders would continue to be the exclusive preserve of Government.

35. **Mr. Lara Watson** (Honduras) said that under the Heavily Indebted Poor Countries Debt Initiative Honduras had pledged to invest in the social sector in exchange for debt relief. To that end it had adopted a Poverty Reduction Strategy, one of the conditions of which was decentralized expenditure to encourage participation by local communities and increase transparency. All the projects implemented were therefore approved by the municipalities in consultation with the local population. Some 35 per cent of the funds allocated to this strategy were for the social sector, especially children.

36. The budget of the Honduran Institute of Children and the Family had effectively fallen from 108 million lempiras in 2005 to 100.8 million lempiras in 2006, but would reach 112 million lempiras in 2007. Moreover, the sums allocated to lines of great importance to children, such as health-care services (especially those for the disabled), education (especially secondary education), and the reintegration of juvenile offenders had been increased.

37. Established in September 2002, the Special Unit to Investigate Violent Deaths of Children, which was part of the Ministry of Security but reported directly to the Standing Committee for the Protection of the Physical and Moral Welfare of Children, had 22 staff – 15 for the north-west region, including 11 investigators, and 7 for the centre-east region, including 6 investigators. Despite extremely limited resources, the Special Unit had been able to investigate 1,202 violent deaths of children. The number of cases recorded by non-governmental organizations was around 3,000 but the difference was attributable to the fact that the Special Unit dealt only with apparent executions; other deaths were within the remit of other police services. Of the 1,202 cases, 267 (or 22 per cent) had already been referred to the Public Prosecutor: in 34 cases the alleged perpetrators were agents of the State (principally police officers or members of the armed forces), 130 others were committed by private individuals and the remaining 103 were committed by members of *maras*, gangs of young people which were a growing problem in Honduras and neighbouring countries. Most violence was caused by two rival gangs, “Mara 18” and “Mara Salvatrucha”. Three municipalities in Cortés department – Villanueva, Cofradía and Choloma – were particularly badly affected. It should be noted that very recently the President of the Republic and the Standing Committee for the Protection of the Physical and Moral Welfare of Children had taken the decision to allocate a specific budget to the Special Unit.

38. **The Chairperson** asked whether a mechanism to compensate the victims’ families had been set up.

39. **Mr. Liwski** asked whether the hierarchical superiors of the perpetrators of child executions who belonged to the security forces were able to be prosecuted as instigators or accessories to the facts and whether a list had been drawn up of those victims who were not gang members.

40. **Mr. Lara Watson** (Honduras) replied that each time a member of the police or armed forces was prosecuted the entire chain of command was investigated but that to date it had never been established that a perpetrator had acted on a superior's orders.

41. **Ms. Ortiz** asked what mechanism controlled the use of funds allocated to the Poverty Reduction Strategy and whether civil society was consulted as to the manner in which such funds were used.

42. She called on the State party to install systematic training to publicize the Convention in universities, the police services, detention centres and the judicial system.

43. The delegation was asked to supply additional information on the structures set up at local level to make the daily lives of families easier, especially nurseries, advice centres and hostels for victims of violence, and to explain what remedy other than a care placement was available for failing families. It would be useful if children could be placed in foster families on a temporary basis while a decision was made as to whether they could ultimately be returned to the family home or whether adoption had to be considered.

44. It would be interesting to know whether the process of ratification of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption had progressed and the state of play in the bill of 2000 reforming the system of adoption.

45. **Mr. Zermatten** asked what the budget was for the project "Zero street children", which was coordinating that initiative, whether a study had been made of the root causes of the phenomenon and whether the project provided for specific measures in terms of accommodation, training and data collection.

46. According to various sources of information, the health and safety conditions were of particular concern in juvenile detention centres; measures were therefore required to restrict overcrowding, provide detainees with access to potable water and basic care and to put an end to arms trafficking and the settling of scores within detention centres.

47. **Mr. Filali** asked whether in cases involving violence the investigators, victims and witnesses enjoyed the protection which was vital to safeguard the reliability of the investigations and whether the States in the region cooperated to address this issue, which affected them all.

48. The adoption of the Code on Children and Adolescents was a step forward but the results on the ground did not live up to expectations. Leaving aside the funding problems, other unquestionable contributory factors were the deterioration in infrastructures, the lack of training and lack of coordination between the police services, the Public Prosecutor's Office and the Honduran Institute of Children and the Family – furthermore, the latter had to be afforded a higher priority.

49. The anti-gang law, which authorized courts to place minors in preventive detention, would have to be applied cautiously, having regard to the principle of the presumption of innocence. In any event, detainees and convicts should always be held separately and preference should be given to socio-educational rather than punitive measures although currently such measures were handed down in only 8 per cent of cases. It would also be useful to know whether isolation was ordered by way of a disciplinary punishment in detention centres and, if so, what its duration was.

50. **Ms. Lee** deplored the fact that the report did not contain any information on the follow-up given to the previous recommendations of the Committee on children with disabilities and on the authority responsible for policies on that population group. It was regrettable that not a single study had been conducted to identify the number of handicaps and their various causes because information of that kind was crucial in order to be able to formulate measures specifically to reduce the incidence of the disabilities concerned. She asked what had happened to the many children with disabilities who were not listed on school rolls and how Honduras was able to comply with the “Education for All” initiative if disabled children were not educated. The delegation might confirm the total number of school days per year in Honduras, which appeared to be far lower than the world average.

51. **Ms. Al-Thani** noted that very few health centres destroyed by hurricanes had been rebuilt and that access to health-care services was still difficult in rural areas as a result, leading to concern that the efforts made to accelerate the reform process in the health-care sector were inadequate. Although falling, mortality indicators remained high for the region, largely owing to malnutrition, which affected a high proportion of the inhabitants, and the immunization coverage rate was falling.

52. Large numbers of adolescent girls were still becoming pregnant and abortions were carried out illegally with all the attendant risks.

53. The law adopted in 1999 to tackle the HIV/AIDS epidemic did not appear to have borne fruit as the prevalence of sexually transmitted illnesses and the number of AIDS orphans were continually rising. A strategy to reduce mother-to-child transmission and help people living with HIV/AIDS was required.

54. The consumption of alcohol and drugs was another topic of great concern and it would be useful to hear the measures taken to improve adolescents’ physical and mental health.

55. **Ms. Ouedraogo** reiterated the need to determine the extent of the commercial sexual exploitation of children and to address it not by exclusively punitive measures but principally through prevention. It was necessary to attack the causes of the problem with a comprehensive plan of action and to put forward care measures and social reintegration programmes for the children concerned because they were victims, not criminals.

56. The fact that the chapter of the report on special protection measures made no reference to indigenous peoples required clarification. Vulnerable peoples such as those from indigenous communities should be the focus of tailored measures, as demonstrated by their over-representation in gangs and prisons. The manner in which the Government transferred resources towards those communities under the Poverty Reduction Strategy seemed, moreover, to be detrimental to their culture and traditions.

57. **The Chairperson** asked whether bilingual education had been introduced in the indigenous communities and, if so, how many children were in receipt of it.

58. **Mr. Krappman** stated that the school enrolment rate had improved in the primary cycle but that the drop out rate was of concern and that there was still progress to be made in respect of secondary schooling. There were still large disparities between regions and between urban and rural areas. The high level of repetitions, which encouraged pupils to abandon their studies, was indicative of the mediocre nature of the education available. There was a need firstly to create teaching posts because currently it was quite common to have just two teachers in charge of all pupils at all levels and secondly to deliver better initial and in-service training to teachers. Strengthening pre-primary education and improving the curricula might also do a great deal to reduce children's school difficulties. The delegation was asked to indicate how the State intended to develop vocational training and whether it held regular meetings with unions representing child workers. Many boys had to work to help their families even if they wanted to continue their education and their suggestions should therefore be heard.

59. **Mr. Kotrane** said that if he understood correctly, the funds allocated to the national plan of action to combat child labour were insufficient to eradicate that practice, and asked whether Honduras received any assistance under the International Labour Organization's International Programme on the Elimination of Child Labour (IPEC/ILO) and, if so, whether indigenous children working in agriculture, children aged between 14 and 17 working in mines and girls employed as domestic servants were among the children at whom that assistance was directed.

60. He urged the State party to train more juvenile judges and to have prisons visited regularly by an independent investigation commission particularly in view of the fact that custodial measures had become more frequent since the adoption of the anti-gang law.

61. **Mr. Liwski** asked for details on the recipients of the considerable investment made to improve access to potable water.

62. A large number of Honduran minors had been repatriated after being expelled from countries to the north of Honduras, the delegation might indicate whether measures to curb emigration were planned under the Poverty Reduction Strategy, whether the countries concerned had signed coordination agreements to protect migrants at regional level and had established bilateral mechanisms to ensure that expulsions were conducted without risk to minors, whether there was any relation between these expulsions and gang membership and whether repatriated minors were offered reintegration programmes.

The meeting rose at 1 p.m.
