



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/NGO/71
5 March 2003

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 13 of the provisional agenda

RIGHTS OF THE CHILD

Written statement* submitted by Consortium for Street Children, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2003]

-
- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Consortium for Street Children requests the urgent attention of the Commission on the continuing killing of children and youths under the age of 23 in Honduras.

Since the NGO Casa Alianza started collecting statistics in January 1998, more than 1500 children and youths under the age of 23 have been killed in Honduras. These statistics have been widely publicised through the work of Casa Alianza and the World Organisation Against Torture (OMCT).

Records show that another 64 children and youths were killed during December 2002 making it one of the bloodiest months of the year in Honduras. Fifty-nine males (92%) and five females were murdered, most of them by gunfire.

According to Casa Alianza's statistics, one third of the December murders occurred outside the two principal cities of Tegucigalpa and San Pedro Sula, signaling that this phenomenon is a growing trend throughout the country. There were 5 murders in Comayagua; three in Tela, Atlantida; two in Tocoa, Colon; and one each in Choloma, Danli, Trujillo, El Progreso, Pespire, Villa Nueva and Santa Cruz de Yojoa.

These are the names and stories of just some of those killed recently:

- Two street boys, Junior Edgardo Lopez (aged 15) and Belsin Edgard Rivero Gonzalez (aged 14), were chased and shot dead by a group of several unidentified males whilst watching people celebrating Christmas as they wandered around the suburb of Barrio Sipile on 27 December 2002.
- Ariel Alexis Garay (aged 17) was shot by two unidentified males on 13 January 2003 as he was walking through the Galindo market in the middle of Comayaguela, a city adjacent to the capital of Tegucigalpa. He died shortly afterwards from the wounds.

From 6 to 16 August 2001, Ms Asma Jahangir, the United Nations Special Rapporteur on extrajudicial, arbitrary or summary executions was in Honduras to investigate the increasing and consistent reports of killings of children, some of which were directly attributed to the security forces. In a press release she expressed among other concerns: "There are documented reports of sixty-six minors killed in the first six months of this year. Human rights organizations put the number higher than official figures. There is a general perception that all such killings have been carried out by rival "gangs" of children. Statistics defy that perception. The vast majority of these cases remain unsolved. The perpetrators are unknown groups or individuals who target and kill street children. Government records show that some of these children have in fact been killed by the security forces, and I have received assurances that the accused will be brought to justice. My observation is that a number of such killings remain unreported."

The Honduran Government has not been able to protect these children and youths despite promises to do so. A much-lauded "zero tolerance" campaign used as an election promise by President Ricardo Maduro in early 2002 has remained ineffective. A special investigative unit of the Honduran police was set up in September of last year but not one of the 15 initial cases given to them to investigate by Casa Alianza's Legal Aid Program has led to a conviction.

The Consortium for Street Children expresses deep concern about the killing of children and youths and wishes to draw attention to the fact that by ratifying the Convention on the Rights of the Child, Honduras has recognised that "every child has an inherent right to life" (Article 6). This applies without discrimination of any kind, "irrespective of the child's [...] ethnic or social origin, property [...] birth or other status" (Article 2).

The Consortium for Street Children, alongside Casa Alianza and OMCT deems that extrajudicial executions, even when the perpetrators are not identified, may engage State responsibility for lack of due diligence. Due diligence imposes various positive measures that States Parties must adopt in conformity with international human rights standards, including the obligations to prevent, to stop, to investigate and to punish violations of human rights, as well as to provide adequate compensation and to promote recovery and reintegration of the victim.

The Commission on Human Rights has a duty to intervene to stop this systematic and grave violation of human rights and must urge Honduras to:

- take all necessary measures to guarantee the right to life, as well as the physical and psychological integrity of all children and young adults in Honduras, including those who live on the streets;
- guarantee an immediate investigation into the circumstances of the deaths in order to identify those responsible, bring them to trial and apply the penal, civil and/or administrative sanctions as provided by law;
- guarantee respect for human rights and fundamental freedoms throughout the country in accordance with national law, regional and international human rights standards, in particular the Convention on the Rights of the Child.

The Consortium for Street Children calls on all Governments to tackle the complex problem of abuses of street children as a matter of urgency. In addition to mainstreaming consideration of children's rights into existing treaty and non-treaty mechanisms, the Consortium for Street Children would urge the Commission to consider the naming of a Special Rapporteur or Representative on Street Children to bring an end to the institutionalised violence and abuses committed against street children not only in Honduras but throughout the world on a daily basis.