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## مجلس حقوق الإنسان

الدورة الثانية والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### تقرير المقررة الخاصة المعنية ببيع الأطفال واستغلالهم في البغاء وفي المواد الإباحية، السيدة نجا معلا امجد

إضافة

#### البعثة إلى هندوراس \*\* \*

موجز

ينظر هذا التقرير، في ضوء القواعد الدولية لحقوق الإنسان، في ظواهر بيع الأطفال واستغلالهم في البغاء وكذلك في إنتاج المواد الإباحية في هندوراس. وتسلط المقررة الخاصة، استناداً إلى المعلومات التي حصلت عليها قبل زيارتها وأثناء تلك الزيارة وبعدها، الضوء على المبادرات التشريعية والسياسات والاستراتيجيات الخاصة بحماية الطفولة والمعتمدة في سبيل مواجهة تلك الظواهر، فضلاً عن البرامج القائمة الخاصة بحماية الأطفال الضحايا والمعرضين للخطر والشاهدين على عمليات البيع والاستغلال الجنسي، وتنتظر أيضاً في أوجه التعاون الدولي والإقليمي بهذا الشأن. وأخيراً، تطرح المقررة الخاصة توصيات تهدف إلى تعزيز الجهود المبذولة من أجل منع ومكافحة بيع الأطفال واستغلالهم لأغراض البغاء وإنتاج المواد الإباحية.

\* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه الوارد في مرفق الموجز، فيعمم بالإسبانية والإنكليزية فقط.

\*\* ترد الحواشي طبقاً لصياغتها في اللغة الأصلية.

## Annex

[Spanish and English only]

### **Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Honduras (30 August–7 September 2012)**

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## I. Introduction

### A. Programme of the visit

1. The Special Rapporteur made an official visit to Honduras from 30 August to 7 September 2012. During the visit, she met with stakeholders in Tegucigalpa, San Pedro Sula and La Ceiba. The Special Rapporteur would like to thank the Government of Honduras for helping to arrange the meetings with the pertinent State agencies and for the cooperation shown before, during and after the visit.

2. In Tegucigalpa, the Special Rapporteur met with the President of the Republic, the Minister of Justice and Human Rights, the Deputy Minister of Education, the Minister of Security and representatives of his ministry (one from the Special Investigations Unit and the Director-General of the National Police), the Minister of Tourism, the Minister for Indigenous and Afro-Honduran Peoples, the Minister of the Interior and Population Affairs, and representatives of the Ministry of Labour and Social Security, the Directorate-General for Migration and Foreign Nationals, the Honduran Institute for Children and the Family (IHNFA), the Attorney-General's Office, the Office of the Special Prosecutor for Children of the Public Prosecution Service, the Supreme Court of Justice, the Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CICESCT), the National Human Rights Commission (CONADEH), the Ministry of Tourism, the Honduran Tourist Board (CANATURH), the National Telecommunications Commission (CONATEL) and the Monitoring Centre for Violence in Honduras. The Special Rapporteur also met with the President of the National Congress and the Chair of the Congressional Committee on Children, as well as with other members of Congress. In San Pedro Sula and in La Ceiba the Special Rapporteur met with the mayor, the governor, the municipal judge, the special prosecutor for children and representatives of the police force.

3. The Special Rapporteur visited five centres and homes for children in need and child victims of sexual exploitation.<sup>1</sup> She had the opportunity during these visits to speak with the children at the centres and discuss matters with them. In La Ceiba, she visited the Integrated Centre for Justice. The Special Rapporteur also met with several members of civil society and the international community (the so-called "G16") during the course of her visit.<sup>2</sup> In addition, she met with the United Nations country team. The Special Rapporteur wishes to thank in particular the staff of the United Nations Children's Fund (UNICEF) for their invaluable support and the Office of the United Nations High Commissioner for Human Rights for the assistance it provided.

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<sup>1</sup> In Tegucigalpa, these were the centre for street children run by the Casa Alianza charity and the Querubines home for girl victims of trafficking and sexual exploitation, and the programmes and facilities run by the Compartir association in the Los Pinos community and in Villanueva. In San Pedro Sula, the Special Rapporteur visited two centres run by IHNFA, one for abandoned children and one for adolescent girls.

<sup>2</sup> The G16 is the main coordination mechanism for donors and comprises Canada, France, Germany, Italy, Japan, the Netherlands, Spain, Sweden, Switzerland, the United Kingdom and the United States, as well as multilateral agencies such as the World Bank, the Central American Bank for Economic Integration, the Inter-American Development Bank, the International Monetary Fund and the European Union. The Netherlands and the United Kingdom left the group in 2006.

## B. Context

4. Honduras is organized into 18 departments and 298 municipalities. According to the National Institute of Statistics, the country's population in 2012 is 8.2 million, and 44.5 per cent of the population is under the age of 18.<sup>3</sup> The country is frequently hit by earthquakes, floods and hurricanes, and this acute environmental vulnerability hampers its development.

5. Honduras is currently still undergoing a period of stabilization after the coup d'état of 28 June 2009. From the start of its term, the current Government has taken positive steps in the field of human rights. It has, for example, established the Ministry of Justice and Human Rights and the Ministry for Indigenous and Afro-Honduran Peoples, and in 2010 it set up the Truth and Reconciliation Commission to clarify the events surrounding the coup.

6. As a result of the coup and the fall in foreign investment, among other factors, the economic situation in the country has worsened considerably. According to the United Nations Development Programme (UNDP), in 2011, 61.9 per cent of the population was living in poverty and 41.6 per cent in extreme poverty. Honduras has one of the largest inequality gaps in economic terms in the continent. In human development terms, it ranks 121st out of 187 countries.<sup>4</sup> Studies performed by the National Institute of Statistics and UNICEF show that there were 3.4 million children under the age of 18 in Honduras in 2009.<sup>5</sup> The poverty indicators show that 2.5 million children were living below the poverty line.

7. The high incidence of crime, including violent murders, is particularly worrying. According to the 2011 global study of homicide carried out by the United Nations Office on Drugs and Crime, Honduras has the highest rate of violent deaths in the world, with 6,239 homicides being recorded in 2010. According to the Monitoring Centre for Violence, at the Autonomous National University of Honduras, 6,723 violent deaths were recorded in 2011, which raised the country's annual homicide rate to 88.1 per 100,000 inhabitants.

## II. Situation analysis

### A. Scope of the sale of children, child prostitution and child pornography

8. Given the clandestine and often transnational nature of the sale and sexual exploitation of children and the lack of centralized, disaggregated data, it is difficult to measure the true scale of these phenomena. Although the figures provided during the visit were variable, all the stakeholders that the Special Rapporteur met with acknowledged that trafficking in children for the purposes of sexual exploitation, child labour, child prostitution and child pornography was on the rise. The stakeholders also all acknowledged that the extent of the sexual exploitation of girls in prostitution was particularly worrying.

9. The Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents has found that the commercial sexual exploitation of children takes three basic forms: the use of boys and girls in paid sexual relations; the use of boys

<sup>3</sup> UNICEF, "La infancia en Honduras", 2012. Available in Spanish at [www.unicef.org/honduras/honduras\\_datos\\_infancia2012.pdf](http://www.unicef.org/honduras/honduras_datos_infancia2012.pdf).

<sup>4</sup> UNDP, *Human Development Report 2011: Sustainability and Equity: A Better Future for All*. Available at <http://hdr.undp.org/en/reports/global/hdr2011>.

<sup>5</sup> Sistema de Indicadores Sociales de Niñez, Adolescencia y Mujer (System of social indicators for children, adolescents and women – SISNAM), "Pobreza infantil en Honduras 2009". Available in Spanish at [www.unicef.org/honduras/Honduras\\_pobreza\\_infantil\\_2009.pdf](http://www.unicef.org/honduras/Honduras_pobreza_infantil_2009.pdf).

and girls in pornography and public or private sex shows, both as part of child-trafficking operations and by local and national exploiters; and sex tourism.

10. Of the three, trafficking has received the most attention in recent years owing to the ties between commercial sexual exploitation in Honduras and the trafficking networks operating at the Latin American level, in which Honduras plays a major part on account of its geographical location. Honduras has been identified as both a transit country and a country of origin for victims of commercial sexual exploitation who are taken north. According to civil society organizations, since 2000, Honduran child victims of sexual exploitation have been found in several countries – mainly in Guatemala, but also in Mexico, El Salvador and the United States.

11. The Ministry of Justice and Human Rights reported that 61 complaints had been filed with its Human Trafficking Unit between 2009 and April 2012. They all involved children aged between 6 and 18 years (52 girls and 6 boys).<sup>6</sup> Of the 61 complaints, 24 were investigated and 35 were prosecuted, but only one case resulted in a conviction. Of the 1,327 complaints received by the Office of the Special Prosecutor for Children between January and November 2011 in Tegucigalpa, several were linked to trafficking and sexual exploitation (6 to child pornography, 10 to procuring children for prostitution, 4 to paid sex with minors and 14 to child trafficking). The Special Rapporteur regrets that she was not given more precise data and that the statistics provided were not more clearly broken down by type of exploitation.

12. Casa Alianza, one of the organizations most deeply involved in the fight against sexual exploitation in Honduras, has estimated that there could be as many as 10,000 victims in the country. According to the COIPRODEN children's rights network, which comprises 29 civil society organizations, the majority of victims of sexual exploitation are female. Most of the research conducted in the field by civil society shows that victims are on average between 14 and 15 years old. Cases of child victims of sexual exploitation as young as 12 have been detected, however, and, exceptionally, cases of victims aged 10 have been reported in San Pedro Sula.<sup>7</sup>

13. The large discrepancies in the figures reported by the different stakeholders highlight the lack of reliable data available for gauging the scale of the problem. The Special Rapporteur notes that the information that is available is incomplete and that the definitions and classification schemes used by the institutions in their information management systems seem to vary from one to the other. The discrepancies in the current data arise because there is no centralized, standardized information system for analysing trends that can be used by all relevant institutions. The Special Rapporteur is pleased to learn that a national system of information on trafficking in persons is to be developed by the Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents. She insists, however, that disaggregated data must be collected on the sale of children, child prostitution and child pornography.

14. The real extent of the sale and sexual exploitation of children is difficult to determine for other reasons as well: few accusations and complaints are filed for fear of stigmatization or reprisal; citizens have little confidence in public institutions; there is a certain degree of tolerance of these phenomena in society; people are ignorant of the law and the rights of the child; local and regional organized crime networks are involved; and it

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<sup>6</sup> Gender unspecified in the other three cases.

<sup>7</sup> COIPRODEN, "Honduras: Venta, prostitución y utilización en pornografía de niñas y niños – Informe alternativo sobre cumplimiento del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía" (2012).

is difficult to access the complaints mechanisms that guarantee swift action to protect children and ensure they will be safe and not re-victimized. The lack of data is also due to the inadequate monitoring of high-risk localities, such as brothels, places where children work, border blind spots, Internet cafés, etc. Sex tourism involving children and online pornography are also, in general, not adequately controlled.

## B. Causes and risk factors

15. The sale and sexual exploitation of children are multifaceted phenomena driven by many different, interrelated factors. Demand and other factors increase children's vulnerability to being sold and sexually exploited. These factors include poverty, unemployment, inequality, social exclusion, a lack of opportunities, at-risk and dysfunctional families, sexual abuse in the home, gender-based discrimination, street living, insecurity (gangs), child labour, migration, addictions (alcohol and drugs), social tolerance,<sup>8</sup> violence against women and the transnational dimension of the sale and sexual exploitation of children. Other drivers include easy access to information and communications technologies, the expansion of the market for sex tourism involving children, impunity and the failure to consistently seek out and apprehend those who sell and sexually exploit children.

16. According to UNICEF, 18 per cent of the Honduran population lack access to basic health care, 10 per cent do not have access to drinking water, and one third are not connected to a sewage system. Those living in rural areas have, on average, barely 4.3 years of schooling, while those in urban areas have, on average, only 7.

17. The Special Rapporteur expressed serious concern about the failures of the Honduran education system: the quality of education is highly unsatisfactory. Of those over 15 years of age, 15.2 per cent are illiterate.<sup>9</sup> Only 32 per cent of the population manages to complete primary school.<sup>10</sup> Of the 200 days of classes that Honduran children should, by law, receive each year, only 120 days were actually delivered because of the frequent teachers' strikes. The situation is compounded by the precarious condition of the facilities in many schools.<sup>11</sup> The lack of access to education has a serious negative impact, not only on the economic situation, but also on the safety of many children who spend their days in the streets where there is a greater risk of sexual violence and recruitment by gangs.

18. The violence that is present everywhere in Honduras is the result of multiple factors, including a permissive law that allows citizens to possess up to five firearms<sup>12</sup> and the rise in transnational organized crime, mainly drug trafficking, trafficking in persons and arms-smuggling.

<sup>8</sup> A large portion of society considers the morals of the victim or of the victim's family to be responsible for the commercial sexual exploitation of minors, a view that fails to take into account the social complexity of the problem. The exploiter in the equation has also somehow been rendered "invisible".

<sup>9</sup> UNDP, *Human Development Report 2011* (see footnote 4 above).

<sup>10</sup> UNICEF, *Estado nacional de la infancia hondureña 2007*. Available in Spanish at [www.unicef.org/honduras/estadonacionalinfancia.pdf](http://www.unicef.org/honduras/estadonacionalinfancia.pdf), p. 32.

<sup>11</sup> Observatorio de Derechos de los Niños, Niñas y Jóvenes en Honduras (Observatory for the Rights of Children and Young People in Honduras), *Informe Anual 2011*, p. 3. Available in Spanish at [www.casa-alianza.org.hn/images/documentos/Observatorio/infannual11.pdf](http://www.casa-alianza.org.hn/images/documentos/Observatorio/infannual11.pdf).

<sup>12</sup> Act on the Control of Firearms, Munitions, Explosives and Similar Items, of 2000.

19. According to UNICEF, over 4,700 girls, boys and young persons belong to a gang in Honduras.<sup>13</sup> Some authorities and civil society organizations report that there are over 20,000 children living or working in the streets. The household survey conducted in September 2010 by the National Institute of Statistics shows that over 412,122 children aged between 5 and 17 work in farming, mining, construction, domestic service and other types of manual labour.

20. Many Honduran children leave the country in search of a better life. Most who do so travel alone or are sent by human traffickers and thus run numerous risks, including the risk of being sold and exploited sexually or economically. According to the Directorate-General for Migration, between 2003 and 2006, almost 8,000 minors were deported overland to Honduras through the border at Aguas Calientes.

### **III. Measures to combat and prevent the sale of children, child prostitution and child pornography**

#### **A. International and regional human rights instruments**

21. Honduras is a party to most of the main international human rights instruments, including: the Convention on the Rights of the Child, its Optional Protocol on the sale of children, child prostitution and child pornography and its Optional Protocol on the involvement of children in armed conflict; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO); and the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, that supplements that Convention. The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption is in the process of being ratified. Honduras has also undertaken to promote the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the ILO Domestic Workers Convention, 2011 (No. 189).

22. Honduras is not a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights or to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

23. At the regional level, Honduras is a party to the American Convention on Human Rights, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Inter-American Convention on International Traffic in Minors, and the Ibero-American Convention on Young People's Rights.

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<sup>13</sup> Programa Nacional de Prevención, Rehabilitación y Reinserción Social (National Prevention, Rehabilitation and Social Reintegration Programme – PNPRRS), *Situación de Maras y Pandillas en Honduras*, 2012, p. 40. Available in Spanish at [www.unicef.org/honduras/Informe\\_situacion\\_maras\\_pandillas\\_honduras.pdf](http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf).

## B. Domestic legal and regulatory framework

### 1. Legal framework for child protection

24. Honduras has a number of laws and statutes that aim to protect the rights of the child. Title III of chapter IV of the 1982 Constitution of Honduras, which is entitled “Rights of the Child”, contains several articles outlining the State’s obligation to protect children and guarantee their welfare and their access to education, an appropriate system of justice and protection against all forms of neglect, cruelty and exploitation (arts. 119–124).

25. The 1996 Code on Children and Adolescents establishes the fundamental principles for guaranteeing the welfare of children. The Code sets forth the rights and fundamental freedoms of children; establishes and regulates the State prevention and protection system instituted to ensure the integral development of the child; establishes the agencies and procedures required to ensure the protection children need; facilitates and guarantees children’s access to justice; and sets out the guiding principles for national policies on children.

26. The 1997 Act on the Honduran Institute for Children and the Family establishes the Institute and defines its objectives, which are to: formulate and implement State policies on children, adolescents and families; promote respect for the rights of the child in society at large; coordinate the participation of State and private-sector institutions in the planning and implementation of measures to ensure the comprehensive protection of children and families; establish a system of alternative measures and services to avoid the institutionalization of children and adolescents for social reasons; and promote and support the involvement of citizens and communities in the construction of a system of opportunities for children and families. The passing of the bill on the Office of the Children’s Advocate (*Defensoría Nacional de la Niñez*) would result in the closing of the Honduran Institute for Children and the Family and the establishment of the Office as the new State agency responsible for overseeing public policy and harnessing the efforts of public bodies and civil society organizations in national plans and programmes for children. The bill has been drawn up in response to the constant internal crises affecting the Institute. These have prevented it from fulfilling its role as the lead agency for child and family welfare policies and programmes. The problem stems in part from its limited coverage: the Institute has offices in only 36 of the country’s 298 municipalities, and its services benefit only a small proportion of the target population (5,366 of the 3.7 million children in the country).

27. The Framework Act on the Comprehensive Development of Young People (2006) establishes the legal, political and institutional framework for promoting the full development of young persons and for developing youth policies.

28. Several other legal instruments related to child protection could be mentioned, such as the Domestic Violence Act (1997), the Act on Migration and Foreign Nationals (2003), the National Register of Persons Act (2004), the bill to overhaul national legislation on the rights of children, adolescents and families (September 2012) and the draft bill on Honduran migrants and their families.

### 2. Child prostitution

29. Article 148 of the Criminal Code states: “Anyone who encourages, induces, helps, recruits or forces others to engage in activities associated with commercial sexual exploitation shall be guilty of the offence of procurement and shall be punished with 6 to 10 years’ imprisonment and a fine of 100 to 200 times the minimum wage. The aforementioned penalties shall be increased by half in the following cases: when the victims are minors under the age of 18 ...”

30. The 2005 reform of Title II of the Second Book, a special part of the Criminal Code that defines commercial sexual exploitation offences, updated the provisions on sexual abuse to establish the underage status of the victim as an aggravating circumstance for sexual abuse offences. A chapter specifically on commercial sexual exploitation and trafficking was also introduced. Article 149-A establishes: “Anyone who induces or allows persons under the age of 18 to be exposed to the activities carried out in places that promote commercial sexual exploitation shall be punished with 3 to 6 years’ imprisonment and a fine of 50 to 100 times the minimum wage.” Article 149-B states: “Anyone who uses persons under the age of 18 in public or private shows or spectacles of a sexual nature shall be punished with 4 to 8 years’ imprisonment and a fine of 100 times the minimum wage.” Article 149-C provides that: “Sexual intercourse or acts of lechery committed with minors aged over 14 and under 18 years in exchange for payments in cash or kind made to the minor or a third person shall be punished with 6 to 10 years’ imprisonment.”

### **3. Child pornography**

31. Article 149-D of the Criminal Code of Honduras states: “Anyone who by any means, whether directly, mechanically or through digital, electronic or any other media, finances, produces, copies, distributes, imports, exports, offers, sells or disseminates material using a person or the image of a person under the age of 18 in pornographic or erotic acts or activities shall be guilty of the offence of pornography and shall be punished with 10 to 15 years’ imprisonment and a fine of 200 to 300 times the minimum wage. Possession of pornographic materials containing images of children or adolescents shall be punished with 4 to 6 years’ imprisonment.”

32. Article 95 of the Code on Children and Adolescents states: “The public display of magazines or any other kind of publication that violate the rights of the child is prohibited. Any violation of this provision shall be punished as stipulated in the Criminal Code.”

33. CONATEL regulates the television industry and the Internet but does not have the mandate to control and regulate their content. During her visit, the Special Rapporteur was informed of a joint initiative undertaken by the Ministry of Information and Communication and the International Telecommunication Union to regulate the media.

### **4. Trafficking in children**

34. To complement the 2005 reform of the Criminal Code that established the offences of commercial sexual exploitation, in 2012 the National Congress discussed and passed the Trafficking in Persons Act. The purpose of the Act is to lay the basis for the formulation of public policies to prevent trafficking in persons; establish the legal framework required for increasing the penalties for trafficking in persons; establish a specific, complementary framework for protecting and assisting victims of human trafficking; facilitate the restitution and promotion of victims’ rights; and structure, boost and facilitate national and international cooperation in the fight against trafficking in persons.

35. The Organic Act on the National Police establishes mechanisms for international cooperation with the police forces of other States and with international law enforcement bodies, and “particularly with the other Central American countries in order to combat crime, especially that associated with the trafficking of women and children, the smuggling of people and arms, and offences of an international nature” (art. 39, para. 28).

## 5. Sex tourism

36. Article 149-E of the Criminal Code states: “Anyone who, in order to attract tourists, promotes or conducts advertising programmes or publicity campaigns of any kind, via any medium, to project the country nationally or internationally as a tourist destination that offers access to sexual activities with persons of either sex shall be punished with 8 to 12 years’ imprisonment and a fine of 150 to 250 times the minimum wage. The penalties shall be increased by half ... when the victims are persons under the age of 18 ...” Article 5 of the Criminal Code establishes the extraterritorial jurisdiction of the Honduran courts.

## 6. Adoption of children

37. The regulatory framework for adoptions is based on the Constitution, the Code on Children and Adolescents, the Family Code, the Act on the Honduran Institute for Children and the Family and the Honduran regulations on adoption. A bill on international child abduction and another on adoption have been drafted; both were to have been submitted for discussion by Congress in 2012. The 2005 reform of the Criminal Code also reflected an effort to combat illegal adoptions.

## 7. Juvenile justice

38. The primary objective of a juvenile justice system must be to rehabilitate and reintegrate young offenders in the light of their special needs and vulnerability. The Special Rapporteur was concerned by the level of non-compliance with international norms on juvenile justice.<sup>14</sup> She concurs with the findings of a study on juvenile criminal justice in Honduras that highlights the major shortcomings in the practical application of the laws and statutes established to regulate and monitor the juvenile criminal justice system.<sup>15</sup> The Code on Children and Adolescents, for example, is a sound tool in theoretical terms, but it is not effectively applied in practice to safeguard the rights it establishes.

39. The Special Rapporteur also noticed the lack of investment in efforts to address the needs of young persons, the failure to understand that repression is neither the only nor the best way to handle young people, the failure to implement the programmes included in the laws on the subject and the absence of an effective restorative justice mechanism.

40. Honduras has a number of laws and statutes that aim to protect the rights of the child. Despite efforts to harmonize national legislation, however, there are still gaps in certain areas. The definition of pornography, for example, has yet to be brought into line with that used in the pertinent Optional Protocol to the Convention on the Rights of the Child. Furthermore, the sale of children (for organ trafficking, child labour, sexual exploitation, illegal adoption, etc.) is not classified as an offence in the Criminal Code, which results in a lack of clarity on the issue. The current provisions are not broad or clear enough to address the problem properly and to punish those who commit such crimes against children.

<sup>14</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of their Liberty and United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).

<sup>15</sup> Casa Alianza (with the collaboration of Plan, Kindemthilfe, Coalición Centroamericana para la Prevención de la Violencia Juvenil (CCPVJ) and COIPRODEN), *La Justicia Penal Juvenil en Honduras*, February 2012. Available in Spanish at [www.ipjj.org/fileadmin/data/documents/reports\\_monitoring\\_evaluation/CasaAlianza\\_JusticiaPenalJuvenilHonduras\\_2012\\_SP.pdf](http://www.ipjj.org/fileadmin/data/documents/reports_monitoring_evaluation/CasaAlianza_JusticiaPenalJuvenilHonduras_2012_SP.pdf).

41. Neither the Code on Children and Adolescents nor the other domestic laws are fully concordant with the principles and provisions of the Convention. There are also legal loopholes and inconsistencies that legitimize exceptions to the minimum working age, and this could be encouraging practices that increase the exploitation of children.

42. Also, the draft bill on the establishment of the Office of the Children's Advocate is still pending approval by Congress. The Special Rapporteur welcomes the news that the bill proposing a complete reform of the legislation on families and children was recently adopted on first reading by Congress.

43. Honduras still faces numerous problems in the area of law enforcement, such as impunity, lengthy and ineffective investigation procedures, a lack of skills and training for those working in the justice system, and insufficient resources.

### **C. Institutional framework**

44. Numerous institutions in Honduras are involved in the protection of children.

45. The Ministry of Justice and Human Rights, established in 2010, is responsible for coordinating, developing, promoting, harmonizing, implementing and assessing human rights policy. It has the task of drawing up human rights policy and a national human rights action plan which, with regard to the rights of the child, coordinates the work of institutions dealing with education, health and child labour. It is also responsible for reviewing existing policies to ensure they comply with the international human rights commitments undertaken by Honduras.

46. The Honduran Institute for Children and the Family was established as an independent social development agency, with the primary goal of providing comprehensive protection for children and promoting full family integration within the framework of the Constitution, the Code on Children and Adolescents and the Family Code. During the Special Rapporteur's visit, it was decided to reorganize the Institute in response to an audit that showed up serious shortcomings in management and the quality of care provided to children. The Special Rapporteur visited two facilities run by the Institute, where she witnessed the appalling conditions in which children were kept. The Institute had considerable difficulty in fulfilling its mandate, which had led to repeated internal crises. In the latest of these, in 2011, it was discovered that more than 90 per cent of its budget was being used to pay wages and salaries. The Institute thus found itself in the midst of a profound budgetary, administrative and operational crisis requiring urgent across-the-board reforms to ensure that children were properly cared for. Under a new draft bill, the organization and running of programmes and comprehensive childcare centres would be devolved to municipalities and responsibilities would be assigned to the corresponding agencies.<sup>16</sup> The Office of the Children's Advocate would be a decentralized body attached to the Ministry of Justice and Human Rights with a mandate to encourage the creation of local comprehensive care programmes for children, especially for those whose rights have been violated. The Office would operate through a network of regional branches, enabling it to establish a presence in every municipality.

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<sup>16</sup> The National Institute for Vocational Training for vocational workshops; the Directorate-General of Special Education for special rehabilitation centres; and the National Prevention, Rehabilitation and Social Reintegration Programme for educational centres for teenage offenders.

47. The Public Prosecution Service, through the Office of the Special Prosecutor for Children, is responsible for drawing up and implementing State policy on the criminal prosecution of offences involving children. It works with the police, the Honduran Institute for Children and the Family and other institutions to eradicate commercial sexual exploitation, punish those responsible for it, and rescue and protect victims.

48. In 2004, the Office of the Special Prosecutor set up a unit to process complaints related to commercial sexual exploitation and trafficking. The unit employs various approaches to tackle serious cases, including surveillance and the infiltration of criminal groups by police officers.

49. Operations designed to shut down businesses and rescue children often prove futile because they are carried out too late, when circumstances have changed. The Office of the Special Prosecutor needs more logistical support and investigators if it is to combat the sexual exploitation of children effectively.

50. A new system of juvenile courts was established under the Code on Children and Adolescents. In theory, the courts should be key players in dealing with the commercial sexual exploitation of children. However, the Special Rapporteur noted that some of them were poorly informed about the subject. She also noted that resources were clearly lacking and that staff needed training.

51. The Inter-Agency Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CICESCT) was established in 2002 to tackle this problem in Honduras. It is responsible for directing, planning and monitoring, and providing technical and financial support for, the implementation of legal and administrative measures to combat commercial sexual exploitation and trafficking. In the wake of the recent adoption of the Trafficking in Persons Act, it was decided that CICESCT would be a decentralized branch of the Ministry of Justice and Human Rights.

52. The Human Trafficking Unit of the National Police (under the Ministry of Security) carries out investigations and reports to the Directorate-General of Special Investigation Services and to the Special Crimes Unit, which in turn reports to the Directorate-General of Criminal Investigation. Four agencies of the National Police are working to build capacity in the areas of prevention, investigation and training.<sup>17</sup> The obstacles to timely intervention include a slowness to act and a scarcity of resources, as well as a lack of awareness of the issues and relevant training.

53. The Directorate-General for Migration and Foreign Nationals (part of the Ministry of the Interior and Population Affairs) is responsible for the effective management of migration. It regulates the flow into and out of the country of Honduran and foreign nationals and the stay of foreign nationals in Honduras, and monitors the hotspots for commercial sexual exploitation. Officials follow the procedures outlined in a manual on how to prevent trafficking in children and adolescents for the purposes of sexual exploitation.

54. The Ministry of Labour and Social Security has been involved in projects designed to tackle child labour, including the drafting of national policy on child labour and a roadmap for the prevention and eradication of the worst forms of child labour.

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<sup>17</sup> In the area of prevention, the Division against the Abuse, Trafficking and Commercial Sexual Exploitation of Children and Adolescents (DATESI) and the Tourist Police, which report to the Directorate-General for Crime Prevention. In the area of training, the Directorate-General of Police Training, through its courses at the pre- and post-diploma level.

55. The Ministry of Social Development implements social protection policy by providing comprehensive services as a priority to the social groups identified as vulnerable, marginalized or at risk, including child and adolescent victims of violence, trafficking, and sexual and economic exploitation.

56. The Ministry of Education has put together manuals on sexual orientation for use by the Special Programmes Unit in its courses for teachers. The Education and Careers Guidance Unit is tasked with developing and proposing strategies, standards and procedures that will allow children and adolescents to reach their full potential at school. It has also, with international support, developed a five-year action plan designed to improve the accessibility and quality of schools.

57. The Honduran Tourist Board (made up of 20 regional boards) has, in conjunction with the Ministry of Tourism and the Tourism Institute, drawn up a programme to prevent sex tourism involving children and adolescents by raising awareness and providing information, training and a code of conduct.

58. The National Institute for Women has a violence prevention unit, which runs seminars on human trafficking and related issues.

59. The Children's Rights Observatory was launched in 2008 by the Honduran Institute for Children and the Family, with the technical and financial support of UNICEF, in order to get an overall picture of the extent to which the rights of Honduran children are upheld and to produce up-to-date information.

60. Municipal councils have local children's advocates who work to prevent commercial sexual exploitation and trafficking and provide assistance to victims.

61. The University Institute for Democracy, Peace and Security, through its Monitoring Centre for Violence, monitors and reports on acts of violence, including violence against women and children.

62. Special teams in the Office of the National Commissioner for Human Rights — the national human rights institution in Honduras — process and follow up on complaints of violations of individual rights, including children's rights, anywhere in the country. The Office's special programme on the human rights of children and adolescents, however, fails to meet the criteria for a specialized mechanism for the protection of the rights of the child as set forth in general comment No. 2 of the Committee on the Rights of the Child, especially with regard to consulting children and in terms of geographical and physical accessibility for all children, especially the most vulnerable among them.<sup>18</sup>

63. Many NGOs make a significant contribution to the protection of children. They run many of the centres that provide assistance and care for children in difficulty. Not all of these organizations are registered, however, and some of them are unmonitored and substandard.

64. Although there are many child protection institutions in Honduras, they have neither the funding nor the trained personnel needed in order to be effective.

### **Inter-agency coordination**

65. The work of CICESCT can be considered an example of good practice in terms of coordination between government agencies and civil society organizations. Thanks to this coordination, progress has been made in the fight against the sexual exploitation of children in the areas of prevention, prosecution and victim support.

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<sup>18</sup> CRC/GC/2002/2.

66. The Integrated Centre for Justice in La Ceiba is also a model of coordination, bringing together under one roof police officers, court officials, psychologists, physicians and social workers to help children and families.

67. The Special Rapporteur observed, however, that there is a need for closer coordination between all the agencies working to protect children. No umbrella body exists to coordinate and monitor work at the national and local levels. The recurring problem of a lack of resources also has an adverse effect on the effectiveness of all these institutions.

## **D. Policies and programmes to combat the sale of children, child prostitution and child pornography**

### **1. Policies, plans and strategies**

68. The Action Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents (2006–2011) was drawn up by CICESCT. Its main goals are to improve legal protection and provide comprehensive care for children and adolescents in the area of commercial sexual exploitation, with a focus on the restoration of their rights; forestall risks at the local and national levels; to work towards the elimination of commercial sexual exploitation in Honduras; to encourage children and adolescents to become actively involved in the activities set out in the plan; and to help implement regional initiatives to prevent and eliminate commercial sexual exploitation. The adoption of the action plan constituted a major step forward for Honduras. However, its future is uncertain because of the failure to provide adequate funding for its implementation.

69. The Second Action Plan on the Prevention and Eradication of Child Labour (2008–2015), under which the competent authorities receive guidance on action to prevent and eliminate child labour, is another indication of the progress being made in efforts to tackle the sexual exploitation of children.

70. The Opportunities Plan for Children and Adolescents (2005–2015) combines the key sectoral strategies aimed at promoting all-round personal development and social protection for children and adolescents in Honduras, as enshrined in the goals and targets of the Poverty Reduction Strategy for 2004–2008.<sup>19</sup>

71. A youth policy was put in place in 2010 to coordinate the efforts of the Government and civil society aimed at improving the living conditions of young people by guaranteeing the full exercise of their civic rights, developing their skills and fostering a sense of solidarity so as to build a participatory, inclusive democracy.

72. A pilot project for the social reintegration of victims of commercial sexual exploitation and human trafficking was launched in June 2011 in the south of the country under an agreement between CICESCT, the International Organization for Migration (IOM), the Ministry of Justice and Human Rights, the Mayor's Office of Choluteca and the National Institute for Women.

73. The Government has drawn up a series of policies and plans that deal with the protection of children, including: the National Policy on Sexual and Reproductive Health (1999); the Policy on Food and Nutrition Security (2005–2011); the National Policy on

<sup>19</sup> The primary goals of the plan are: the provision of equal access to quality health-care services; the reduction of levels of HIV/AIDS infection; the provision of broader access to higher quality preschool, primary and secondary education; the prevention of and protection from violence and the worst forms of child labour; the protection and development of children with disabilities; and the promotion of participatory rights.

Social Protection (2007–2015); the National Plan for Human Development, Children and Youth (1991–2000); the National Plan to Discourage Gang Membership and Rehabilitate and Reintegrate Gang Members (2002); the National Plan for Children and Adolescents (2004–2010); the Opportunities Plan for Children and Adolescents (2005–2015); and the Vision for the Country and Plan for the Nation initiative (2009).

74. Despite the profusion of policies and plans, the Special Rapporteur noted a lack of the kind of multi-year budget planning that would ensure their effective implementation. The absence of mechanisms for monitoring and measuring their impact also hampers the implementation of proposed policies, which tend to be sector-specific and fragmented. There is no integrated policy on the protection of children.

## 2. Rehabilitation programmes and support services

75. Providing assistance and effective protection to victims of the sale, trafficking, or sexual abuse or exploitation of children is a complex process requiring an interdisciplinary and holistic approach, from the moment the child is identified, to care (which may take the form of placement in a centre or home), medical, legal and psychological support, and rehabilitation, with proper monitoring throughout the process.

### (a) *Identification and complaint mechanisms*

76. The police and the Office of the Special Prosecutor for Children, in coordination with the Directorate of Forensic Medicine, deal with complaints in cases where the victim or another minor may have been subjected to sexual violence (incest, rape, sexual exploitation for commercial purposes, trafficking and related offences).

77. The Office of the National Commissioner for Human Rights accepts complaints, in any form and for up to one year after the incident, from anyone who might have been affected by human rights violations. If the complaint is admissible, an informal summary investigation is launched. Various sources told the Special Rapporteur that the Office of the National Commissioner does not fully discharge its duties as a complaints mechanism.

78. In 2010, a national complaints hotline (111) known as “Breaking the Silence” was established under the auspices of the Office of the First Lady in conjunction with HONDUTEL (the national telecommunications company), the Honduran Institute for Children and the Family and the Special Prosecutor for Children to deal with complaints of abuse or violations of children’s rights.

79. In 2008, a 24-hour hotline staffed seven days a week by specially trained personnel of the Directorate-General of Special Investigation Services was established to assist victims of trafficking.

80. During her mission, the Special Rapporteur visited the Integrated Centre for Justice established by the Public Prosecution Service, the Attorney-General’s Office and the Ministry of Security to remove obstacles to access to justice for victims of violence and sexual exploitation by bringing together under one roof all the relevant institutions. The Special Rapporteur advocates the development of similar centres throughout the country.

81. The Government, supported by UNICEF, the NGO “Plan” and other partners, has taken various measures to prevent the re-victimization of victims and to assist with their psychological recovery. For example, it has distributed a manual on commercial sexual exploitation and trafficking to the police, the Public Prosecution Service and other bodies that come into contact with victims of these crimes, and encouraged the use of Gesell domes (rooms with one-way mirrors).

82. The Special Rapporteur noted the absence at the local or municipal level of suitable complaints and reporting mechanisms that would allow children to report violations in private and in confidence. She also noted that there was considerable distrust of the police and the justice system, a reluctance to report offences and a lack of security and protection for victims and witnesses. Civil society organizations report that the level of re-victimization of children within the judicial protection system is alarming and that little is done to investigate offences in rural areas. In most cases, the sexual exploitation of children goes unpunished and nothing is done to protect children in rural areas.

(b) *Assistance/rehabilitation*

83. In Honduras, there are few State-run institutions to protect or care for children in difficulty. The Honduran Institute for Children and the Family runs eight therapeutic centres around the country. Four of them provide temporary shelter to guarantee the protection of children's rights, while the remaining four have an educational function. Two State-run psychiatric centres cater for child victims.

84. According to the Institute's latest records (2010), there are 199 NGO-run homes for the protection and care of children, of which 72 deal with child victims of sexual exploitation. However, only one of these centres, Hogar Querubines, is specifically set up to deal with victims of sexual exploitation and trafficking. In recent years, Casa Alianza's Hogar Querubines project, which the Special Rapporteur visited, has set the standard for the provision of direct assistance to child victims of sexual exploitation and trafficking.

85. The key to effective assistance and support is that programmes should be comprehensive and integrated. Medical, psychological and legal assistance and assistance with housing, education and training will fail if not coordinated. In order to work in the best interests of victims, effective coordination and collaboration are needed in the planning and provision of services, thereby helping the children build a life for themselves.

86. The Special Rapporteur noted that when children are rescued, few real options (except Hogar Querubines) are available to help with their rehabilitation, given that, in her view, the centres run by the Honduran Institute for Children and the Family do not meet minimum standards. The psychological and social rehabilitation of child victims of sexual exploitation is mostly undertaken by civil society organizations without State support. No standards have been set for centres and shelters, which are not supervised or monitored. Follow-up is also inadequate.

## **E. Prevention and training**

### **1. Prevention**

87. The regulatory framework provides for measures to combat commercial sexual exploitation and trafficking. Article 94 of the Code on Children and Adolescents, for example, sets out measures for raising awareness and disseminating information in order to prevent threats to children or violations of their rights.

88. The partnership between CICESCT and UNICEF is of prime importance in terms of prevention. They have launched a communication strategy to mobilize public opinion against the ill-treatment, abuse, sexual exploitation and trafficking of children and adolescents. The strategy involves a television programme entitled *Rompiendo el Silencio* ("Breaking the Silence"), which aims to raise awareness while stressing the idea of comprehensive protection for children. Government officials, representatives of NGOs and other experts are invited to appear on the programme.

89. Information about international and national standards relating to the commercial sexual exploitation of adults, children and adolescents has been disseminated with the support of the ILO International Programme on the Elimination of Child Labour (IPEC), Save the Children, IOM and ECPAT International.

90. The Government has also worked with UNICEF and civil society organizations to foster a culture of non-violence.

91. There are significant gaps in the area of children's safety on the Internet. Further efforts are needed to promote sex education and social norms that take greater account of the rights of the child and counter gender discrimination. Measures to eradicate poverty, support families and communities living in straitened circumstances, help vulnerable children (street children and children who work) and combat drug and alcohol addiction need to be strengthened.

## **2. Training**

92. CICESCT has developed various training activities for judicial officials, school teachers and administrative staff, members of the Armed Forces, police officers, immigration officials and others to make them aware of the measures to prevent and combat sexual exploitation and to rehabilitate victims.

93. Commercial sexual exploitation and trafficking are now covered in the curriculum of the Police Training Centre, thereby ensuring that police trainees acquire specialized knowledge on the prevention of such offences and the protection of victims.

94. The Honduran Tourist Board has already provided training for 90 police officers and has requested that a further 150 be trained.

95. In conjunction with ILO, work has been done in the area of capacity-building to strengthen labour inspectorates and the justice system in order to combat the worst forms of child labour.

96. The issue of the sexual exploitation of children was covered in seven national courses on tourism, which included a purpose-designed diploma for the course teachers. Similar training is provided in tourism enterprise centres in Islas de la Bahía, La Ceiba, Copán Ruinas and Choluteca.

97. However, some justice officials complained of the scarcity of training opportunities for officials outside the capital and added that little training of any sort had been forthcoming in the past two years.

98. The Special Rapporteur noted that the prevention and training initiatives are fragmented and unsustainable, and that they are not part of an integrated system for the protection of children.

## **F. Participation of children**

99. The young journalist networks of Honduras are part of a communication project supported by UNICEF. Through the media (print, radio, television and other media such as popular theatre), children and young people themselves disseminate information on their rights and the problems affecting children in their communities. The networks have a high profile in Honduras thanks to the television programme *TVC Infantil*, which they produce with the support of UNICEF and which is shown on Televiscentro, one of the country's main channels. The programme's choice of subjects promotes a constructive approach to life and a healthy lifestyle, with a focus on preventing HIV/AIDS and teenage pregnancies and creating awareness of civil rights.

100. The Children's Congress, which is held on 10 September (Children's Day in Honduras), brings together boys and girls elected by school councils around the country. Interviews with them and the proceedings of their meetings and main agreements are broadcast.

## **G. Corporate social responsibility**

101. A code of conduct on preventing and combating the sexual exploitation of children and adolescents in the context of travel and tourism has been adopted by 458 companies around the country, including more than 300 hotels and other places of accommodation.<sup>20</sup>

102. The Special Rapporteur noted that Internet-providers and other telecommunications companies were notable by their absence in efforts to combat child pornography on the Internet. She urged CONATEL to take the necessary steps in this regard and underlined the need for guidelines and self-regulation in order to protect children from online sexual exploitation.

## **H. International and regional cooperation**

103. The Honduran Ministry of Foreign Affairs promotes multilateral, regional and bilateral agreements to combat the sale and trafficking of children.

104. Honduras is one of seven Central American countries represented on the Central American Commission of Directors of Migration Departments, which receives assistance from UNICEF.

105. Honduras and Colombia have signed a memorandum of understanding to provide assistance and protection to victims of trafficking, and to investigate, prosecute and punish traffickers.

106. In 2010, Honduras signed a memorandum of understanding with Mexico to ensure that the repatriation of unaccompanied children and adolescents is carried out in a dignified, orderly, efficient and safe fashion.

107. Numerous projects have been developed within the framework of bilateral cooperation (G16 countries)<sup>21</sup> and/or in conjunction with United Nations agencies, in particular UNICEF. However, the Special Rapporteur noted that there are significant problems in terms of the sustainability of projects and coordination between the various parties.

<sup>20</sup> The code, which was finalized in September 2005, draws on the Global Code of Ethics for Tourism, an international initiative of the World Tourism Organization and ECPAT International that focuses on children's rights and on responsible and sustainable tourism.

<sup>21</sup> The main goal of the G16 under its initial mandate was to help the Government of Honduras to implement the Plan for National Reconstruction and Transformation through the adoption of the Declaration of Stockholm in 1999.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

108. The Government of Honduras has made significant efforts to improve the situation of children in the country, but they remain insufficient. Although Honduras has numerous policies and plans in place to protect children and to prevent and combat the sexual exploitation and trafficking of children, sufficient funding has not been made available for their implementation. The lack of an overall strategic child protection framework makes it difficult to implement policy effectively.

109. The establishment of the Office of the Children's Advocate will be a great step forward, but it must be allocated adequate resources if it is to be effective. These efforts must go hand in hand with a strengthening of State institutions, municipal authorities and civil society. Above all, much more needs to be done to improve prevention through sizeable investment in the education system, which has some significant weaknesses, and in measures to combat poverty and violence.

### **B. Recommendations**

110. In a spirit of cooperation and collaboration, the Special Rapporteur makes the following recommendations to the Government of Honduras with a view to strengthening measures designed to guarantee effective protection for all children in Honduras without distinction.

111. With regard to legislation, the Special Rapporteur recommends that the Government should:

(a) Carry out a comprehensive reform of all civil and criminal legislation and regulations related to the protection of children with a view to bringing them into line with international standards for the protection of children's rights:

Update the definition of pornography to reflect the wording of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

Eliminate the inconsistencies and gaps in legislation that legitimize exceptions to the minimum age for child labour;

Expedite the process for passing new laws such as those on the Office of the Children's Advocate and comprehensive reform of legislation on families and children;

Introduce legislation to control the content of websites;

Require the private sector (telephone companies and Internet service providers) by law to report violations in their networks and to block access to sites;

Implement regulations to protect the rights of children in conflict with the law and strengthen restorative justice for such children;

Ensure that current legislation is enforced;

(b) Allocate adequate resources to the administration of justice;

(c) Improve and expedite investigation procedures;

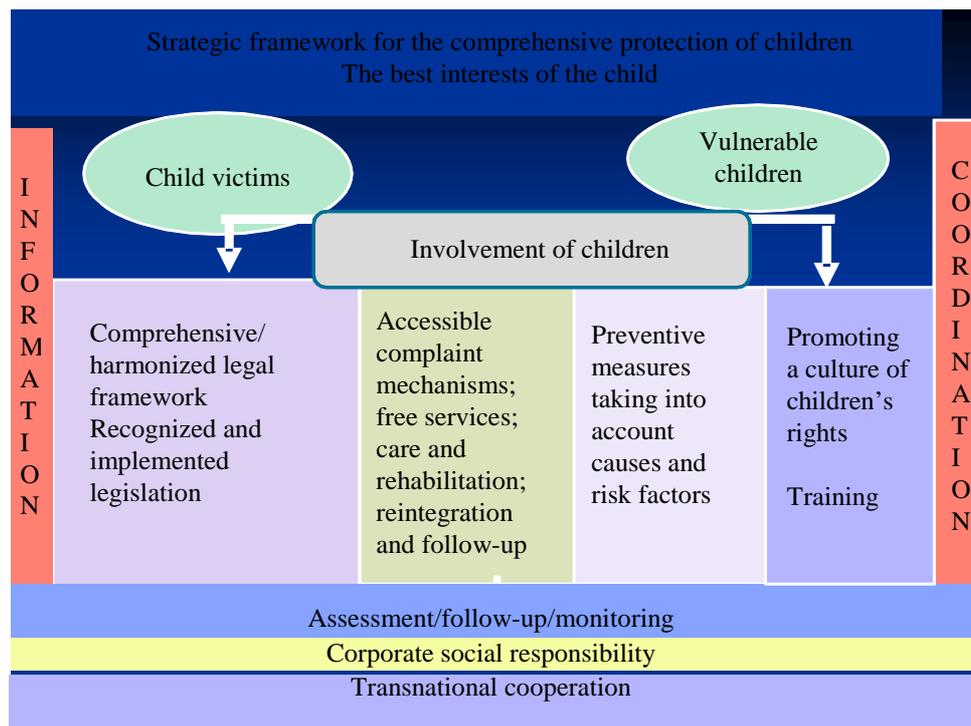
- (d) Ensure that the justice system is adapted to the needs of children through the more widespread use of Gesell domes and integrated centres for justice;
- (e) Ensure that information on laws protecting children is widely disseminated in a suitable format for children and persons working with children;
- (f) Step up efforts to combat corruption and impunity.

112. With regard to the institutional framework, the Special Rapporteur recommends that the Government should:

- (a) Clearly define the responsibilities and tasks of all those involved in the protection of children on the basis of their sphere of competence, and establish mechanisms to ensure accountability in every area of their work;
- (b) Strengthen the relevant institutions so as to ensure a consistent approach to the punishment of perpetrators and protection of victims:
  - 1-Establish the Office of the Children's Advocate as quickly as possible;
  - 2-Extend the coverage of the Office of the Special Prosecutor for Children to avoid leaving thousands of children with no effective expert follow-up to their cases;
  - 3-Strengthen the Special Crimes Unit of the criminal investigation directorate to improve the quality of its investigations and give it a greater presence, with more staff, particularly in rural areas;
  - 4-Set up special units staffed by trained and experienced officers in police stations;
  - 5-Establish effective mechanisms to coordinate between the various entities;
  - 6-Strengthen the Office of the National Commissioner for Human Rights to make it more accessible to children and to improve monitoring of children's rights.

113. The Special Rapporteur recommends that the Government should conduct a general survey of current policies with a view to identifying the main gaps in child protection in Honduras and establishing a comprehensive system of child protection based on the rights of the child (see figure below), and that it should:

- (a) Drop the current sector-by-sector, piecemeal approach to policy and action in order to facilitate the implementation of a comprehensive strategy for the protection of children;
- (b) Provide adequate funding and the necessary human, material and technical resources for the full implementation of child protection policies at the national and local levels;
- (c) Establish a centralized and standardized system for the collection of data disaggregated by sex, age, type of offence and legal action taken;
- (d) Develop monitoring mechanisms to measure the impact of the implementation of policies.



114. With regard to programmes and services, the Special Rapporteur recommends that the Government should:

- (a) Develop new complaint and reporting mechanisms that are easily accessible to all children throughout the country without distinction, including those in detention centres for children in conflict with the law;
- (b) Strengthen the justice system to ensure that child victims and witnesses receive appropriate and timely protection adapted to their age, maturity, vulnerability and special needs, thereby avoiding greater difficulties and trauma;
- (c) Set up comprehensive and multidisciplinary support systems to ensure that child victims of sexual exploitation receive medical and psychological assistance, and establish appropriate social protection services, in line with the *Regional Rules on Comprehensive Care for Victims of Violence, Particularly Sexual Violence*;<sup>22</sup>
- (d) Support families and communities, including foster families, with assistance and counselling, so that children are placed in care centres and institutions only as a last resort;
- (e) Consolidate psychological support services and mental health care;
- (f) Devote greater efforts and more funding to programmes that propose alternative measures for children in conflict with the law, in order to avoid the abuse of detention;
- (g) Improve and develop State protection and rehabilitation centres for children as a matter of urgency, in order to ensure that they are safe and meet established standards. Centres and homes should be staffed by properly trained staff acting in the best interests of the child;

<sup>22</sup> Signed with the Central American Court of Justice in November 2011.

(h) Harmonize practices by establishing protocols and guidelines;

(i) Ensure that law enforcement officers, social workers and prosecutors are systematically trained to accept, verify, investigate and process complaints while respecting the privacy of the victim and preventing re-victimization; and ensure that assistance and rehabilitation programmes are monitored and followed up on effectively.

115. With regard to prevention and training, the Special Rapporteur recommends that the Government should:

(a) Develop properly integrated strategies to prevent the sale and sexual exploitation of children;

(b) Provide sex education programmes;

(c) Implement the five-year education plan as a matter of urgency in order to improve access to education and the quality of public education;

(d) Increase access to essential programmes and services and to social protection services for vulnerable children and marginalized families and communities, and step up the fight against poverty and inequality;

(e) Strengthen measures to raise awareness of the importance of promoting a culture of children's rights in order to counter society's tolerance of the sexual exploitation of children and gender discrimination; encourage people to report offences and combat indifference towards these issues;

(f) Complete the review of the Act on the Control of Firearms with a view to introducing new legislation that will clamp down on the carrying of firearms;

(g) Develop preventive programmes for safe Internet use, in conjunction with CONATEL and with the involvement of children and young people;

(h) Step up controls on tourist accommodation such as hostels, cheap hotels and boarding houses;

(i) Upgrade the skills of all those involved in child protection, train trainers and include the protection of children and their rights as a subject on school curricula.

116. The Special Rapporteur recommends encouraging the participation of children by providing them with greater opportunities to discuss issues and exchange information and to be consulted and participate in the development of policies, measures and prevention strategies related to the promotion and protection of their rights.

117. With regard to corporate responsibility, the Government should foster closer cooperation with the private sector, especially Internet service providers, telecommunications companies, banks and the tourism industry, in all initiatives to combat the sexual exploitation of children, in particular through sex tourism and the online exploitation of children, by adopting a code of conduct.

118. With regard to international and regional cooperation, the Special Rapporteur recommends that the Government should:

(a) Step up its efforts to conclude multilateral, regional and bilateral agreements to prevent, detect and investigate the trafficking and sale of children, child prostitution, child pornography and sex tourism, and to prosecute and punish those responsible;

(b) Solicit technical assistance in order to combat cybercrime, trafficking and transnational organized crime through the exchange of information on the detection of offences, the identification of child victims and the prosecution of perpetrators;

(c) Improve the mechanisms for international legal cooperation in these matters, given the transnational nature of the majority of cases;

(d) Request the sustained support of the relevant international agencies in order to implement these recommendations on the protection of children against all forms of abuse, violence and exploitation, and ensure that UNICEF continues its excellent work in Honduras.

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