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HUMAN RIGHTS COMMITTEE

Eighty-eighth session

SUMMARY RECORD OF THE 2399th MEETING

Held at the Palais Wilson, Geneva, on Tuesday, 17 October 2006, at 10 a.m.

Chairperson: Ms. CHANET

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT
(agenda item 6) (*continued*)

Initial report of Honduras (CCPR/C/HND/2005/1; CCPR/C/HND/Q/1)
(*continued*)

1. *At the invitation of the Chairperson, the members of the delegation of Honduras resumed their places at the Committee table.*
2. Mr. AMOR said that it was gratifying to note that the Covenant was part of Honduras' domestic law, in accordance with article 16 of the Constitution, that constitutional amendments dealing with human rights were required to conform to the constitutional amendment procedure, and that the provisions of the Covenant had constitutional standing. However, it appeared from the answers of members of the delegation that, in a formal sense, the Covenant was subordinate to the Constitution. That being the case, there might be some question as to whether the provisions of the Covenant could really be protected under the Constitution. It would also be helpful to know whether all administrative and judicial authorities could apply the Covenant directly or whether the Supreme Court had exclusive jurisdiction, and whether provisions of the Covenant constituting peremptory norms (*jus cogens* provisions) could be amended through the constitutional amendment procedure.
3. According to paragraph 38 of the report, since the present Constitution had been in force, Honduras had never proclaimed a state of emergency. Paragraph 39, however, stated that some guarantees had been suspended because of Hurricane Mitch and that the exercise of some rights established by the Covenant had been suspended. As a practical matter, that was tantamount to a state of emergency situation. Under those conditions, it was not clear why a state of emergency had not been proclaimed.
4. With respect to foreigners, paragraph 20 of the report stated that foreigners enjoyed the same civil rights as Hondurans, subject to restrictions established by law for reasons of public policy, security, social interest or social coexistence. While the concepts of public policy and security were familiar, the concepts of social interest and social coexistence were highly abstract, and it would be useful to have further information about them in order to be sure that there was no possibility of their giving rise to discrimination or other abuses.
5. With respect to the treatment of prisoners, the frank statement that prison authorities did not apply the United National Standard Minimum Rules because they had not received appropriate training (para. 94 of the report) appeared to be contradicted by paragraph 109, according to which those rules were used in theoretical and practical training of personnel who worked with persons deprived of liberty. Any light that the delegation could shed on this matter would be welcome.
6. Referring to paragraph 15 of the report, he wondered whether the implication was that the authorities remained passive, without reacting, when members of the indigenous population were murdered for activism in defence of natural resources and the environment, or whether measures were taken to protect the persons concerned.
7. Sir Nigel RODLEY, reverting to the subject of enforced disappearances (item 2 on the list of issues), said that if he had understood the matter correctly, prosecution could be initiated only once the victim had been identified, i.e., once he or she had been found, alive or dead. He wondered if the implication was that when

victims could not be identified, perpetrators enjoyed immunity from prosecution. He also wondered on what charges persons involved in enforced disappearances could be indicted (homicide, kidnapping or the like, perhaps). It would seem that only seven cases of that kind had been brought to trial. Further information about charges against accused persons and convictions, if any, would be welcome. The Committee was aware that criminal prosecutions had been initiated against soldiers who had taken part in activities of groups such as Battalion 3-16 but members of the delegation might perhaps indicate whether other measures, such as disciplinary action, had been taken as well.

8. With respect to the use of force and firearms by police and the compatibility of Honduran legislation with the United Nations Basic Principles in that area, he was pleased to note that, in accordance with the Basic Principles, the law allowed the use of firearms only where there was a grave, imminent or reasonable risk to the life or physical integrity of the officer or of third persons. However, the law also provided that firearms could be used to prevent an offence from being committed, and that would be consistent with the Basic Principles and the spirit of the Covenant only in cases of offences entailing risk to life or physical integrity. Consequently, further information about the kind of offences referred to would be welcome.

9. Mr. BHAGWATI said that he would like to know how many street children there were in Honduras and what percentage attended school. He wondered whether there was a Human Rights Commission and if so, what its terms of reference were, who its members were, and how they were appointed. With respect to the situation of women, he would like to know what percentage of Honduran women received an education and whether the legal requirement that 30 per cent of elected officials be women was observed in practice. If not, he would like to know what measures were being taken to ensure that it would be observed. Lastly, he would like to have information on the status of the Black community in Honduras and measures that had been taken, especially relating to education, to ensure that members of that community were on an equal footing with the rest of the country's population.

10. Mr. JIMÉNEZ PUERTO (Honduras) said that it was essential to note that the new Government was giving priority to respect for human rights. While that situation in Honduras was partly bound up with the country's economic and social conditions, those conditions should never be used to justify violations of human rights. Torture, in particular, was still used by some law enforcement officials under certain circumstances but it was no longer a feature of State policy. It was no longer tolerated, and the necessary mechanisms and judicial procedures for prosecution and punishment of perpetrators of acts of torture functioned satisfactorily.

11. In the case of Father Andrés Tamayo, a militant ecologist who had received numerous death threats, the Government had officially demonstrated its support for him by granting him Honduran nationality and taking measures to provide him with protection and enable him to continue his activities within the country. The Government was committed to the effort to combat deforestation and had established an agricultural frontier to prevent further deforestation. In the region where Father Tamayo was active, areas had been established that were closed to logging, although not without creating serious conflicts between competing interests because many segments of society, from the poorest to the most influential, were stakeholders in logging operations. Nonetheless, the Government was determined to establish an environmental protection policy and relied on active participation by ecological organizations.

12. In the case of the murder of the journalist Herman Rivas, who had been an active opponent of open-pit mining, the motives of whoever had committed the crime were unclear. An investigation had been conducted but no evidence to prove a connection between the journalist's murder and his activities on behalf of the environment had come to light. The Government was determined to introduce reform in the mining sector, where the destructive practice of open-pit mining was currently routine. However, the Government had no choice but to honour the laws and concessions it had inherited from previous administrations. The National Congress was currently considering legislation under which opening new open-pit mines would be prohibited.

13. With respect to the report itself, members of the delegation admitted that it contained contradictory information. The Government hoped that in future it would enjoy the support of the Committee and other bodies concerned with human rights and thus be in a position to produce better quality reports. In view of the fact that talk of human rights had been taboo 15 or 20 years earlier, the initial report, with its faults, constituted a striking advance. The Government had now resolutely broken with the former policy of persecuting advocates of human rights and was providing such persons with appropriate protection.

14. Mr. ROSA BAUTISTA (Honduras) pointed out that the current Honduras Constitution had been adopted in 1982, and that the country was pursuing a slow process of building a constitutional State ruled by law. In the matter of the respective positions of international law and domestic law, the Constitution expressly recognized the legal weight of international treaties and agreements, no less than the validity, force and effect of international arbitral awards and judicial decisions. For an international instrument to be incorporated into domestic law and thereby acquire binding force and apply to citizens' rights, it first had to be approved by the National Congress and then ratified by the executive power. In the event of conflict between the Constitution and a provision of an international treaty ratified by the executive power, the Constitution would be amended by a qualified majority in the National Congress. International instruments and the Constitution were thus compatible and it was unlikely that their compatibility would be jeopardized as a result of a judicial ruling of unconstitutionality. The provisions of international instruments, including those of the Covenant, in particular, were regularly cited by administrative and judicial authorities. Furthermore, there was a continuing effort to inform citizens of the judicial remedies available to them, for it was ignorance, not State policy, that restricted effective access to justice.

15. Ms. DUBÓN VILLEDA (Honduras) added that annex 3 to the report contained a number of Supreme Court decisions based on the Inter-American Convention on Human Rights or the International Covenant on Civil and Political Rights.

16. Ms. PONCE (Honduras), referring to enforced disappearances, explained that while action to date had focused primarily on identifying victims, this was because enforced disappearance had not yet become a criminal offence at law. Every investigation had had to address a related offence (such as homicide or kidnapping) and had had to aim at identifying the victim as a first step towards determining liability. That was the procedure that had been followed in the seven cases to which the Committee had referred. Thirteen police officers and soldiers of Battalion 3-16 had been charged but had not been convicted. Impunity was still total in the matter of disappearances but that issue was one of the current Government's priorities. Enforced disappearance was now a criminal offence and Honduras had ratified the

Inter-American Convention on Forced Disappearance of Persons. Furthermore, a register of victims was being prepared.

17. Mr. ROSA BAUTISTA (Honduras) recalled that Honduras was in the process of constructing a constitutional State ruled by law. Society had been demanding the establishment of mechanisms to uphold its rights only since 1982. The Office of the Public Prosecutor, headed by the *Fiscal General* (Attorney General) had been established in 1993. At that time it had been the sole repository of judicial information but that function had been transferred to the Ministry of Security in 1995, a change that had made the system more fragile. The current Government was endeavouring to correct the situation. Since 2000, the Office of the Public Prosecutor and the Supreme Court had been able to discharge their functions independently of the Government's mandate. Formerly, personnel of the judiciary, like everyone else in the administration, had been replaced every four years, a practice that had made their task very difficult. Lastly, a new Code of Criminal Procedure had been introduced in 2002.

18. As far as enforced disappearances were concerned, it was important not to lose sight of the fact that most of them had occurred in the 1980s. However, as enforced disappearance was now a criminal offence under the Criminal Code and its effects must inevitably continue until such time as the victim had been found, Honduras would make every effort to elucidate all past cases, using state-of-the-art scientific methods for identification. An essential point to bear in mind was that impunity was due in part to the fact that under the former system, an accused person had had to be physically present at the hearing, and many soldiers suspected of being involved in disappearances had fled.

19. Mr. JIMÉNEZ PUERTO (Honduras) said that the military was currently under total civilian control. That change had been won after a hard struggle by civil society, with the help of the international community. However, it was essential to bear in mind that the military dictatorship had been fairly flexible, and consequently there had been no strong social pressure in favour of a shift towards democracy. The police had withdrawn from the military governing authority in the mid-1990s, again not without opposition. Even after the establishment of a democratically elected civilian Government, the military had continued to exercise all its functions, like a sort of parallel authority. That was a reality that could not be ignored, even though every effort was being made to alter the situation by degrees.

20. The large number of individuals in pre-trial detention — 11,000 in 23 prisons — assuredly constituted a problem, but that situation had been inherited from the former system. Since the promulgation of the new Code of Criminal Procedure, solutions other than detention were adopted in 70 per cent of all cases.

21. Mr. VARELA (Honduras) said that Honduran police had indeed been known to arrest “suspects” arbitrarily, but in so doing they had been responding to demand from society, which wanted to see action to deal with the growing phenomenon of delinquency. The new police service introduced in 1998 acted with respect for human rights and there were no regulations in force authorizing police officers to arrest anyone simply because they “looked suspicious”. Police officers had even been dismissed as a result of incidents involving gangs of youths, at the instance of the Office of the Special Prosecutor for Human Rights, which acted as an effective filter in that connection. Honduras was an evolving State; it made mistakes but was endeavouring to learn from them.

22. With respect to violence against women, he said that every woman who called the toll-free number 114 was directed to the Office of the Prosecutor for Women's Rights, the National Women's Institute, and non-governmental organizations. Furthermore, the Commission of Police Chiefs of Central America, Mexico and the Caribbean, of which Honduras was a member, had asked authorities to keep the situation under surveillance to see whether killings of women analogous to those that had occurred in Ciudad Juárez, Mexico, were taking place in Honduras. A special task force had been established for that purpose, but it was too early to say what results its work would yield. Lastly, thanks to regional cooperation, a number of members of women-trafficking rings had been arrested in neighbouring countries.

23. Many deaths in detention had been reported but most of them had been linked to smuggling weapons into prisons. Prison officials were doing their best to deal with the problem, but did not yet have adequate means to exercise effective control. The United Nations Standard Minimum Rules for the Treatment of Prisoners were distributed, but it must be admitted that they were not applied. However, an effort was being made to ensure that they would be applied. Furthermore, as part of the prison modernization project, there was a plan to establish a body expressly mandated to promote the social reintegration of delinquents.

24. The use of force by police officers was regulated by the Constitution, the Organic Law on National Police Services and other implementing regulations. Only self-defence could justify the use of a lethal weapon by a police officer and every such case was referred to the Office of the Public Prosecutor for investigation. On the other hand, the use of non-lethal weapons, such as tear gas, was authorized. It was interesting to note that of approximately 8,000 police officers, more than 1,000 had been dismissed in the course of the previous two years, while 600 were being prosecuted and 140 were in prison.

25. Mr. JIMÉNEZ PUERTO (Honduras) added that while the Office of the Public Prosecutor undoubtedly kept civil service personnel under surveillance — police officers in particular — it was important not to lose sight of the fact that crime was a serious problem. Spurred by the media, the public frequently took issue with the actions of judicial authorities, especially their recognition of the rights of groups that were stigmatized as “delinquents”. The private sector was not cooperative either. By way of illustration, the Government had vainly sought to persuade the country's two mobile telephone service companies to block the use of portable telephones in cases of theft — adolescents had been killed for a portable telephone — and in prisons, as inmates had been known to use portable telephones for organizing criminal operations. The task of the Office of the Public Prosecutor and human rights advocates was thus clearly not an easy one.

26. The Government did not regard the Ministry of Security as the appropriate institution to deal with prison administration and had therefore decided recently to transfer that responsibility back to the Ministry of Justice. The issue of security in prison was a particularly thorny one, in view of the relentless struggle between rival gangs, known as Mara 18 and Mara Salvatrucha, both of which were well established in other Central American countries, and the members of which went so far as to kill one another when they were held in detention together. The Honduran authorities had organized a meeting with representatives from Colombia, Mexico, the United States and the European Union to consider gang-related security problems in prisons. Generally, the draft legislation on prison administration that was currently under consideration was not an ideal statute and amendments would be required. Accordingly, authorities were seeking to enlist the assistance of various

civil society organizations in the hope of obtaining suggestions for improving the situation that could be incorporated into the proposed legislation.

27. Ms. ESTRADA de UCLÉS (Honduras), replying to a question about penalties other than imprisonment for acts of domestic violence, said that legislative reform had been initiated with the aim of protecting women's rights more effectively and closing loopholes in the former legislation. The new Domestic Violence Act enacted in March 2006 included provisions for interim measures, and for criminal prosecution in for repeated offences. A number of such cases had already been dealt with by the courts.

28. Regarding measures to enhance participation by women in public life, she said that women had come to be more extensively represented within the executive power. Gender equality was enshrined in the Constitution of Honduras, even though that principle had not yet been fully translated into practical reality. However, gender equality did apply in the field of civil law, particularly in matters of inheritance and the transmission of nationality to children. A wife, for example, automatically inherited one fourth of conjugal assets, regardless of the terms of the will. Children, whether girls or boys, inherited on equal footing. Whereas Honduran law had formerly distinguished between legitimate and illegitimate children, the Family Code currently in force provided simply that legitimate children were those who had been recognized and bore the father's name.

29. Concerning divorce, a number of anomalies had been found, especially in the area of property rights. In many cases women were unfairly treated but legislative reform might be expected to rectify their situation. In particular, under the new Domestic Violence Act, courts could order interim measures to protect women and children from financial hardship, for example when the family home was registered in the name of the husband alone.

30. A question had been asked about the proportion of women who should occupy elective posts (30 per cent) under the Equal Opportunity Act. That figure was the objective that had been set during the electoral campaign. Nonetheless, the new Elections and Political Organizations Act had already led to more women in elected offices and civil service posts. The National Congress, for example, included 58 women members. More generally, illiteracy remained a serious obstacle to practical equality between men and women and the authorities had taken a number of remedial measures. In particular, the President of the Republic had issued an emergency decree initiating literacy programmes and the National Women's Institute had developed a programme under which State authorities and municipalities, working with support from the Government of Cuba, had enabled approximately 1,000 individuals, including 700 women, to learn to read and write within a matter of a few months. At the same time, it was important to realize that ending discrimination against women in the field of education would require changes in mentality and behaviour in Honduran society.

31. A substantial educational effort had been undertaken for the benefit of the Garífunas and other ethnic groups. Education and demarginalization programmes had been launched, with the support of organizations operating in the regions where the groups in question lived. Efforts to develop projects in the languages spoken by the various ethnic groups, including the Tawakhas, Lencas and Misquitos in particular, were also under way. Lastly, for the first time, the National Congress included a Black woman member, which represented a significant stride ahead for Honduran society. Furthermore, the Supreme Court had ordered the Constitution translated into Braille to enable the member in question, who was blind, to read it.

32. The National Women's Institute was aware that to improve the status of women and develop democracy it would be necessary to promote education, not only among women but also among men. To that end, the Institute had recently collaborated with 180 Garífuna men in a project aimed at combating violence against women. The task was difficult and Honduran authorities would appreciate support and advice from the Human Rights Committee to help them break with traditional structures and mentalities that stood in the way of gender equality.

33. Mr. JIMÉNEZ PUERTO (Honduras) said that Honduran authorities were keenly aware of the rights of ethnic groups. Even when he had been a minister, 10 years previously, the President of the Republic had launched a project entitled "Our roots", which had aimed at promoting respect for those rights. Moreover, the rights of ethnic groups were not confined to the area of culture, but extended to anti-poverty action, the right to infrastructure, and other aspects as well.

34. The CHAIRPERSON invited members of the Committee to make additional observations on the replies of the delegation of Honduras.

35. Mr. AMOR noted that the delegation of Honduras had not answered some of his questions, and he would appreciate their doing so. Furthermore, according to the report, Honduras had sent troops to Iraq, and he would like to know whether the Honduran authorities regarded Honduran soldiers outside the country as remaining under Honduran jurisdiction, especially in cases of abuse of power or misbehaviour.

36. Mr. JIMÉNEZ PUERTO (Honduras) said that troops sent to Iraq had returned to Honduras in 2004, and had always been under the jurisdiction of Honduran authorities.

37. Ms. SÁNCHEZ (Honduras), speaking in reply to a question about conditions under which the initial report of Honduras had been prepared, said that she would like to emphasize that the authorities had been at pains to follow the Guidelines for reports submitted by States parties, and had distributed a questionnaire to all governmental institutions, albeit with a somewhat variable response rate. Civil society had also been associated with preparation of the report, in an effort to ensure that it would provide as representative a picture as possible of the state of the country. The far-reaching consultation process, extending as it had to the various sectors of civil society, had taken a good deal of time and also explained certain contradictory features of the report.

38. Mr. JIMÉNEZ PUERTO (Honduras), speaking in reply to a question about exceptional measures taken during Hurricane Mitch, explained that the hurricane had been unusually destructive, causing many casualties. The authorities had endeavoured to avoid epidemics and had succeeded, but the Government's actions in that connection had made it necessary to declare a state of emergency for 15 days.

39. Mr. AMOR explained that he had not meant to question the legitimacy of declaring a state of emergency, but said that he would like to hear a more detailed account of the procedure that had been followed, especially with respect to notification of the Secretary-General of the United Nations.

40. Mr. JIMÉNEZ PUERTO (Honduras) said that, in accordance with the Constitution, a state of emergency had been declared by the President of the Republic in the Council of Ministers, and the declaration had subsequently been endorsed by the National Congress. More than eight years had elapsed since that time, but to the best of his recollection, the declaration of a state of emergency had not given rise to any legal or social problems of any kind.

41. The CHAIRPERSON invited members of the delegation to respond to questions Nos. 13 to 19 on the list of issues (CCPR/C/HND/Q/1).

42. Ms. DUBÓN VILLEDA (Honduras), speaking about question No. 13, said that the Office of the Public Prosecutor and the Office of the Special Prosecutor for Human Rights had submitted petitions for corrective *habeas corpus* against the inhumane conditions prevailing in Honduran prisons. A number of inspections had been conducted in those institutions, beginning with the National Penitentiary, and the Constitutional Chamber of the Supreme Court had granted a petition for corrective *habeas corpus* on behalf of its inmates and had ordered the Ministry of Security to implement, within one year, the recommendations in its decision in order to improve the situation. Those recommendations had been based expressly on the application of the Standard Minimum Rules for the Treatment of Prisoners.

43. Mr. VARELA (Honduras) added that the Ministry of Security fully intended to comply with the duty laid upon it by the Supreme Court to improve conditions in the country's detention facilities, some of which held 200 to 300 persons on occasion, including, in particular, the National Penitentiary — the country's largest prison — which had been designed for 1,800 inmates but currently held 3,000. Living conditions in prisons were far from satisfactory and there were problems of every kind. Thanks to the petitions for corrective *habeas corpus* that had been submitted, however, substantial changes had been realized, including, in particular, reduced overcrowding in the National Penitentiary as a result of transfers of inmates to other institutions. Living conditions had been improved as well: buildings had been extended (formerly, inmates in some cells had had to sleep standing up for want of room); mattresses had been purchased for inmates; electricity and drinking water had been supplied; and health services had been upgraded. Further details were available in the written replies to the list of issues (CCPR/C/HND/Q/1/Add.1). The situation of inmates suffering from mental disorders or HIV/AIDS and homosexuals, who were held in separate quarters, had also improved, especially with respect to diet. Regarding homosexuality, members of his delegation acknowledged that Honduran society was characterized by machismo, and it was a fact that prison guards frequently had difficulty accepting differences.

44. There had been improvement in inmates' security as well. However, much remained to be done before the measures ordered by the Supreme Court could be implemented, and inadequate financial resources were a daunting obstacle. In particular, no new detention facilities had been built for 20 years and there was a severe shortage of space for prison services. A substantial budget was allocated for medicine for inmates, and prophylactic measures had been introduced, in coordination with non-governmental organizations. Doctors were not available, as they could not be paid, but students in their final year of medical studies had been enlisted to provide inmates with medical treatment. The food situation had improved but serious problems remained, as resources for that purpose were severely inadequate. A training centre had been established for security personnel specializing in prison work, the objective being to double the number of guards, for in some facilities security was in the hands of police officers who had had no special training. Lastly, the authorities were currently preparing to separate accused from convicted persons, although the process was not yet complete owing to the shortage of space in detention facilities.

45. Ms. DUBÓN VILLEDA (Honduras) said that, in 1997, the Human Rights Commissioner of Honduras had issued a critical report on the independence of the judiciary, and as a result, the Government had had the chapter of the Constitution

relating to the judiciary amended. A new mechanism for selecting the 15 justices of the Supreme Court, which was described in detail in the written replies (CCPR/C/HND/Q/1/Add.1), had been introduced, and the Chief Justice of the Court was currently a woman, for the first time in the country's history. Thanks to cooperation with Spain, public competitions were organized to select ordinary court judges and enforcement judges. Unfortunately, the selection process was not yet in effect for examining magistrates in criminal cases, justices of the peace or judges responsible for administering civil and family law.

46. Mr. JIMÉNEZ PUERTO (Honduras) said that the executive power never intervened in the affairs of the judiciary. However, it was essential to take criticism from civil society into account, inasmuch as civil society took part in the selection of Supreme Court justices and thus had some control over functioning of the judiciary.

47. Ms. GARCÍA (Honduras) noted that the population of Honduras included 2.5 million minors under 15 years of age and said that the Honduran Children and Family Institute, which had been founded in 1997, oversaw 53 centres and had 3,911 children in its care. The Institute ran three main programmes: a family protection and community development programme, a social protection and intervention programme, and a rehabilitation and social reintegration programme. The last-named was designed for juvenile delinquents and featured four centres for minors (three for boys and one for girls) accommodating approximately 250 children and adolescents under 12 years of age. In two of those centres (Renaciendo and El Carmen), living conditions, which had formerly been appalling, had been substantially improved and an effective rehabilitation and social reintegration system established, thanks to close cooperation between institutions. Two wings, which had been literally uninhabitable, had been closed and 80 adolescents moved into new quarters; the other wings, one of which was reserved for new arrivals, were being renovated. The drinking water problem had been solved at the Renaciendo centre and would be solved shortly at El Carmen. Electricity and ventilation systems had been installed, dietetic meals were now served and children had access to medical, psychological and dental care at all times, thanks to the support of the National Autonomous University. At Renaciendo, routine examinations had revealed that one child was HIV positive, all others being HIV negative. The HIV positive child had been returned to his family. It was also important to note that work was under way, in collaboration with the Office of the Secretary of State for Security, to upgrade security in those centres, which had not originally been designed to accommodate minors. In collaboration with the Congregation of Capuchins of Colombia, a basic education centre, with six vocational training workshops (sewing, accounting, English, computer skills, civil construction and electricity) had been opened and 50 young persons were taking courses there under constant supervision. Over and above improved hygiene, authorities were giving priority to establishing effective rehabilitation and social reintegration processes at all detention centres for minors. As far as communication with families, authorities had realized that it was essential to use collective work as a means of giving children and adolescents an opportunity to participate in a programme structured around meetings with their families once a week. That was significant, for the human aspect of the problem and the need to associate young persons with their own social reintegration had been totally neglected. Staff members working at centres for minors had been trained and spot checks were carried out to assess the effectiveness of the treatments and therapies. Detention conditions had also been upgraded and minors now had beds and mattresses, which had formerly been lacking.

48. Mr. ROSA BAUTISTA (Honduras) said that inter-institutional task forces had been established to implement transition from an inquisitorial system to an adversary system, to develop clear-cut rules, and to ensure that criminal prosecutions were initiated in accordance with the same criteria, in order to ensure that the law would apply equally to all, with no interference from the executive power and meaningful, effective access to justice for citizens. Integrated centres, functioning as local public prosecutor's offices, staffed by judges, prosecutors, doctors, psychologists, police officers and lawyers, had been established throughout the country. *Flagrante delicto* cases were turned over to them, and the advantage they afforded was that accused persons could secure the assistance of a lawyer immediately. This avoided the risk that the procedure would be ruled invalid, inasmuch as under the Code of Criminal Procedure, any treatment of an accused person without a lawyer being present was unlawful.

49. Ms. DUBÓN VILLEDA (Honduras), replying to question No. 16, said that, as indicated in the written replies, the Constitutional Chamber of the Supreme Court of Justice had declared unconstitutional the offence of offending, insulting, or threatening a public functionary in the performance of his or her official duties. The State did not exercise prior censorship, and the right to disseminate information, as provided under article 19 of the Covenant, was duly respected, as could be seen from the verdict of not guilty in the case of a well-known journalist who had published information about a prominent individual involved in drug-trafficking; that verdict had been confirmed by the Criminal Chamber of the Supreme Court. The National Congress was currently considering draft legislation on transparency and access to public information.

50. Mr. JIMÉNEZ PUERTO (Honduras) added that it was individuals who brought lawsuits for defamation and consequently the State was not involved. The Government would like to see a law on transparency adopted in order to ensure that citizens could have access to all public information without restrictions, apart from what might be necessary for national security and other clearly defined considerations. The legislation currently under consideration had been drafted mainly by the President of the Republic before his election and had been submitted to the National Congress as soon as the Government had taken office. The law would have to be worded to respect the rights of individuals, while providing scope for combating corruption, which was a major scourge in Honduras. It was expected to be enacted before the end of the current legislature and members of the delegation were hoping to be able to provide a copy of the text for the Committee's perusal, enabling it to see for itself that the Government respected not only international standards but also its commitments to the Honduran people.

51. The CHAIRPERSON informed the delegation that they had three days to communicate information they would like to see taken into consideration when the Committee formulated its concluding observations. Subsequent information would be included in the follow-up procedure, or would have to appear in the next periodic report of Honduras.

52. Mr. LARA WATSON (Honduras), replying to the question on freedom of association (No. 17), said that freedom of association was safeguarded under the 1957 Constitution. Any problems that might arise in connection with the registration of trade unions were the result of opposition on the part of workers, i.e. they had to do with relations between unions. In principle, where there was no opposition, the registration procedure was comparatively quick. It was important to note that employers could not oppose the formation of a trade union. The Ministry of Labour

had taken administrative measures to protect the right to form and join trade unions, and had established a mobile labour inspection unit that visited industrial parks. Draft legislation aimed at reforming Honduran labour laws, primarily by simplifying the procedure for forming trade unions, was currently being considered by the Economic and Social Council of Honduras and in due course would be sent to the National Congress for enactment.

53. Mr. ROSA BAUTISTA (Honduras) said that, endeavouring to improve its employment situation, Honduras had approached competent organizations, including the International Labour Organization (ILO) in the hope of securing assistance and cooperation. By way of illustration, in the effort to combat sexual exploitation of children for commercial purposes, 734 justice officials (judges, prosecutors and police officers) had received training, thanks to support from the United Nations Children's Fund (UNICEF), ILO, the International Organization for Migration (IOM) and Save the Children. A special investigation unit had been formed within the police services and police officers specializing in that area were following guidelines supplied by the Public Prosecutor, for the issue of child victims was a very sensitive one. The United States Department of State had placed Honduras on its watch list in the 2004 edition of its yearly *Trafficking in Persons Report*. In the following year, however, Honduras had been removed from the list, in recognition of its efforts to combat the scourge of sexual exploitation for commercial purposes. Substantial resources had been earmarked for that purpose, with active participation on the part of civil society, including in particular the NGO "Caza Alianza", with which the Office of the Public Prosecutor had established regular cooperation. In the context of the child protection programme, consideration was being given to legislation on witness protection and the establishment of a support system to protect victims of violence or exploitation. Since Honduras did not have enough justice officials, UNICEF had joined forces with the Office of the Public Prosecutor to train prosecutors in order to ensure that the rights of minors and their families would be respected in both civil and criminal cases. Lastly, the revision of the chapter of the Civil Code dealing with sexual exploitation for commercial purposes had been completed, and "exploiting clients" were now liable to prosecution. An inter-institutional task force had been established in that area as well, for experience had shown that public bodies were much more effective when they worked together than when they worked separately in pursuit of a common objective.

54. Mr. JIMÉNEZ PUERTO (Honduras) added that within the Office of the Public Prosecutor there was a unit specializing in the protection of children and adolescents.

55. The CHAIRPERSON thanked members of the delegation of Honduras and invited them to respond to the final questions on the list at the next meeting.

The meeting rose at 1 p.m.