



# Convention on the Rights of the Child

Distr.: General  
3 July 2015

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the combined fourth and fifth periodic reports of Honduras\*

#### I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Honduras (CRC/C/HND/4-5) at its 1994th and 1996th meetings (see CRC/C/SR.1994 and 1996), held on 21 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/HND/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the State party's ratification of or accession to:

- (a) The Convention on the Rights of Persons with Disabilities, in 2008;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearance, and its acceptance of the inquiry procedure thereunder, in 2008;
- (c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2010;
- (d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2008;
- (e) The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, in 2011;
- (f) The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, in 2011;

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\* Adopted by the Committee at its sixty-ninth session (18 May–5 June 2015).



(g) The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), in 2011.

4. The Committee also notes with appreciation the adoption of the following legislative measures:

(a) Legislative Decree No. 23-2013 of 25 February 2013 amending the Criminal Code in respect of the offence of discrimination;

(b) The Fundamental Act on Education of 19 January 2012;

(c) The Supplementary Income in Rural and Marginalized Urban Areas Act of 29 July 2010.

5. The Committee further welcomes the following institutional and policy measures:

(a) The creation of the Directorate for Children, Adolescents and the Family, in June 2014, replacing the Honduran Institute for Children and the Family;

(b) The first Public Policy and National Plan of Action on Human Rights, 2013–2022, adopted on 22 January 2013;

(c) The Comprehensive Early Childhood Development Policy, adopted on 21 August 2012;

(d) The Social Protection Policy, adopted on 8 March 2012;

(e) The Road Map for the Prevention and Eradication of Child Labour and its Worst Forms, adopted on 15 February 2011, and the second Plan of Action for the Prevention and Eradication of Child Labour in Honduras, 2008–2015;

(f) The National Policy on Women and the Second Gender Equality Plan, 2010–2022, adopted on 6 July 2010;

(g) The National Policy and Strategy on Food and Nutrition Security, adopted on 24 August 2010;

(h) The National Youth Policy, adopted on 21 December 2010;

(i) The National Standards for Maternal and Newborn Care, adopted on 27 August 2010, and the Policy on Accelerated Reduction of Maternal and Infant Mortality, adopted on 25 April 2008.

6. The Committee commends the extension by the State party of its first invitation to United Nations special procedures, in May 2010. The Committee welcomes the visits of the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the sale of children, child prostitution and child pornography, in 2014.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)**

##### **Legislation**

7. The Committee notes with appreciation the efforts to harmonize national legislation with the Convention, in particular the reform of the Code on Children and Adolescents, the Family Code, the Civil Code, the Criminal Code, the Code of Criminal Procedure and the

Law on Domestic Violence. The Committee is however concerned about the limited implementation of child-related laws.

**8. The Committee recommends that the State party allocate the human, technical and financial resources necessary for the full dissemination of child-related laws and develop the institutional capacity for their effective application.**

#### **Comprehensive policy and strategy**

9. While noting the adoption of the Vision for the Country, 2010–2038 and the National Plan, 2010–2022, which are focused on education, health, housing, opportunities for youth and increased social cohesion, the Committee regrets that both plans have an adult-centred focus and that the State party has not developed a comprehensive policy on children covering all their rights under the Convention. The Committee also notes the lack of information on the implementation of and results achieved by the Plan of Opportunities for Children and Adolescents that comes to an end in 2015, and on the way forward.

**10. The Committee encourages the State party to give visibility to the rights of the child in its general policies and strategies. Furthermore, it recommends that the State party evaluate and assess the implementation of the Plan of Opportunities for Children and Adolescents and take it into consideration in the development of a new plan.**

#### **Coordination**

11. The Committee welcomes the institutional reforms undertaken, in particular the creation of the Directorate for Children, Adolescents and the Family as the lead agency on children's policy and coordination. The Committee is however concerned about the challenges faced by the Directorate, in particular regarding the lack of adequate resources for its effective functioning and coordination with relevant governmental entities and non-governmental organizations.

**12. The Committee urges the State party to assign the adequate human and technical resources to the Directorate for Children, Adolescents and the Family required to complete the process of institutional reform and for its effective functioning; guarantee the broad participation of entities and organizations working for children's rights; and seek the technical cooperation of the United Nations Children's Fund (UNICEF) in this process.**

#### **Allocation of resources**

13. The Committee is concerned about the steady decrease, as a percentage of the total budget, of direct expenditure on children and its impact on the Social Protection Policy and the Public Policy on Comprehensive Early Childhood Development. The Committee welcomes the steps taken by the State party to institutionalize the measurement of public investment in children and the impact of that investment, but is concerned about the lack of a participatory budgeting process with a child's rights perspective as well as the lack of due consideration of the situation of children in vulnerable situations.

**14. In the light of the recommendations adopted following its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;**

(b) **Establish a transparent and participatory budgeting process that includes a child rights perspective and specifies clear allocations for children in the relevant sectors and agencies, including specific indicators and a tracking system;**

(c) **Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(d) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.**

#### **Data collection**

15. While noting the multiple measures taken to create institutions and information systems to collect and analyse data on children rights, the Committee remains concerned about:

(a) The lack of adequate financial support for the effective functioning of information systems;

(b) The limited capacity of State institutions to provide pertinent, high quality and timely information;

(c) The inadequate disaggregation of data to identify the most vulnerable groups of children;

(d) Information not being used by State institutions to support policy formulation, despite the progress made in data collection.

16. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Provide adequate resources for the effective functioning of data collection systems;**

(b) **Strengthen the capacity of State institutions to provide pertinent, high quality and timely information;**

(c) **Ensure that data cover all areas of the Convention and are disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**

(d) **Institutionalize the sharing of data and indicators among the ministries concerned and their use in the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(e) **Continue its technical cooperation with UNICEF, among others, in this regard.**

#### **Independent monitoring**

17. While acknowledging the work of the children's defender within the office of the National Commissioner for Human Rights and the appointment of municipal child rights defenders, the Committee remains concerned that an independent human rights institution focused on children is still lacking and that the municipal defenders do not exist in all municipalities. The Committee is also concerned about the current "B" status of the office of the National Commissioner for Human Rights.

18. In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

(a) Consider establishing a specific independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims and undertake monitoring, follow-up and verification activities for victims, and, to that effect, seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme;

(b) Ensure that all municipalities have access to a municipal child rights defender;

(c) Take the measures necessary to ensure compliance by the office of the National Commission for Human Rights with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

#### **Dissemination and awareness-raising**

19. While the Committee recognizes the different awareness activities conducted by the State party to disseminate information on children's rights, it remains concerned about the generalized lack of knowledge of and compliance with children's rights and about the continuity of awareness-raising activities.

20. The Committee recommends that the State party strengthen its awareness-raising programmes on the Convention, including by undertaking greater media engagement in a child-friendly manner; promoting the active involvement of children in public outreach activities; and ensuring targeted measures for parents, social workers and law enforcement officials.

#### **Training**

21. While taking note of the several training activities relating to children's rights undertaken by the State party, the Committee regrets that they were almost exclusively directed at officials and employees of the judiciary and civil servants involved in preparing the reports on the Convention and its Optional Protocols. The Committee is also concerned about the reform of the education curriculum, which limits the teaching of human and children's rights to the seventh grade.

22. The Committee recommends that the State party:

(a) Develop systematic and ongoing training programmes on children's rights for all professionals working with and for children, such as judges, lawyers and law enforcement officials, as well as civil servants, teachers, health personnel, psychologists, social workers and journalists;

(b) Integrate the teaching of human and children's rights into the curricula for students of all ages;

(c) Engage with UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and OHCHR for technical cooperation in this area.

#### **Cooperation with civil society**

23. The Committee welcomes the steps taken by the State party to ensure the systematic coordination between public and civil society institutions, which resulted in the adoption of

several laws, policies and programmes to implement children's rights. It is, however, concerned about the lack of involvement of independent civil society in the monitoring and evaluation processes of those public measures. The Committee is also concerned about abuses against defenders of children's rights, such as in the case of José Guadalupe Ruelas, the director of Casa Alianza in Honduras, who was beaten and jailed by the military police on 8 May 2014.

24. **The Committee recommends that the State party:**

(a) **Systematically involve communities and civil society, including non-governmental organizations and children's organizations, in the development, monitoring and evaluation of policies, plans and programmes related to children's rights;**

(b) **Keep the Committee informed of the outcome of the case of Mr. Ruelas, and the steps taken to protect defenders of children's rights.**

## **B. General principles (arts. 2–3, 6 and 12 of the Convention)**

### **Non-discrimination**

25. The Committee welcomes the State party's measures to integrate the principle of non-discrimination in its legislation and in designing public policies and programmes. The Committee is nonetheless concerned about:

(a) The lack of detailed information on the situation of girls;

(b) The impact of increased poverty and inequality among children, in particular indigenous children and children living in rural areas;

(c) The continued use of sex-based discrimination language in certain laws, institutional plans and programmes for children.

26. **The Committee recommends that the State party:**

(a) **Collect information, disaggregated by sex, on all areas of the Convention;**

(b) **Take the measures necessary to mitigate the impact of poverty and inequality on the situation of indigenous children and children living in rural areas;**

(c) **Review its laws, policies and programmes to ensure the effective abolishment of the different classification of boys and girls in law and in practice.**

### **Best interests of the child**

27. The Committee welcomes the measures taken by the State party to include the right of the child to have his or her best interests taken into account as a primary consideration in the legal framework, to strengthen the judiciary as regards the application of this right and to provide legal aid services for the population. The Committee is however concerned that the right of the child to have his or her best interests taken into account as a primary consideration is not applied in practice, namely in the areas of migration, labour and civil and police matters.

28. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and**

decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(b) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

#### **Right to life, survival and development**

29. The Committee remains deeply concerned about:

(a) The increase, during the reporting period, in violence, homicide and femicide rates in Honduras, considered to be one of the most violent countries in the world which is not in a situation of conflict, and the fact that half of the people murdered are adolescents and youth, the majority killed with firearms;

(b) The numerous reported cases of extrajudicial executions and the low number of investigations, prosecutions and sentences carried out in cases of violent deaths of children.

30. **The Committee recommends that the State party:**

(a) **Strengthen measures to investigate, prosecute and sanction cases of deaths and extrajudicial killings of children, including the monitoring of the performance of the police and judicial institutions, and provide detailed information on the status and outcomes of those processes in its next periodic report;**

(b) **Expediently implement the National Policy on Prevention of Violence against Children and Young People, the Social Protection Policy and the National Plan of Action on Human Rights;**

(c) **Promptly proceed with the adoption of the draft law on the control of firearms, explosives and similar devices.**

#### **Respect for the views of the child**

31. The Committee notes the recognition in the national legislation of the principle of respect for the views of the child and welcomes the measures taken to ensure the participation of children in public forums, namely, the Children's Congress, the Students' Legislative Congress and student governments. It also welcomes the measures taken by the Inter-Agency Committee on Early Childhood to pay special attention to the views of parents, adolescents and adolescent mothers during the design of the Comprehensive Early Childhood Development Policy. However, the Committee is concerned that, despite progress, the views of the child are still not considered in fundamental decisions affecting their rights, namely, the approval of education budgets.

32. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party continue to ensure a high level of inclusiveness and participation of children and develop monitoring mechanisms to measure how their views are taken into consideration in national and local decision-making mechanisms, including budgeting processes.**

### **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration**

33. The Committee welcomes the steps taken by the State party to increase birth registration, including the decriminalization of late registration, public awareness

campaigns and the expansion of the National Registry Office, in particular in locations with predominantly indigenous or Afro-Honduran communities and in remote areas, but remains concerned about the still low levels of registration in border and indigenous areas.

34. **The Committee calls on the State party to continue to take all measures necessary to ensure the registration of all children, including through technical assistance from UNICEF and the United Nations Development Programme.**

#### **Freedom of association and of peaceful assembly**

35. The Committee notes the steady decrease in children arrested under article 332 of the Criminal Code on illicit association; however, it remains concerned that the police and prosecution are still allowed to arbitrarily detain children, based on their presumed affiliation to *maras* or their appearance, which results in the further stigmatization of these children.

36. **The Committee reiterates its previous recommendation (see CRC/C/HND/CO/3, para. 42) that the State party ensure that no restrictions are placed on the right of the child to freedom of association other than those imposed in conformity with article 15 of the Convention, and recommends that the State party review its security laws and regulations that breach children's rights.**

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Children involved in *maras***

37. The Committee notes the adoption by the State party of the national programme for members of *maras*, aimed at prevention, rehabilitation and social reinsertion, and the 2010 update on the situation of *maras* and gangs in Honduras. However, the Committee is extremely concerned about:

(a) The extensive recruitment of children by *maras* and the fact that more than 70 per cent of the homicides of children and adolescents occur as part of the criminal activities of organized crime and drug trafficking;

(b) The lack of adequate resources for preventive initiatives to reduce the incorporation of children into these criminal groups;

(c) The prevalence of a repressive approach to youth violence, based, inter alia, on article 332 of the Criminal Code, and the creation of anti-gang units in the national police and the armed forces;

(d) The creation of the Guardians of the Fatherland programme, aimed at training 25,000 children at social risk annually, under which children participate in activities carried out by military units and in installations of the armed forces.

38. **The Committee recommends that the State party:**

(a) **Take all measures necessary to prevent the recruitment of children and to protect them from violence by *maras* and criminal groups, and assess the impact of those measures. The root causes of recruitment, such as poverty and discrimination, and the particular needs of girl victims must be taken into consideration when designing these measures;**

(b) **Provide adequate human, technical and financial resources to the programme for members of *maras* on prevention, rehabilitation and social reinsertion and empower the Directorate for Children, Adolescents and the Family to fulfil its mandate of coordinating public policies to prevent violence and the participation of children and adolescents in *maras*;**



(c) **Review security laws, including article 332 of the Criminal Code, and ensure respect for the rights of the child in its approaches to public security;**

(d) **Abandon the Guardians of the Fatherland programme and ensure that children and adolescents do not participate in activities carried out in battalions and other military installations, and promote instead community and education-sector participation in the formation of values and prevention of violence;**

(e) **Develop and conduct awareness-raising programmes, including with the involvement of children and the media, to reduce the social stigmatization of *maras*.**

#### **Freedom of the child from all forms of violence**

39. The Committee is concerned about the lack of official data on and the limited availability of mechanisms and expertise to provide support for victims of bullying, despite information indicating that Honduras has one of the highest rates of school violence, with 80 per cent of children being affected.

40. **The Committee recommends that the State party increase efforts to implement effectively the Standards for Harmonious Coexistence in Public and Private Schools and related initiatives and closely monitor their implementation.**

#### **Corporal punishment**

41. The Committee welcomes the amendment of article 191 of the Family Code, which prohibits all forms of corporal punishment of children in all settings, including in the family environment. However, it remains concerned about the high number of cases of abuse reported in families, schools and institutions, a concern that is compounded by the lack of consolidated, detailed and disaggregated information, in particular with respect to girls and children in vulnerable situations.

42. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party promote positive, non-violent and participatory forms of child-rearing and discipline, conduct awareness-raising programmes on the prohibition of corporal punishment and create mechanisms for its fulfilment.**

#### **Abuse and neglect**

43. The Committee is concerned about the high number of cases of child abuse, in particular involving girls, including in the family environment, and about the lack of consolidated and disaggregated information on all forms of abuse against children.

44. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) **Establish a national database covering all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(b) **Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children and encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing them with training support.**

### Sexual exploitation and abuse

45. The Committee welcomes the establishment of the Inter-Institutional Commission to Combat Commercial and Sexual Exploitation and Trafficking in Persons and the creation of special units within the police and the Public Prosecution Service to investigate and prosecute such offences. However, the Committee remains concerned about:

- (a) The lack of detailed information regarding the number of investigations, prosecutions and judgements;
- (b) The lack of coordination among government mechanisms;
- (c) The lack of psychosocial support, rehabilitation and reintegration for child victims;
- (d) The lack of preventive and protective measures targeting children at special risk, namely children in street situations, indigenous children and child domestic workers, in particular girls.

46. **The Committee recommends that the State party:**

- (a) **Establish mechanisms, procedures and guidelines to ensure the mandatory reporting of all cases of child sexual abuse and exploitation, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**
- (b) **Effectively investigate and prosecute reported cases of sexual exploitation and abuse against children and issue appropriate sentences, and provide information on those cases in its next report;**
- (c) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse;**
- (d) **Proceed with the development of programmes and policies for prevention and for the recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

### Harmful practices

47. The Committee is concerned about the high prevalence of child marriages, in particular among girls.

48. **In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party take all measures necessary to enforce respect for the minimum age of marriage, for both girls and boys, which is set at 18 years. The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls.**

### Helplines

49. The Committee welcomes the creation and operation of a telephone helpline with the number 111 to receive complaints of cases of violence, abuse and ill-treatment of children and the referral of those to the Office of the Special Prosecutor for Children in the Public Prosecution Service. The Committee is however concerned about the lack of official data on the complaints received and on the action taken in respect of those complaints.

50. **The Committee recommends that the State party:**

(a) **Ensure that the telephone helpline has national coverage and is accessible to children, and that the staff is trained adequately in child-sensitive procedures and in directing complaints to the relevant services;**

(b) **Collect information on the operations of the telephone helpline, namely, on the number of cases reported to the helpline, disaggregated by age and sex of the victim, ethnic group, geographic location and socioeconomic background, and on the measures taken to immediately provide protection to the victims and investigate the cases.**

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25 and 27 (4))**

**Family environment**

51. The Committee welcomes the adoption of the Responsible Parenting Act, the Comprehensive Early Childhood Development Policy and the Social Protection Policy and the creation of the national system for the protection of children, with a focus on the special protection of children in a position of vulnerability. However, it is concerned that the implementation of those measures has been ineffective and, in particular, that the impact of social programmes in reducing poverty has been limited, notably in rural and indigenous areas. The Committee is also concerned that the availability of care services for children of working parents remains inadequate.

52. **The Committee reiterates its recommendation (see CRC/C/HND/CO/3, para. 46) that the State party provide appropriate assistance to parents in the performance of their child-rearing responsibilities, in particular to meet the needs of children in single-parent families, including access to childcare services and facilities. The Committee recommends that the State party monitor and evaluate the impact of poverty alleviation measures on the welfare of children.**

**Children deprived of a family environment**

53. The Committee welcomes the attention paid in the Social Protection Policy to children of parents who have been deprived of liberty and children deprived of a family environment. It remains concerned about the lack of detailed information on the situation of such children and the lack of independent supervision of their situation.

54. **The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children and that it, in particular:**

(a) **Ensure periodic review of the placement of children in foster care and institutions;**

(b) **Monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(c) **Review the locations where children, in particular those from indigenous or ethnic groups, are institutionalized, in order to prevent them from being uprooted from families and communities;**

(d) **Take all measures necessary to facilitate and promote the deinstitutionalization of children.**

55. The Committee is concerned about the lack of information on the state of emergency declared in 2012 for the comprehensive childcare centres administered by the Honduran Institute for Children and the Family and its impact on children in alternative care.

56. **The Committee requests the State party to provide information on the evaluation and reorganization of the comprehensive childcare centres.**

#### **Adoption**

57. **The Committee recommends that the State party expedite the approval of the Special Law on Adoptions and consider ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

### **F. Disability, basic health and welfare (arts. 6, 18 (3), 23–24, 26–27 (1)–(3) and 33)**

#### **Children with disabilities**

58. The Committee welcomes the adoption of the Public Policy for the Exercise of the Rights of Persons with Disabilities and their Social Inclusion in Honduras, and the prioritization of inclusive education in the Educational Goals for 2021. It is however concerned that almost half of children with disabilities are deprived of education. The Committee is also concerned that although the State party overly relies on non-governmental organizations to ensure the rights of children with disabilities, there has been a decrease in resources provided to those organizations. It is further concerned about the possible negative impact of the decision to merge the Directorate for People with Disabilities with the Directorate for Senior Citizens.

59. **Taking into account its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Take urgent measures to ensure that all children with disabilities are effectively enrolled in mainstream schools;**

(b) **Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

(c) **Train specialized teachers and professionals in inclusive education and assign them to inclusive classes providing individual support and all due attention to children with disabilities;**

(d) **Review the situation of children enrolled in the special education system with a view to integrating them into the mainstream education system as soon as possible;**

(e) **Increase the resources allocated to organizations that provide services for children with disabilities;**

(f) **Monitor and assess the impact of the new directorate on the protection of the rights of children with disabilities.**

#### **Health, health services and breastfeeding**

60. The Committee welcomes the decline in infant and under-five mortality rates and the adoption of the Breastfeeding Law, but is concerned about the delay in adopting a primary-health-care strategy and the limitations imposed on the expanded programme of immunization.

61. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

- (a) **Progress in the adoption of a primary-health-care strategy;**
- (b) **Allocate adequate human, technical and financial resources to the immunization programme;**
- (c) **Improve the coverage and quality of services, paying particular attention to rural and indigenous neglected populations.**

#### **Mental health and drug and substance abuse**

62. The Committee remains concerned about the inadequate provision of mental health services to children fighting drug, alcohol and psychotropic addiction.

63. **Recalling its previous concluding observations (see CRC/C/HND/CO/3, para. 61 (b)), the Committee recommends that the State party provide adequate access to mental-health services for all children and develop specialized and youth-friendly drug-dependence treatment and harm reduction services for children and young people.**

#### **Adolescent health**

64. The Committee remains concerned about the high levels of pregnancy among adolescent girls, in particular among adolescents with no education or with only primary schooling, and notes the neglect of sexual and reproductive health education in the design of the national curriculum for basic education. The Committee is also deeply concerned that girls can in no circumstances have access to abortion services, including in cases of rape or incest and when their health or life are in danger, a situation which places them at grave risk of resorting to clandestine abortion at the risk of their life and can lead them to being criminalized.

65. **In the light of its general comment No. 4 (2003) on adolescent health in the context of the Convention, the Committee recommends that the State party:**

- (a) **Adopt a comprehensive sexual and reproductive health policy for adolescents;**
- (b) **Ensure that sexual and reproductive health education is part of the mandatory school curriculum and aimed at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;**
- (c) **Take measures to raise awareness of and foster responsible sexual behaviour and parenthood, paying particular attention to boys and men;**
- (d) **Decriminalize abortions in all circumstances and review its legislation with a view to ensuring children's access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.**

#### **HIV/AIDS**

66. The Committee notes the draft of a bill proposing comprehensive amendments to the special law on HIV/AIDS adopted in 1999, and welcomes the development of the national strategic plans related to HIV/AIDS and the increase in budget allocations to fight HIV/AIDS. However, it remains concerned about the high rate of new cases registered,

especially among adolescents, and the still limited availability of services provided, in particular to prevent vertical transmission.

67. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Improve access to quality, age-appropriate HIV/AIDS and sexual and reproductive health services;**

(b) **Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a road map to ensure the implementation of effective preventive measures;**

(c) **Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;**

(d) **Improve the access and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women;**

(e) **Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS and UNICEF.**

#### **Standard of living**

68. Despite all the measures taken by the State party, the Committee is deeply concerned about the increasing number of poor households and geographic disparities in access to water and sanitation, which primarily affect indigenous and Afro-Honduran children. It is also concerned about the high level of chronic malnutrition, which affects twice as many children in rural areas as children in urban areas.

69. **The Committee recommends that the State party:**

(a) **Strengthen the institutional capacities for the implementation, monitoring and evaluation of socioeconomic measures;**

(b) **Increase the efficiency of actions to reduce poverty;**

(c) **Intensify its efforts to reduce chronic malnutrition;**

(d) **Improve access to water and sanitation in rural, indigenous and Afro-Honduran areas.**

### **G. Education, leisure and cultural activities (arts. 28–31)**

#### **Education, including vocational training and guidance**

70. The Committee welcomes the significant progress made by the State party to improve access to education. However, it is concerned about:

(a) The decrease in financial allocations to education in relation to the central budget;

(b) The high dropout rate, in particular in rural and indigenous areas;

(c) The low enrolment rate in preschool and secondary education, in particular in rural and indigenous areas.

71. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Increase the State budget dedicated to education to improve accessibility and the quality of education;**

- (b) **Reduce dropout rates, in particular in rural, remote and indigenous areas;**
- (c) **Continue to support preschool education and substantially increase access to secondary education.**

#### **Human rights education**

72. **The Committee recommends that the State party develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

#### **Rest, leisure, recreation and cultural and artistic activities**

73. The Committee notes the inclusion of the right of children to rest, leisure and play in the national education curriculum. It is concerned that progress has been limited, with no government institution taking the lead in the implementation of this right, and notes the lack of spaces for recreation, within and outside schools, and that the few spaces available do not have a gender perspective and often exclude girls.

74. **In the light of its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party identify the governmental institution that is to take the lead in promoting and protecting this right, including through the mobilization of national and municipal institutions and organizations.**

### **H. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), and 38–40)**

#### **Children in situations of migration**

75. The Committee welcomes the measures taken to document regular and irregular migration processes and to provide assistance and protection for repatriated children, including by increasing collaboration with countries in the region. However, the Committee remains concerned about:

- (a) The lack of policies and permanent programmes for addressing the root causes and structural factors that lead to the irregular and unaccompanied migration of children;
- (b) The detention in third countries of children waiting to be repatriated, for unknown periods of time;
- (c) The lack of appropriate mechanisms for monitoring and evaluating repatriation processes, including family and social reintegration;
- (d) The impact of the migration of adult family members on the security and welfare of children left behind in the State party.

76. **In the light of the recommendations from its day of general discussion on the rights of all children in the context of international migration, held in 2012, the Committee recommends that the State party:**

- (a) **Develop and implement a comprehensive human rights-based policy and programme to address the root causes of the irregular and unaccompanied migration of children;**

(b) **Take all measures necessary to end the administrative detention in third countries of migrant children waiting to be repatriated, and ensure that migrant children are informed about their legal status, fully understand their situation and have access to public defence services and/or guardians throughout the process. Children should also be informed that they may contact their consular services;**

(c) **Collect disaggregated data related to cases of children's repatriation, including the reintegration of children in their families and communities;**

(d) **Collect disaggregated data on the situation of children in the State party left behind by migrant family members.**

#### **Indigenous and Afro-Honduran children**

77. The Committee welcomes the creation of the Ministry for Indigenous and Afro-Honduran Peoples and the 2011 study on the status of indigenous and Afro-Honduran children. The Committee is nevertheless still concerned about:

(a) The extremely high rate of poverty among indigenous children and children of African descent;

(b) The enduring practice of child labour, including in its worst forms, among indigenous children and children of African descent;

(c) The impact of laws and programmes promoting the exploitation of natural resources on the right of indigenous children and children of African descent and their families to ownership of the lands they inhabit;

(d) The increased militarization and excessive use of force in the context of disputes over land and natural resources, especially in communities where indigenous peoples and peoples of African descent are settled, and the impact of evictions on children's welfare.

78. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Expediently implement measures to decrease the poverty of indigenous children and children of African descent;**

(b) **End the practice of child labour, in particular in its worst forms, among indigenous children and children of African descent;**

(c) **Review and refrain from implementing laws and programmes promoting the exploitation of natural resources that negatively affect the realization of children's rights;**

(d) **Monitor and review governmental actions in the context of disputes over land and natural resources, and investigate and prosecute cases of excessive use of force.**

#### **Economic exploitation, including child labour**

79. The Committee welcomes the measures the State party has taken to combat child labour, but it remains concerned about the lack of harmonization of the Labour Code with international standards, including the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), the continuing high rates of child labour and the inability of the labour inspectorate to identify cases of child labour.

80. **The Committee recommends that the State party:**

(a) **Harmonize the Labour Law with the laws on the rights of children and ensure its effective application;**



(b) **Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;**

(c) **Harmonize the labour code with ILO Convention No. 138 and ratify the ILO Domestic Workers Convention, 2011 (No. 189) and, in this regard, seek technical assistance from the International Programme on the Elimination of Child Labour.**

#### **Children in street situations**

81. The Committee regrets the lack of information on the situation of children in street situations and the absence of adequate legislation, public institutions and coordinated action by civil society organizations in this respect.

82. **The Committee recommends that the State party:**

- (a) **Conduct a census of children in street situations;**
- (b) **Develop a comprehensive programme to protect children in street situations;**
- (c) **Amend the legislation that criminalizes children in street situations;**
- (d) **Prevent the institutionalization of children in street situations;**
- (e) **Conduct public awareness programmes, including campaigns, against the discrimination of children in street situations.**

#### **Administration of juvenile justice**

83. The Committee welcomes the decline in the number of arrests under article 332 of the Criminal Code and the current review of that article; the amendment of article 260 of the Code on Children and Adolescents to stipulate periodic inspections of pretrial detentions; the restructuring of the judicial chain; and the adoption of a new special criminal system. However, the Committee remains concerned about:

- (a) Court decisions that follow a punishment rationale with little consideration for alternative measures;
- (b) The disrespect for pretrial time limits;
- (c) The limited ability of centres for juvenile offenders to provide effective rehabilitation;
- (d) The adoption, in the constitutional reform of 2012, of new provisions that extend the detention period from 24 to 48 hours in "serious cases" with no exception criteria for detained children and no clear definition of what "serious cases" means;
- (e) The lack of information on cases of abuse of authority and torture and cruel, inhuman and degrading treatment of adolescent offenders at the hands of authorities responsible for operating centres for the deprivation of liberty;
- (f) Instances of gang violence within detention centres that resulted in the deaths of several child detainees;
- (g) The recurrent discussions and proposals to decrease the age of criminal responsibility.

84. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to:

(a) Ensure the provision of qualified and independent legal aid for children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;

(b) Promote alternative measures to detention wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed effectively on a regular basis with a view to its withdrawal;

(c) Monitor, evaluate and report on the impact of the new special criminal system in ensuring respect for the human rights of child offenders, including with regard to pretrial detention periods;

(d) Promptly investigate and prosecute cases of torture and abuse of authority in detention centres and provide redress to victims;

(e) Promptly investigate and prosecute cases of death during detention and provide information on the measures taken to address those cases;

(f) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

#### **I. Ratification of the Optional Protocol on a communications procedure**

85. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

#### **J. Cooperation with regional bodies**

86. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

87. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. It also recommends that the combined fourth and fifth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

## B. Next report

88. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 8 September 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

89. The Committee also invites the State party to submit an updated core document in accordance with the requirements for the common core document in the harmonized guidelines on reporting approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document, as established by the General Assembly in paragraph 16 of its resolution 68/268, is 42,400 words.

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