



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Concluding observations on the initial report of Honduras**

**Addendum**

**Information received from Honduras on follow-up to the  
concluding observations\*, \*\***

[Date received: 22 October 2018]

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\* The present document is being issued without formal editing.  
\*\* The annexes to this document may be consulted in the secretariat records.



## Introduction

1. The delegation of Honduras appeared before the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on 29 and 30 August 2016 to present the State party's initial report (CMW/C/HND/1).
2. The Committee adopted the concluding observations at its 339th meeting, on 7 September 2016. In paragraph 62, it requested Honduras to submit, within two years, written information on the implementation of the recommendations in paragraphs 11, 33, 41 and 55.<sup>1</sup>
3. This report was prepared by the Ministry of Human Rights, which is the authority responsible for coordinating and drafting the Government's human rights reports.
4. The information set out in this document was supplied and validated by the competent State institutions that make up the Special Response Group on Human Rights. This was done through the Committee on Persons Living in Poverty and Migrants established under the Recommendation Monitoring System of Honduras.<sup>2</sup>
5. With this report, Honduras reaffirms its willingness to abide by its international obligations and undertakes to present, in its next report, the measures that it has, and will have, taken.

## Follow-up report on the recommendations in paragraphs 11, 33, 41 and 55

### Legislation and application

#### Paragraph 11

6. The Committee recommends that the State party should take the measures necessary to adopt and implement legislation on migration that is fully consistent with the Convention and the other international human rights treaties that it has ratified. It also recommends that, in the process of preparing that regulatory framework, it should take appropriate measures to ensure the effective participation of civil society organizations and specialized international agencies such as the new country office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras, the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Entity for Gender Equality and the Empowerment of Women.
7. In this regard, the Government, through the National Migration Institute, launched a process to draw up a new Migration and Aliens Act, as mentioned to the Committee during the presentation of the initial report. As part of the process of drafting the bill, which continued through 2016 and 2017, thematic working groups comprising officials from relevant bodies were created to deal with specific chapters.
8. Final consultations on the bill are currently being held before it is submitted to the National Congress.

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<sup>1</sup> CMW/C/HND/CO/1, para. 62.

<sup>2</sup> PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>, consulted on 17 September 2018.

## Right to life, physical integrity and property

### Paragraph 33

9. The Committee recommends that the State party should take all appropriate measures to support the full implementation by the competent Mexican authorities of the external search and investigation support mechanism, under the crime investigation unit for migrants, and in particular that it should:

(a) Implement programmes aimed at providing the resources, legal assistance, information and training required to ensure that migrant workers and members of their families can effectively use this mechanism and that the initiatives in question are carried out both in Mexican territory – through the consulates – and in the State party by the competent authorities;

(b) Undertake and implement every possible action to search for living migrants who are missing or have disappeared;

(c) Substantially increase the support provided to committees of family members of migrants in the different regions of the country, taking into account the valuable collaborative work undertaken with State bodies responsible for protecting the human rights of migrants and their families on the migratory route;

(d) Establish a flexible and effective mechanism for contacting and notifying the family members of missing, deceased and/or murdered migrants and for repatriating and returning their remains;

(e) Ensure that the acts in question are seriously and diligently investigated and that the perpetrators receive sentences appropriate to the gravity of the offence;

(f) Establish a regional database to search for missing or disappeared migrants;

(g) Adopt specific measures to ensure the comprehensive protection of the rights of children of migrant workers who have disappeared or been murdered on the migratory route;

(h) Ensure that the families of migrant victims of disappearance have the right to justice – in their country of origin and/or destination – and the right to the truth about the fate of their relatives and to adequate reparation.

10. With respect to subparagraph (a):

11. In 2017, the Integrated Centre for the Protection of Honduran Migrants was established in Mexico City. Its aim is to provide social and legal assistance to Hondurans on the migratory route by means of coordinated actions carried out through the Honduran consular network.

12. Procedures were standardized thanks to the creation of eight management protocols and flow charts, covering aspects such as the repatriation of bodies, the search for migrants who are missing or have disappeared, the regularization of the status of migrants and refugees and persons deprived of their liberty. Efforts were also made to harmonize the formats used by the various members of the consular network.

13. A programme was developed to encourage victims of human trafficking or smuggling to come forward. A telephone number was set up to facilitate reporting and, as part of the same programme, the Unit to Combat Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling under the Public Prosecution Service gave training to consular staff.

14. To facilitate the work of the Consular Centre for the Protection of Honduran Migrants in Houston, Texas, protection protocols are in the process of being adopted. Their purpose is to standardize the protection services offered and procedures followed by the Honduran consular network in the United States of America.

15. As a member of the Regional Coalition to Combat Trafficking in Persons and Migrant Smuggling, Honduras provides, through the Inter-Agency Commission for the

Prevention of Commercial Sexual Exploitation and Trafficking in Persons,<sup>3</sup> comprehensive care and support to disappeared persons who are found and identified as victims of human trafficking.

16. Concerning subparagraph (b), the search for living migrants who are missing or have disappeared is conducted by the Council on Disappeared Migrants, which is coordinated by the International Committee of the Red Cross and composed of public institutions and civil society organizations, including: the Ministry of Foreign Affairs and International Cooperation, the National Migration Institute, the National Registry Office, the Forensics Office, the Public Prosecution Service, the Police Investigation Directorate, the Office of the National Commissioner for Human Rights, the National Forum for Migration, the Pastoral de Movilidad Humana (religious ministry for the pastoral care of migrants), committees of family members of disappeared migrants, the Argentine Forensic Anthropology Team, the International Criminal Police Organization-INTERPOL and Mexican consulates. The Council's aim is to implement a strategy to locate Honduran migrants on the route through El Salvador, Guatemala, Mexico and the United States, using as a basis the information supplied by committees of family members of disappeared migrants.

17. The Council has developed a road map for searching for disappeared migrants and a number of search protocols.<sup>4</sup>

18. As a result of the measures implemented, 46 Hondurans have been found alive. In addition, as at May 2018, investigations were being conducted into cases involving 440 disappeared migrants, of whom 323 were men, 100 were women and 17 were of unknown identity.

19. A total of 974 DNA samples have been collected to date, leading to the identification of the remains of 36 deceased Honduran migrants, 18 of whom have been repatriated and returned to their relatives. Of the remains identified, 7 were found in the United States and 11 in Mexico.

20. In 2013, a forensic database was established with the participation of the Government, the Ministry of Human Rights, the Ministry of Foreign Affairs and International Cooperation, the Argentine Forensic Anthropology Team, civil society organizations, the National Forum for Migration, the Centre for Research and Promotion of Human Rights and the various committees of family members of disappeared migrants.

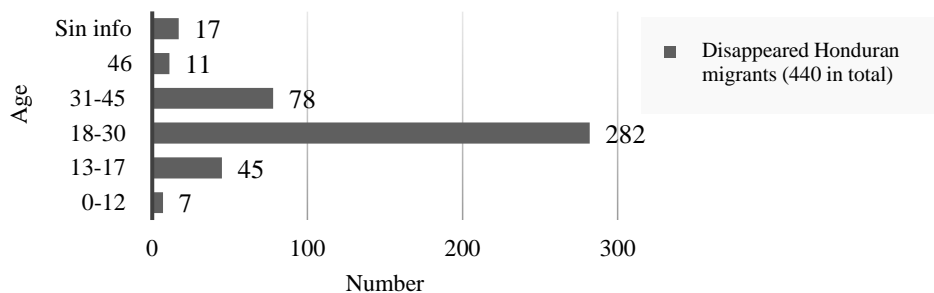
21. Statistics, disaggregated by age group, on cases of Honduran migrants who were missing as at May 2018 are provided below:

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<sup>3</sup> The Commission was created by Legislative Decree No. 59-12 of 6 July 2012, which was published in Official Gazette No. 32865. It is composed of the following institutions: the Ministry for Human Rights, the Ministry of Foreign Affairs and International Cooperation, the Ministry of General Government Coordination, the Ministry of Social Development and Inclusion, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Security, the Ministry of Finance, the Ministry of Security, the Directorate for Children, Adolescents and the Family, the National Institute for Women, the National Migration Institute, the Public Prosecution Service, the National Congress, the Supreme Court, the Office of the National Commissioner for Human Rights, the National Forum for Migration, the coordinating body of private children's rights organizations, Save the Children Honduras, the Asociación Calidad de Vida (the Quality of Life Association), the Asociación Hermanas Misioneras de San Carlos Borromeo Scalabrinianas (the Association of Missionary Sisters of St. Charles Borromeo – Scalabrinians), the Asociación para una Sociedad más Justa (the Association for a Fairer Society), the Alianza de Mujeres Gestoras para el Desarrollo (the Alliance of Women Managers for Development), the Centre for Research and Promotion of Human Rights, World Vision Honduras, the Asociación para el Servicio Mundial (the World Service Association), the Honduran Tourist Board, the National Forum on Convergence, the Mayor's Office of the Central District, the International Organization for Migration and the Centre for the Care of Returned Migrants.

<sup>4</sup> See annex. Search protocol for disappeared migrants.

Chart No. 1  
**Disappeared Honduran migrants by age (2018)**



Source: Forensic database of missing Honduran migrants.

22. There is also a single, standardized form for the collection of data on disappeared migrants provided for under the Inter-Institutional Cooperation Agreement on the Establishment of Mechanisms for the Exchange of Information on Untraced Migrants and Unidentified Bodies.<sup>5</sup>

23. Regarding subparagraph (c), through the Solidarity Fund for Honduran Migrants, national funds are allocated to projects promoting the reintegration of returning migrants.

24. With reference to subparagraph (d), in addition to the protocols mentioned in paragraph 12 above, Honduras, as a member of the Regional Coalition to Combat Trafficking in Persons and Migrant Smuggling, implements the Regional Protocol for the Repatriation of Victims of Trafficking, which establishes general procedures for the provision of assistance and protection to victims and their dependants in accordance with human rights protection principles.

25. The Coalition promotes collaboration and communication among government bodies in different countries with regard to cases of repatriation, assisted return and resettlement of victims of trafficking in persons and their dependants.

26. The Regional Strategy for the Provision of Comprehensive Care and Support to Victims of Trafficking in Persons in Member Countries of the Regional Coalition was designed and adopted in coordination with the member countries of the Coalition. The aim of the Strategy is to define and formulate coordinated, appropriate, viable and concrete regional activities aimed at improving the comprehensive care afforded to victims, in cooperation with other regional initiatives and organizations concerned with the issue of human trafficking.

27. The Ministry of Foreign Affairs and International Cooperation, working through Honduran consuls abroad and in conjunction with the National Registry Office, documents migrants in transit and detained and deceased migrants in Guatemala, Mexico and the United States in the interests of their repatriation. There are also mechanisms and partnerships in place for the forensic identification and repatriation of the bodies of Honduran migrants. All costs are covered for poor families, taking into account their socioeconomic status.

28. As to subparagraph (e), on the investigation of crimes against migrants, Honduran consulates in the south of Mexico count on the support of the Reconciliation Council, a body comprised of officials from the Office of the Attorney General of Mexico and representatives of human rights institutions and civil society which deals with cases involving detained or disappeared migrants.

<sup>5</sup> Report on the status of compliance with the recommendations contained in the report of the Inter-American Commission on Human Rights entitled "Situation of Human Rights in Honduras", Ministry of Human Rights, Justice, the Interior and Decentralization, August 2016, p. 48.

29. Regarding subparagraph (f), the single, standardized form for the collection of data on disappeared migrants may be viewed as a first step towards the establishment of a regional database.

30. Moreover, through the Regional Conference on Migration, efforts are being made to exchange best practices for locating disappeared migrants, with the aim of enhancing cooperation among member countries and drawing up regional guidelines for the gathering of information.<sup>6</sup>

31. With respect to subparagraph (g), migrant children who have been repatriated, including those whose parents are considered to be disappeared migrants, receive comprehensive services in centres for the care of returned migrants. The centres benefit from the participation of various government institutions, including the Directorate for Children, Adolescents and the Family, which has developed specific protection programmes tailored to individual cases involving, for example, reintegration into the immediate or extended family, temporary placement in a foster family or admission to a specialized protection facility.

32. Additional protection measures are detailed in the response concerning the recommendation in paragraph 55.

33. With reference to subparagraph (h), on the measures adopted to ensure that the families of migrant victims of disappearance have the right to the truth, regional agreements on a variety of issues are reached with Guatemala, El Salvador and Mexico through the High-Level Security Group. The agreements are designed to facilitate the transfer of information on persons who have disappeared along the transit route to the United States. Information is exchanged among national and international search mechanisms, such as the Overseas Support Mechanism in Honduras, the Information and Support Centre for Mexicans in Mexico and the Missing Migrants Initiative in the United States. Mechanisms are also in place for the exchange of information among States and civil society organizations.

34. To ensure the right to justice for migrants whose country of destination is Honduras, the Ministry of Security facilitates processes for receiving complaints, which are handled in a coordinated manner using an information management system in order to support efforts to search for, locate and identify disappeared persons. Teams are dispatched to the most accessible locations with the task of registering complaints, receiving documents and issuing international notices to search for and locate disappeared persons.

## **Consular assistance**

### **Paragraph 41**

35. The Committee recommends that the State party take the necessary steps to ensure that its consular services effectively meet the needs of Honduran migrant workers and members of their families in terms of the protection of rights and assistance. In particular, it recommends that the State party:

(a) Formulate a policy on consular protection designed to protect the rights of migrant workers and members of their families abroad;

(b) Dedicate sufficient human and financial resources to the effective implementation of protection efforts;

(c) Recruit consular staff on the basis of merit and expertise in the rights of migrant workers and members of their families, children's rights, the application of a gender perspective and the protection of women against violence;

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<sup>6</sup> Available at: <https://www.iom.int/es/news/paises-de-centro-y-norteamerica-promueven-el-intercambio-de-informacion-para-ayudar-en-la>, consulted on 15 October 2018.

(d) Strengthen the programmes of the Office of the Deputy Minister for Consular and Migration Affairs aimed at providing ongoing training to consular staff on the Convention and other human rights instruments;

(e) Develop a standardized tool for the collection of quantitative and qualitative data by Honduran consulates, specifically designed to show to what extent the rights of Honduran migrant workers and members of their families, including unaccompanied minors, who are detained in and deported from countries of destination are protected or infringed and to record the reasons for migrating of persons who receive consular assistance.

36. With respect to subparagraph (a), the Government has taken various measures to implement the policy on consular protection, starting with the adoption of the Act on the Protection of Honduran Migrants and Members of Their Families,<sup>7</sup> the creation of the Office of the Deputy Minister for Consular and Migration Affairs<sup>8</sup> and the opening of the Consular Centre for the Protection of Honduran Migrants and the Integrated Centre for the Protection of Honduran Migrants as structural measures designed to bolster the protection of Honduran migrant workers. Other measures include the establishment of the consular network and of a tracing bureau for missing migrants, in addition to the various measures detailed in this report.

37. All of the above clearly demonstrates the political will of Honduras to comply with its international obligations.

38. As to subparagraph (b), in 2017, the National Council for the Protection of Honduran Migrants adopted regulations for the administration of the Solidarity Fund for Honduran Migrants,<sup>9</sup> which is reserved exclusively for migrants. Article 53 of the regulations stipulates that 15 per cent of the Fund's annual budget must be used to strengthen consular assistance.

39. With regard to subparagraph (d), in October 2016, the Ministry of Foreign Affairs and International Cooperation, together with the International Organization for Migration (IOM) and UNHCR, ran training days for 10 consuls and 8 public officials from the Directorate General for the Protection of Honduran Migrants on topics including human rights, persons with special protection needs and victims of human trafficking offences.

40. As a member of the Regional Conference on Migration, Honduras has participated in training initiatives concerning the rights of migrants. Recently, officials from the Ministry of Foreign Affairs and International Cooperation took part in a workshop on the establishment of a regional mechanism for the exchange of information during the search for migrants who are missing or have disappeared, which was held in Costa Rica and addressed challenges in, and best practices for, locating disappeared migrants, with the aim of enhancing cooperation among member countries.

41. With reference to subparagraph (e), efforts are being made, with the support of IOM, to develop an integrated consular protection system, which would serve as a standardized mechanism for the exchange of information among consulates and central offices of the Ministry of Foreign Affairs and International Cooperation, and would follow up on cases involving Hondurans facing criminal charges and asylum seekers and take other comprehensive protection measures.

42. Work is also under way to draw up a map of sources of primary and secondary information on migration as part of the process of developing the Migration Profile of Honduras, a process coordinated by IOM and the Ministry of Foreign Affairs and International Cooperation, with the support of the National Statistics Institute. The map will serve as a repository of information useful in the formulation of comprehensive migration policies, the optimization of inter-institutional mechanisms, the mainstreaming of migration

<sup>7</sup> Decree No. 160-2013 of 15 February 2017. See annex. Act on the Protection of Honduran Migrants and Members of Their Families.

<sup>8</sup> Executive Decree No. PCM-038-2015. See annex. Creation of the Office of the Deputy Minister for Consular and Migration Affairs.

<sup>9</sup> Published in Official Gazette No. 34559 of 3 February 2018. See annex. Regulations for the administration of the Solidarity Fund for Honduran Migrants.

from the perspective of the Sustainable Development Goals and the adoption of more effective reintegration strategies for returning Honduran migrants.

## **Situation of children and adolescents in the context of international migration**

### **Paragraph 55**

43. The Committee urges the State party to take all necessary steps to safeguard the rights of the various categories of children and adolescents in the context of migration. In particular, it recommends that the State party:

(a) Strengthen and deepen its cooperation with countries of transit and destination with a view to adopting policies and protocols designed to ensure that children's rights in the context of migration are respected in practice; in particular, the State party should:

(i) End the detention of children on grounds of their migration status or that of their parents;

(ii) Devise alternatives – in law and in practice – to the detention of families and unaccompanied or separated minors, and ensure their implementation under the coordination of national and/or local organizations responsible for the comprehensive protection of children;

(iii) Regarding unaccompanied minors, design and launch a process based on the best interests of the child, with a view to adopting short- and long-term solutions, such as integration in the host country, repatriation to the country of origin or resettlement in a third country;

(iv) Guarantee that no child or adolescent is repatriated without prior, justified and personalized verification that the measure is in his or her best interests;

(v) Safeguard the due process guarantees of all unaccompanied children, such as the right to a guardian, the right to legal assistance, the right to be heard and the right to an effective remedy;

(vi) Include in the migration procedures of parents an assessment of the best interests of the child, in accordance with the child's age and maturity, and guarantee that children are involved in this process;

(b) Strengthen inter-institutional coordination mechanisms in order to ensure the effective reintegration of returning children and adolescents, through a rights-based approach, immediate protection measures and long-term solutions, including effective access to education, health, family life, justice and protection against all forms of violence;

(c) Formulate a comprehensive and systematic rights-based policy on the collection of qualitative and quantitative data on all categories of children and adolescents affected by migration as the basis for a comprehensive policy aimed at the protection of their rights;

(d) Guarantee, through legal assistance and legal and administrative protection at the binational level, that Honduran mothers and fathers who are deported from the United States can claim their right to family unity and custody of their children with United States nationality before that country's courts;

(e) Promote protocols and actions on consular protection, including legal assistance, with a view to ensuring that Honduran migrant workers in the United States are not, as a consequence of their irregular migration status, separated from their children born in that country.

44. As to subparagraph (a) (i), during the second Conference on Prosperity and Security in Central America, the President of Honduras championed the cause of migrant children who have been separated from their parents in the United States and requested family reunification for the 119 Honduran children who remain in that situation.



45. As one of the TRICAMEX countries, consisting of the three countries of the Northern Triangle of Central America and Mexico, Honduras has raised the issue of family separation in migration detention centres with the United States, which has undertaken to ensure due process and to share appropriate information about all cases with the relevant countries of origin through its agencies.

46. With regard to subparagraph (a) (ii), the consuls of the TRICAMEX countries have signed a declaration on working together to support Central American and Mexican migrants; the consuls will coordinate their efforts to identify and build on opportunities for constructive and respectful dialogue with the United States authorities responsible for migration issues, at the local, state and federal levels.

47. With respect to subparagraph (a) (iii), in cases where unaccompanied minors are victims of human trafficking, the procedures described in paragraphs 24–26 of this report are followed. Once the child has been repatriated, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking of Children and Adolescents applies the protocol on action by rapid response teams to support victims of commercial sexual exploitation and trafficking in persons, which is designed to ensure the resettlement of victims.

48. As regards subparagraph (a) (iv), there are protocols for action relating to repatriation, regularization and asylum, among other issues. In cases involving children and adolescents in particular, in accordance with the relevant protocols, the consulates in Mexico and the United States conduct interviews with them in order to record the reasons for their migration, the composition of their family, their place of origin and other relevant information, and identify them by means of their national identity documents. This information is sent to the competent authority in the relevant country, which determines the person's legal status by means of a process that involves the Honduran consulate.

49. As to subparagraph (a) (v), in June 2018, Honduras renewed its agreement with the United States Committee for Refugees and Immigrants on the provision of legal advice to Honduran child migrants in the United States. This agreement ensures support for unaccompanied Honduran minors who entered the United States illegally; it focuses in particular on the provision of legal assistance in cases brought before immigration courts in Florida, Tennessee, Arizona, Texas, California, Virginia, Maryland, New York, and Washington, D.C.

50. As at April 2017, the Consular Centre for the Protection of Honduran Migrants has provided assistance in 22 cases involving unaccompanied minors.

51. As regards subparagraph (b), the delegation informed the Committee that Honduras has an inter-institutional coordination mechanism to deal with returning migrant children, in the form of the Support Centre for Migrant Children and Families – Belén, which is located in the Cortés Department. The Centre has been improved thanks to the renovation of its facilities. In 2017, it had a budget of 3,818,730.57 Honduran lempiras. It offers the following services: food, biometric identification, information about social services provided by the Government, recording of data, transport to places of origin, medical and psychological care, national and international telephone calls, accommodation and clothing.

52. Various State departments contribute to protecting the rights of migrant children through the Support Centre for Migrant Children and Families – Belén; these include the Directorate for Children, Adolescents and the Family, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Health and the Ministry of Education.

53. The Directorate for Children, Adolescents and the Family protects children through:

- (a) Repatriation to their country of origin;
- (b) Reintegration into their immediate family;
- (c) Reintegration into their extended family; and
- (d) Temporary placement with a foster family or admission to a specialized protection centre.

54. A comprehensive system of guarantees for the rights of children, which involves coordination at the municipal, departmental and national levels, has been set up in order to improve child protection.

55. Since August 2014, the Ministry of Education has been implementing the National Education Programme for Returning Migrant Children and Adolescents, pursuant to Executive Agreement No. PCM-33-2014. The main achievements so far include:

(a) The establishment of a national team, made up of 18 departmental focal points for migration, and the provision of training for that team on the education support procedure for the integration or reintegration of returning children into the national education system.

(b) The promotion and dissemination of the programme in all education departments, districts and municipalities across the country, through printed material, the press, television and digital media.

(c) The implementation of the teaching strategy for reintegration into the national education system.

(d) School placement and remedial education for migrant children re-entering the national education system.<sup>10</sup>

(e) The design and preparation of guidance for schools on providing support to children and adolescents who are in vulnerable situations as a result of irregular migration, forced displacement and human trafficking.

56. The Ministry of Foreign Affairs and International Cooperation coordinates follow-up on the situation of returning children, after their arrival in Honduras, through the municipal returnee support units. By June 2018, a total of 2,555 families had received support from one of these units, which are staffed by returnee support officers.

57. With regard to subparagraph (c), in addition to the initiatives that are being implemented in collaboration with IOM, the Honduran Observatory on Consular Issues and Migration<sup>11</sup> generates statistics on consular issues and migration.

58. Furthermore, the National Centre for Information on the Social Sector keeps a record of the social services provided to returning migrant children. The Ministry of Education, meanwhile, uses the school reintegration database to collect detailed and disaggregated data on returning children.

59. With regard to subparagraph (d), the Ministry of Foreign Affairs and International Cooperation liaises with the United States Department of Health and Human Services to follow up on cases where children have been separated from their parents, with the aim of family reunification. This is in addition to the efforts recently made at the highest level to ensure family reunification for the 119 children who have been separated from their families in the United States.

60. With regard to subparagraph (e), with the support of UNICEF, the Directorate for Children, Adolescents and the Family has started drafting a protocol on consular support for children abroad, with a particular focus on Mexico and the United States. Children who have been separated from their families are also monitored within the framework of the Regional Conference on Migration, the Liaison Officer Network for Consular Protection and the Regional Consultation Group on Migration.

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<sup>10</sup> For data, see <http://aplicaciones.se.gob.hn/sere/estadisticas/> (accessed on 13 October 2018).

<sup>11</sup> Honduran Observatory on Consular Issues and Migration, <https://www.conmigho.hn/> (accessed on 25 September 2018).