



Convention on the Rights of the Child

Distr.: General
4 September 2014
English
Original: Spanish

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined fourth and fifth periodic reports of States
parties due in 2012

Honduras*

[Date received: 9 September 2013]

* The present document is being issued without formal editing.

GE.14-15510 (EXT)



* 1 4 1 5 5 1 0 *

Please recycle 



Presentation

The Ministry of Justice and Human Rights, headed by the undersigned, acting on behalf of the President of the Republic, Mr. Porfirio Lobo Sosa, in his capacity as general administrator of the State of Honduras and in keeping with his commitment to the children of our country, is pleased to submit to the United Nations Committee on the Rights of the Child, pursuant to article 44 of the Convention on the Rights of the Child, the fourth and fifth reports of the State of Honduras.

In the context of its international commitments and obligations on protection of the rights of the child, the State of Honduras signed the Convention on 31 May 1990. It adopted the Convention on 24 July 1990 by Legislative Decree No. 75-90 and deposited the instrument of ratification with the Secretary-General of the United Nations on 10 August 1990.

To harmonize our domestic legislation with this important international instrument, Honduras adopted the Code on Children and Adolescents on 30 May 1996. This is the main legal instrument for protecting and guaranteeing the rights of persons under 18 years of age.

This report describes the commitment of the State of Honduras to comply with the Convention, which has led to a process of broad social participation in which progress has been made and challenges remain in the effort to ensure that Honduran children are able to enjoy their rights. Honduras has expanded the framework of protection of the human rights of children and adolescents by ratifying or adhering to several important international instruments, as well as through its efforts on the domestic front, through legislative, administrative, judicial and other measures that have been adopted in order to guarantee compliance with the provisions contained in the Convention. This report also describes the obstacles and challenges which the State faces in taking on this issue.

Preparation of this combined report on the Convention was coordinated by the Ministry of Justice and Human Rights with the participation of all the ministries and public institutions involved in complying with the Convention, so as to respond to the recommendations made by the Committee to the State of Honduras in 2007.

The State actors that played a key role in this effort include the representatives of the Office of the President, the Ministry of Social Development, the Ministry of Indigenous and Afro-Honduran Peoples, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Finance, the Ministry of Agriculture and Livestock, the Ministry of Labour and Social Security, the Ministry of Natural Resources and the Environment, the Ministry of Culture, Arts and Sport, the Family Allowance Programme, the National Children's Welfare Board, the Honduran Institute for Children and the Family, the judiciary through the juvenile courts and public defenders, the Public Prosecution Service through the Special Prosecutors for Children and Human Rights and the National Registry of Persons.

The civil society organizations that work to promote and protect the rights of Honduran children also participated in the effort. All stakeholders held working sessions and validation discussions, with the organizations that comprise the Network of Children's Rights Institutions, which is made up of 33 organizations, including Casa Alianza de Honduras, Aldeas Infantiles SOS (SOS Children's Villages), Asociación de Padres y Amigos de Niños y Jóvenes Especiales, Asociación Brigadas de Amor Cristiano (Hogar Renacer), Asociación Compartir, Asociación Hondureña de Apoyo al Autista, Asociación Juventud Renovada (Hogar Diamante), Asociación Cristiana de Jóvenes (ACJ/YMCA), Casa del Niño, Centro de Formación, Capacitación y Gestión Social, Centro San Juan Bosco, Asociación de Consultores Municipales para el Desarrollo,

Fundación Abrigo, Fundación Desarrollo, Amistad y Respuesta, Fundación Hondureña de Rehabilitación e Integración del Limitado, Fundación Antonio Nasser, Fundación Ambos, GOAL Internacional Honduras, Hogar Nuevo Amanecer, Hogar San Jerónimo Emiliano, Instituto Psicopedagógico Juana Leclerc, Médicos sin Fronteras (Doctors without Borders), Muchachas Guías de Honduras (Girl Scouts Honduras), Nuestros Pequeños Hermanos, Olimpiadas Especiales (Special Olympics), ONG-Gaviota, Programa de Rehabilitación de Parálisis Cerebral, Prevención de Discapacidades (Pre-Natal Honduras), Proyecto Alternativas y Oportunidades, REPAHDEG, Save the Children Honduras, Unidos para Mejorar, Visión Mundial Honduras (World Vision Honduras), Proyecto Victoria, Asociación por la Libre Expresión.

As was the case with preparation of the initial reports on the Optional Protocols to the Convention, which were submitted in 2012, technical and financial assistance was provided by the United Nations Children's Fund (UNICEF) in Honduras and the Office of the United Nations High Commissioner for Human Rights (OHCHR), represented by the international Human Rights Adviser. Working with these agencies, the Ministry of Justice and Human Rights offered training for participants in connection with the submission of reports to international human rights mechanisms, with emphasis on the work of the Committee on the Rights of the Child.

The preparation of this report proved to be a valuable opportunity for the State of Honduras and the civil society organizations involved in the process to analyse the national context and the human rights situation of Honduran children.

In this report, the State of Honduras describes some of the major advances that have been made in regard to legislation, institutions and public-policy implementation with a view to improving the human rights situation of children in Honduras. The authorities acknowledge, however, that serious structural problems affect the ability of this important sector of the population to enjoy their rights, as a result of which the rights they do enjoy are inadequate. During the current year, more progress than ever has been made in designing important public policies, some of which are already being implemented, but we need to continue moving forward to actively provide a response, to encourage intersectoral dialogue and to promote commitment on the part of the current and future governments. The best evidence that the human rights of children are observed is to continue with the State's efforts of planning and allocation of budgetary resources that have begun in the current administration.

Honduras recognizes that the process of preparing the fourth and fifth combined reports on the Convention provides a new opportunity to continue honouring its international obligations and to continue promoting constitutional measures and legislation that will improve the human rights situation of children and hence, the living conditions of more than 3.7 million children in our country.

Finally, I would like to reiterate to the Committee, bearing in mind our duty to respect and guarantee the rights of the child, our overall commitment to continue moving forward to ensure that human dignity is viewed as the supreme purpose of society and the State and in particular, of the children and adolescents of Honduras, based on the principle of the best interests of the child.

Tegucigalpa, M.D.C., Honduras, C.A.,
September 2013

Ana A. **Pineda H.**
Minister of Justice and Human Rights

Contents

| | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| I. Introduction | 1–13 | 6 |
| II. Demographic and social context of the country | 14–48 | 8 |
| III. Follow-up measures and progress achieved by the State in complying with the Convention | 49–51 | 15 |
| A. Signing, ratification or accession to international conventions or treaties..... | 49 | 15 |
| B. Laws, regulations and other domestic legislation | 50 | 16 |
| C. Policies, programmes and projects | 51 | 17 |
| IV. General measures of implementation | 52–63 | 21 |
| V. The Opportunities Plan for Children and Adolescents and its inclusion in key public policies | 64–69 | 24 |
| VI. Coordination..... | 70–74 | 25 |
| VII. Independent monitoring | 75–81 | 26 |
| VIII. Resources for children..... | 82–93 | 27 |
| IX. Data collection | 94–107 | 29 |
| X. Training on and dissemination of the Convention..... | 108–120 | 31 |
| XI. Cooperation with non-governmental organizations | 121–134 | 33 |
| XII. International cooperation..... | 135–144 | 35 |
| XIII. Definition of a child (article 1 of the Convention) | 145–149 | 39 |
| XIV. General principles | 150–199 | 39 |
| A. Non-discrimination | 150–173 | 39 |
| B. Best interests of the child..... | 174–182 | 44 |
| C. Right to life, survival and development..... | 183–193 | 45 |
| D. Respect for the views of the child..... | 194–199 | 48 |
| XV. Civil rights and freedoms | 200–233 | 49 |
| A. Birth registration..... | 200–211 | 49 |
| B. Freedom of association | 212–215 | 51 |
| C. Prohibition of torture and other cruel, inhuman or degrading treatment..... | 216–233 | 52 |
| XVI. The family environment and alternative care | 234–249 | 55 |
| A. Family care and parental responsibilities..... | 234–240 | 55 |
| B. Alternative care..... | 241–249 | 56 |
| XVII. Adoption..... | 250–253 | 58 |
| XVIII. Violence, abuse, neglect and maltreatment | 254–274 | 59 |
| XIX. Corporal punishment | 275–276 | 62 |
| XX. Basic health and welfare | 277–375 | 63 |

| | | | |
|---------|---|---------|-----|
| A. | Children with disabilities | 277–296 | 63 |
| B. | Health..... | 297–335 | 67 |
| C. | Adolescent health..... | 336–351 | 74 |
| D. | HIV/AIDS..... | 352–375 | 78 |
| XXI. | Standard of living..... | 376–401 | 84 |
| XXII. | Education, leisure and cultural activities..... | 402–450 | 89 |
| A. | Education | 402–440 | 89 |
| B. | Leisure and cultural activities | 441–450 | 98 |
| XXIII. | Special protection measures | 451–542 | 100 |
| A. | Migrant children | 451–467 | 100 |
| B. | Economic exploitation, including child labour | 468–483 | 103 |
| C. | Street children..... | 484–488 | 107 |
| D. | <i>Maras/pandillas</i> | 489–504 | 108 |
| E. | Sexual exploitation and trafficking..... | 505–542 | 111 |
| XXIV. | Administration of juvenile justice | 543–567 | 116 |
| XXV. | Indigenous children..... | 568–582 | 123 |
| XXVI. | Optional Protocols to the Convention on the Rights of the Child | 583 | 127 |
| XXVII. | Follow-up and dissemination. | 584–586 | 127 |
| A. | Follow-up..... | 584 | 127 |
| B. | Dissemination | 585–586 | 127 |
| XXVIII. | Concluding remarks | 587–591 | 128 |

I. Introduction

1. The serious political and institutional crisis suffered by Honduran society in 2009, which led to a coup d'état and a significant deterioration in the human rights situation, highlighted the need for a special body to provide leadership in the area of justice and human rights. Accordingly, by Legislative Decree No. 177-2010, of 30 September 2010, the National Congress of the Republic created the Ministry of Justice and Human Rights (hereinafter referred to as the Ministry), clearly signalling the commitment of the President of the Republic, Porfirio Lobo Sosa, to ensure respect for and protection of human rights through the work of government ministries and public institutions and through coordination among all these bodies, as well as with civil society.

2. To ensure compliance with the international obligations and commitments undertaken by the State of Honduras, the Ministry of Justice and Human Rights was entrusted with the task of preparing and submitting country reports to the United Nations treaty bodies, as well as with follow up and work in specialized areas, in coordination with other state bodies, groups, sectors and civil society organizations.

3. Specifically, as regards the commitments undertaken by Honduras with the Committee on the Rights of the Child (hereinafter referred to as the Committee), the initial reports on the Optional Protocols to the Convention were due in 2004, and the fourth and fifth combined reports on the Convention (hereinafter referred to as the Report or Combined Reports) were due in 2012. This represents a serious delay.

4. The Ministry is aware of the importance of dialogue with the Committee and the need to make up for this delay in the submission of reports; accordingly, it began preparations for all the aforementioned reports at the beginning of 2012. All the ministries and public institutions concerned, as well as civil society organizations involved in promoting and protecting the rights of the child, have participated in this effort.

5. Thanks to this inclusive approach, in November 2012, Honduras was able to submit the initial reports on the Optional Protocols to the Convention, both the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict. Honduras is now pleased to be submitting the fourth and fifth combined reports on the Convention. It hopes that the three reports will be considered by the Committee simultaneously at its next session.

6. The State of Honduras views this process of preparing and submitting the three reports mentioned above as an opportunity to identify the progress made and the challenges remaining in regard to recognizing, respecting, protecting and guaranteeing the rights of children in our country. This will enrich the process of designing and implementing effective public policies with a comprehensive rights-based approach. In this context, and in keeping with the commitments it undertook at the first World Conference on Human Rights (Vienna Declaration and Programme of Action, 1993), Honduras adopted the Public Policy and National Plan of Action on Human Rights, which protects children and adolescents, which along with the findings mentioned in those reports, takes into account the Committee's observations and recommendations.

7. The fourth and fifth combined reports cover the period 2007–2012, as specified in article 44 of the Convention.

8. This report was drafted bearing in mind the general guidelines on the form and content of reports to be submitted by States parties pursuant to article 44, paragraph 1(b) of the Convention (CRC/C/58/Rev.2 and Corr.1), adopted by the Committee, and the Committee's recommendations to Honduras of May 2007 (CRC/C/HND/CO/3).

9. To prepare the combined reports on the Convention, the Ministry of Justice and Human Rights, working with the Directorate for International Commitments, set up an inter-agency working group, which included all the ministries and public institutions concerned, to respond to the recommendations made by the Committee to Honduras in 2007. It worked in conjunction with the civil society organizations involved in promoting and protecting the rights of Honduran children which make up the Network of Children's Rights Institutions.

10. The ministries and public agencies represented on the working group included the judiciary, the Public Prosecution Service, the Ministry of Foreign Affairs, the Honduran Institute for Children and the Family, the Ministry of Health, the Ministry of Finance, the National Registry of Persons, the Office of the President, the Ministry of Agriculture and Livestock, the Ministry of Labour and Social Security, the Ministry of Natural Resources and the Environment, the Ministry for Indigenous and Afro-Honduran Peoples, the Ministry of Education, the Ministry of Social Development, the Ministry of Culture, the Arts and Sport, the Family Allowance Programme and the National Children's Welfare Board.

11. Workshops and discussions were carried out with the civil society organizations that belong to the Network of Children's Rights Institutions, which is made up of 33 organizations concerned with comprehensive protection of children in Honduras, including Casa Alianza de Honduras, Aldeas Infantiles SOS (SOS Children's Villages), Asociación de Padres y Amigos de Niños y Jóvenes Especiales, Asociación Brigadas de Amor Cristiano (Hogar Renacer), Asociación Compartir, Asociación Hondureña de Apoyo al Autista, Asociación Juventud Renovada (Hogar Diamante), Asociación Cristiana de Jóvenes (ACJ/YMCA), Casa del Niño, Centro de Formación, Capacitación y Gestión Social, Centro San Juan Bosco, Asociación de Consultores Municipales para el Desarrollo, Fundación Abrigo, Fundación Desarrollo, Amistad y Respuesta, Fundación Hondureña de Rehabilitación e Integración del Limitado, Fundación Antonio Nasser, Fundación Ambos, GOAL Internacional Honduras, Hogar Nuevo Amanecer, Hogar San Jerónimo Emiliano, Instituto Psicopedagógico Juana Leclerc, Médicos sin Fronteras (Doctors without Borders), Muchachas Guías de Honduras (Girl Scouts Honduras), Nuestros Pequeños Hermanos, Olimpiadas Especiales (Special Olympics), ONG-Gaviota, Programa de Rehabilitación de Parálisis Cerebral, Prevención de Discapacidades (Pre-Natal Honduras), Proyecto Alternativas y Oportunidades, REPAHDEG, Save the Children Honduras, Unidos para Mejorar, Visión Mundial Honduras (World Vision Honduras), Proyecto Victoria, Asociación por la Libre Expresión.

12. As was the case with preparation of the initial reports on the Optional Protocols to the Convention, which were submitted in 2012, technical and financial assistance was provided by the UNICEF Office in Honduras and the OHCHR, represented by the international Human Rights Adviser. Working with these agencies, the Ministry of Justice and Human Rights offered training for participants in connection with the submission of reports to international human rights mechanisms, with emphasis on the work of the Committee on the Rights of the Child.

13. These activities enabled Honduras to be one of the States that meet their international obligation to report to the Committee on the measures they have adopted to comply with the Convention and the two Optional Protocols thereto to which Honduras is a State party.

II. Demographic and social context of the country

14. Honduras has an area of 112,492 square kilometres. It is located in the centre of the Americas, between the Atlantic and the Pacific oceans, and shares borders with Guatemala, Nicaragua and El Salvador.

15. According to the Continuous Multipurpose Household Survey 2012, Honduras has a total population of 8,303,399, of which 4,049,889 (48.8 per cent) are men, and 4,253,510 (51.2 per cent) are women. The urban areas have a total population of 3,813,390; of this number, 1,032,968, approximately 27.1 per cent, live in the Central District; and 636,392, or 16.7 per cent, live in San Pedro Sula. The rural population totals 4,490,009.

16. The population is mostly young. According to data provided by the National Institute of Statistics for 2010, the average age was 20.4 years, and according to the Continuous Multipurpose Household Survey, in 2012, 43.8 per cent of the population are under 19 years old.

17. According to the report on population estimates by department and age group for 2013 issued by the National Institute of Statistics, Honduras has a population of 8,555,072, of which 4,080,851 (47.79 per cent) are children and adolescents between the ages of 0 and 19 years. These are distributed as follows: under 1 year old, 220,983; between 1 and 4 years old, 867,754; ages 5 to 9, 1,058,486; ages 10 to 14, 1,008,534; ages 15 to 19, 925,105. The National Institute of Statistics is currently conducting the new National Population and Housing Census of the Republic of Honduras; once this census is complete, it will provide more accurate information than the two aforementioned surveys.

18. The population estimates by department and age group for 2013 developed by the National Institute of Statistics show that the highest number of persons under age 19 live in the departments of Francisco Morazán, Cortés and Yoro, in that order, while the lowest population in that age group lives in the departments of Islas de la Bahía, Gracias a Dios and Ocotepeque, as shown in the following table:

Table 1
Estimated population, by age group and department children and adolescents aged 0–19 years

| Department | Age group | | | | | Department total |
|-------------------|------------------|-----------|-----------|-------------|-------------|------------------|
| | Under 1 year old | 1–4 years | 5–9 years | 10–14 years | 15–19 years | |
| Atlántida | 10 314 | 40 904 | 50 016 | 48 558 | 46 717 | 196 509 |
| Colón | 8 731 | 33 634 | 39 060 | 37 169 | 37 404 | 155 998 |
| Comayagua | 13 321 | 51 244 | 60 384 | 57 741 | 53 313 | 236 003 |
| Copán | 11 355 | 44 649 | 59 069 | 49 392 | 41 938 | 206 403 |
| Cortés | 38 078 | 153 388 | 195 200 | 192 344 | 170 448 | 749 458 |
| Choluteca | 12 824 | 49 928 | 59 666 | 57 434 | 54 864 | 234 716 |
| El Paraíso | 12 338 | 47 884 | 57 154 | 54 696 | 50 934 | 223 006 |
| Francisco Morazán | 31 940 | 129 900 | 166 379 | 159 745 | 146 685 | 634 649 |
| Gracias a Dios | 3 152 | 11 974 | 13 669 | 12 492 | 11 648 | 52 935 |
| Intibucá | 8 420 | 31 895 | 36 608 | 32 925 | 28 985 | 138 833 |
| Islas de la Bahía | 1 270 | 5 036 | 6 322 | 6 129 | 5 607 | 24 364 |
| La Paz | 6 422 | 24 721 | 28 936 | 26 640 | 23 476 | 110 195 |
| Lempira | 11 111 | 42 083 | 48 438 | 45 948 | 39 128 | 186 708 |

| Department | Age group | | | | | Department total |
|---------------|------------------|----------------|------------------|------------------|----------------|------------------|
| | Under 1 year old | 1–4 years | 5–9 years | 10–14 years | 15–19 years | |
| Ocatepeque | 3 856 | 14 845 | 17 551 | 16 940 | 15 850 | 69 042 |
| Olancho | 15 902 | 61 497 | 72 341 | 67 625 | 63 103 | 280 468 |
| Santa Bárbara | 11 648 | 44 961 | 53 070 | 51 182 | 47 518 | 208 379 |
| Valle | 4 787 | 18 737 | 21 859 | 20 451 | 20 080 | 85 914 |
| Yoro | 15 514 | 60 474 | 72 764 | 71 112 | 67 407 | 287 271 |
| Total | 220 983 | 867 754 | 1 058 486 | 1 008 523 | 925 105 | 4 080 851 |

Source: Based on Population Estimates 2013, National Institute of Statistics.

19. As regards population growth, projections by the National Institute of Statistics indicate that the population of 2001–2011 will have 225,306 births, at an annual growth rate of 2.03 per cent.

20. As regards the composition of the total population, according to the report entitled *Estado de la Niñez Indígena y Afrohondureña* (Status of Indigenous and Afro-Honduran Children), around 11.2 per cent¹ of all births occurred among the nine indigenous and Afro-Honduran people groups living in the country. Details may be found in the initial report of Honduras to the Committee on the Elimination of Racial Discrimination.

21. In regard to the enjoyment of the right of children and adolescents to education, school enrolment dropped somewhat in recent years in community preschool education centres, especially in 2011, as well as in primary schools; enrolment rose slightly in 2010 at the preschool and secondary levels, compared with 2009.

Table 2

Total national enrolment in the educational system, 2009–2011

| Type of educational centre | 2009 | 2010 | 2011 |
|---------------------------------------|------------------|------------------|------------------|
| Community Preschool Education Centres | 70 722 | 70 397 | 66 707 |
| Preschool | 176 513 | 180 842 | 177 207 |
| Primary | 1 367 907 | 1 355 902 | 1 314 601 |
| Secondary | 558 155 | 566 731 | 561 344 |
| Total | 2 173 297 | 2 173 872 | 2 119 859 |

Source: Based on data provided by the Educational Statistics System of the Ministry of Education.

22. As regards illiteracy, data from the Ministry of Planning and External Cooperation for 2011 show some improvement in terms of average years of schooling and net coverage in preschool and secondary education. There was a decline in the illiteracy rate, from 17.5 per cent in 2007 to 14.9 per cent in 2011, according to the data shown in the following table:

¹ UNICEF. *Estado de la Niñez Indígena y Afro Hondureña 2011* Tegucigalpa, MDC, December 2011, p. 7.

Table 3
National illiteracy rate, 2007–2011

| <i>Year</i> | <i>Illiteracy rate (percentages)</i> |
|-------------|--------------------------------------|
| 2007 | 17.5 |
| 2008 | 16.6 |
| 2009 | 15.6 |
| 2010 | 15.8 |
| 2011 | 14.9 |

Source: Prepared by the Ministry of Planning and External Cooperation, based on data supplied by the National Institute of Statistics.

23. As regards primary education, coverage for all three cycles fell slightly in 2011. Net coverage of preschool education rose slightly, by 0.2 per cent, with coverage at 44.7 per cent, compared with 44.5 per cent in 2010. This means that 44 of every 100 children between the ages of 5 and 7 received an education at this level. Net coverage of the first two levels of primary school fell with respect to the previous year, from 89.6 per cent to 88.1 per cent. The same trend was observed in coverage in the third cycle of primary school, from 39.5 per cent to 39.2 per cent.

24. Net coverage of intermediate education rose slightly, from 27.6 per cent in 2010 to 27.8 per cent in 2011. Net percentage coverage in the third cycle fell to 0.3 per cent, while the net coverage of secondary education improved by 0.2 percentage points with respect to 2010.²

25. These data (coverage for preschool, primary and secondary education) refer to some of the main aspects of the educational system that are regulated in the Act on the Establishment of a Vision for the Country and Plan for the Nation, and provide a baseline for an analysis of progress and decline in the area of education.

Table 4
Education indicators in the Plan for the Nation, 2011

| <i>No.</i> | <i>Indicators</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> |
|------------|--|-------------|-------------|-------------|
| 1 | Net coverage of preschool education (percentage) | 44.5 | 44.5 | 45.7 |
| 2 | Net coverage of primary education, first two cycles (first to third grades and fourth to sixth grades) (percentages) | 89.5 | 89.6 | 88.1 |
| 3 | Net coverage of primary school, third cycle (seventh to ninth grades) (percentages) | 38.4 | 39.5 | 39.2 |
| 4 | Net coverage of secondary education (percentage) | 26.2 | 27.6 | 27.8 |
| 5 | Average rate of schooling | 6.0 | 6.2 | 6.4 |

Source: Based on data supplied by the Ministry of Education and the Ministry of Planning and External Cooperation.

26. According to the Continuous Survey, in May 2012, 1,632,503 children between the ages of 5 and 18 were attending an education centre; this figure represents 58 per cent of the population in this age group. Nationally, the indicator for children between the ages of 7

² Ministry of Planning and External Cooperation Honduras. Panorama Económico y Social 2011, p. 28.

and 12 is 87.5 per cent. Nevertheless, the Continuous Multipurpose Household Survey found that coverage for 16 to 18 year olds was only 30.2 per cent. This means that one out of every three youths in that age group is attending an education centre. This indicator is even more disturbing in terms of the difference between urban areas, where enrolment is 45.4 per cent, and rural areas, where it is 17.6 per cent.

27. The Continuous Survey conducted in May 2012 shows that 66.5 per cent of Honduran households live in poverty, with incomes lower than the cost of the basket of consumer goods, which includes food and other goods and services. Although poverty is more serious in rural areas, it also affects more than half the households in urban areas (63.6 per cent in urban areas and 69.3 per cent in rural areas). Data from the System of Social Indicators on Children, Adolescents and Women show that at the national level, 72.1 per cent of children live in poverty; the situation in rural areas is worse, as 62.1 per cent live in households with incomes lower than the amount needed to meet basic needs for food. In urban areas, 37.9 per cent of children live at that level of poverty.³

28. In 2011, the Economic Commission for Latin America and the Caribbean (ECLAC) established the percentages of persons living in poverty and destitution in 2002, 2009 and 2010, as shown in the following table:

Table 5

Honduras: Evolution in percentage of persons living in poverty and indigence, 2002, 2009, 2010

| <i>Year</i> | <i>Poverty</i> | <i>Indigence</i> |
|-------------|----------------|------------------|
| 2002 | 77.3 | 54.4 |
| 2009 | 65.7 | 41.8 |
| 2010 | 67.4 | 42.8 |

Source: Based on ECLAC 2011. Social Panorama of Latin America, p. 17.

29. Based on the findings of the Continuous Multipurpose Household Survey for 2011, the Ministry of Planning and External Cooperation estimated the poverty rate at 61.9 per cent, which was higher than the rate in 2010 (60 per cent). Extreme poverty rose to 41.6 per cent, 2.5 points above the rate in 2010 (39.1 per cent). These findings for 2011 indicate that another 25,302 households fell below the poverty line; furthermore, 13,451 households fell into extreme poverty.⁴

30. The low incomes or income instability of households and families is closely related to the lack of opportunities for income generation or labour market insertion of parents or of young people of working age. Based on the Continuous Multipurpose Household Survey for 2012, the National Institute of Statistics estimates the employed population at 3,243,877. Of these, 38.2 per cent work in agriculture, 21.9 per cent in commerce and 13.4 per cent in industry. The National Institute of Statistics points out that those who earn higher incomes have a higher educational level. The average monthly income of an employed person with no formal education is 2,626 lempiras; those with primary education earn up to 3,572 lempiras per month, and those with higher education are able to earn up to 13,126 lempiras. In 2011, wages represented 45.3 per cent of the population's income;

³ System of Social Indicators on Children, Adolescents and Women Honduras SISNAM. Pobreza Infantil en Honduras 2009.

⁴ Ministry of Planning and External Cooperation. Honduras. Panorama Económico y Social 2011, p. 27.

self-employed persons account for 40.2 per cent, and in third place, remittances represent 5.1 per cent.

31. The economically active population numbered 2,759,409 in 2005, and it rose to over 3,364,668 in 2012. The open unemployment rate fluctuated from 4.8 per cent in 2005 to 3.6 per cent in 2012, and the full employment rate was 55.9 per cent in 2005 and 44.3 per cent in 2012. Invisible underemployment remains a serious problem in Honduras, where the rate was 32.2 per cent in 2005 and 43.6 per cent in 2012. Consequently, the underemployment rate rose from 41.3 per cent in 2005 to 54.1 per cent in 2012.

32. As regards employment in urban compared with rural areas, unemployment was higher in urban areas in 2010, where the number of unemployed persons stood at 102,705, or 6.4 per cent, whereas in the rural areas, 31,032 persons, or 1.7 per cent, were unemployed. In terms of male and female rates, the Continuous Household Surveys for May 2005 to 2010 showed that unemployment was higher among men than among women. The figures for 2010 indicate that male unemployment was 3.2 per cent, while female unemployment was 5.2 per cent.

33. Unemployment and underemployment rates in Honduras may be traced to the fact that the economy grew at rates above 6 per cent only between 2005 and 2007; before and after that period, growth has not been significant enough to foster adequate conditions for employment. Thus, underemployment, mostly invisible, accounts for the highest rates.

34. The number of persons who are discouraged and have stopped looking for work because they think they will not be able to get a job now stands at 113,373; of these, 48.5 per cent are in urban areas and 51.5 per cent, in rural areas.

Table 6

Honduras: Employment, open unemployment and underemployment, 2005–2012

| <i>Year</i> | <i>EAP</i> | <i>Unemployment</i> | <i>Unemployment</i> | <i>Full</i> | <i>Full</i> | <i>Visible under-</i> | <i>Invisible</i> | <i>Invisible</i> | <i>Invisible</i> | <i>Total under-</i> | <i>Under-</i> |
|-------------|------------|---------------------|---------------------|-------------------|-------------------|-----------------------|-------------------|-------------------|-------------------|---------------------|-------------------|
| | | | <i>rate</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> | <i>employment</i> |
| | | | | | <i>rate</i> | <i>rate</i> | <i>rate</i> | <i>rate</i> | <i>rate</i> | <i>rate</i> | <i>rate</i> |
| 2005 | 2 759 409 | 132 321 | 4.8 | 1 541 411 | 55.9 | 240 253 | 9.1 | 845 424 | 32.2 | 1 085 677 | 41.3 |
| 2006 | 2 792 261 | 96 414 | 3.5 | 1 760 732 | 63.1 | 135 845 | 5.0 | 799 270 | 29.6 | 935 115 | 34.7 |
| 2007 | 2 860 866 | 87 375 | 3.1 | 1 709 837 | 59.8 | 142 518 | 5.1 | 921 136 | 33.2 | 1 063 654 | 38.4 |
| 2008 | 2 990 534 | 89 458 | 3.0 | 1 954 540 | 65.4 | 109 797 | 3.8 | 836 739 | 28.8 | 946 536 | 32.6 |
| 2009 | 3 236 860 | 101 296 | 3.1 | 1 873 535 | 57.9 | 134 092 | 4.3 | 1 127 936 | 36.0 | 1 262 028 | 40.2 |
| 2010 | 3 387 717 | 133 737 | 3.9 | 1 942 769 | 57.3 | 249 509 | 7.7 | 1 061 702 | 32.6 | 1 311 211 | 40.3 |
| 2011 | 3 369 919 | 143 783 | 4.3 | 1 721 191 | 51.1 | 333 969 | 10.4 | 1 170 975 | 36.3 | 1 504 944 | 46.6 |
| 2012 | 3 364 688 | 120 811 | 3.6 | 1 490 108 | 44.3 | 339 713 | 10.5 | 1 414 055 | 43.6 | 1 753 769 | 54.1 |

Source: National Institute of Statistics, Information from the Continuous Household Surveys 2005–2012.

35. The Continuous Multipurpose Household Survey 2012 shows that income level and access to employment are closely related to the two indicators of crowding and adequate access to water. As regards crowding, 1,786,742 dwellings in the country have on average 3.6 rooms, 1.8 of which are used for sleeping. With crowding defined as the existence of more than three persons per room in a dwelling, it may be seen that this is the situation in 9.8 per cent of dwellings; as would be expected, this is more often the case in low-income households. As regards water, it should be noted that 12.8 per cent of dwellings do not have adequate access to water.

36. On the question of child labour, according to the May 2012 Household Survey, 2,603,729, or 31.4 per cent of the national population, are between the ages of 5 and 17 years. Of these 1,357,132, or 52.1 per cent, are boys, and 1,246,597, or 47.9 are girls. Within this age group, 73.7 per cent only study, 13.5 per cent study and work, and 12.8 per cent neither study nor work. Of the total working population, 79.7 per cent are boys and 20.3 per cent are girls; of those who neither study nor work, 61 per cent are girls, and 39 per cent are boys.

37. Child labour is more prevalent in the rural areas, where 76 per cent of all 351,522 children and adolescents work; the remaining 24 per cent live in urban areas. Children who work attend school for an average of 5.4 years. Schooling levels increase systematically from 1.4 years of school attendance among 5 to 9-year-olds, to 7.1 years among those aged 15 to 17 years. The average income of working children is 1,824 lempiras per month, 1,344 lempiras in rural areas and 2,626 in urban areas.⁵

38. Some working children have dangerous jobs. The worst forms of child labour are: (a) dangerous child labour in agriculture; (b) child labour in fireworks factories; (c) child labour in diving; (d) child labour in garbage dumps; (e) child labour as domestic servants in third-party households; (f) commercial sexual exploitation of minors, which exposes children to physical, emotional and sexual abuse, in addition to limiting or interrupting their access to education and degrading their dignity, as a result of which the State, along with organized civil society, has developed lines of action which will be described in this report.

39. Commercial sexual exploitation of children and adolescents is undoubtedly one of the worst forms of economic exploitation. Consequently, in 2012, the Trafficking in Persons Act was adopted; this Act created the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons, which had been working since 2004 without a legal framework. The National Plan to Combat Commercial Sexual Exploitation and Trafficking of Children and Adolescents (2005–2010) also deals with this issue, and special units of the National Police and the Public Prosecution Service investigate and prosecute related offences, all of which will be fully described below.

40. The aforementioned phenomena occur in a context of structural violence which especially affects the most vulnerable sectors, including children and adolescents. In its 2011 bulletin, the Monitoring Centre for Violence reported 9,799 deaths due to external causes; 7,104 of these were homicides, which rose by 13.9 per cent with respect to 2010. During the period covered by the report, there were 592 homicides per month and 20 victims per day; 84.6 per cent of homicides were perpetrated with firearms, and it is estimated that 27 per cent of all homicides were committed by *sicarios* (hired assassins). Most of the victims of homicides were men (92.8 per cent), while 7.2 per cent were women. Victims were in the following age groups: ages 25 to 29, 18.04 per cent (1,282); these were followed by those aged 20 to 24, with 17.3 per cent (1,229); and then ages 15 to 19, with 8.27 per cent (588). A total of 3,099 young people, or 43.62 per cent, were victims of homicide. The most disturbing fact is that the motive for the killings is unknown in 57.5 per cent of all cases. San Pedro Sula (1,289) and the Central District (1,149) are the municipalities with the highest number of homicides.

41. The State recognizes the pain that the violence is causing among Honduran families, and that beyond the personal and collective suffering, the violence seriously hinders the country's development and prevents its citizens from living normal lives. The Government has adopted measures and implemented policies to combat violence; however, the State's response to the phenomenon of violence has clearly been inadequate.

⁵ Forty-third Continuous Household Survey (Executive Summary), May 2012.

42. The State bears primary and fundamental responsibility for improving circumstances in the country, including the structural violence mentioned above, in general, to generally improve the human rights situation. The State should adopt such legislative, judicial, administrative and other measures as are necessary to recognize, protect and ensure respect for fundamental rights. All such measures should create the necessary social, economic, political, cultural and other conditions, and provide all necessary guarantees to ensure that everyone, individually or collectively, is able to enjoy in practical terms all those rights and liberties.⁶

43. The obligation of the State to respect, protect and guarantee the rights of children is mentioned in the international legislation adopted by Honduras through the conventions and treaties on the subject to which it is a party. It is also dealt with at length in the Political Constitution⁷ and the laws and public policies designed to safeguard the rights of children.

44. The role of the State in guaranteeing the enjoyment by children of their rights is contingent upon its institutions adopting the legislative, administrative and other measures that are necessary to fulfil its national and international obligations with regard to the children of Honduras. From that standpoint, it will be necessary to objectively review the coverage of the institution responsible for protecting children and the instances in which it has not adopted adequate measure, as well as to analyse those same aspects in regard to other institutions concerned with fulfilling the State's obligations towards children.

45. Given that the institutions that are mandated to protect and guarantee the rights of children have not fulfilled their obligations, other public institutions, municipalities and civil society organizations are picking up the slack. The important role played by these other actors in protecting the rights of children must therefore be recognized.

46. The National System for the Protection of Honduran Children includes both administrative and judicial mechanisms. The fact that the judiciary has personnel who specialize in juvenile justice represents an important advance, as does the creation of juvenile courts in eight departments of the country and the existence of the Office of the Special Prosecutor for Children and a staff of children's advocates.

47. The most serious concern for the administration of juvenile justice, in addition to the comprehensive reform of the child and family programmes, is the fact that priority has not been given to implementing alternatives to detention of juvenile offenders. No periodic reviews are conducted to determine whether it is necessary to prolong detention or to evaluate the conditions under which juveniles are held in the different detention centres. These are the main aspects that will be addressed in regard to judicial mechanisms for the protection of children.

48. This preliminary overview of the country should help contextualize the situation and lead into a discussion of the progress achieved and the problems and challenges faced by the State of Honduras in its effort to comply with the commitments it undertook upon adopting the international standards for the protection of human rights and, in particular, the rights of all children.

⁶ Office in Colombia of the United Nations High Commissioner for Human Rights, Bogotá, 2002, p. 12.

⁷ Chapter IV, "On the rights of the child", of the Constitution of the Republic (1982) establishes the State's duty to protect children. Children shall enjoy the protection afforded to them in international treaties which safeguard their rights.

III. Follow-up measures and progress achieved by the State in complying with the Convention

A. Signing, ratification or accession to international conventions or treaties

49. To address the situation of children and adolescents as provided for in the Convention, the State of Honduras signed, ratified or acceded to the following instruments of international law during the period under review by the Committee (2007–2013):

- (a) Convention on the Rights of Persons with Disabilities, ratified on 18 February 2008;
- (b) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, ratified on 25 January 2008;
- (c) Protocol to Prevent, Repress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 11 February 2008;
- (d) Inter-American Convention against Corruption, ratified on 25 May 2008;
- (e) Inter-American Convention on Conflict of Laws concerning the Adoption of Minors, ratified on 7 July 2008;
- (f) Inter-American Convention on International Traffic in Minors, ratified on 23 October 2008;
- (g) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 23 October 2008;
- (h) Optional Protocol to the Convention on the Rights of Persons with Disabilities of 2006, ratified on 30 June 2010;
- (i) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968, deposited on 16 August 2010;
- (j) Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Protocol of San Salvador of 1988, ratified on 14 September 2011;
- (k) Protocol to the American Convention on Human Rights to Abolish the Death Penalty of 1990, ratified on 14 September 2011;
- (l) Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities of 1999, ratified on 14 September 2011;
- (m) Treaty on Central American Social Integration, adopted by Legislative Decree No. 209-2011, published in *Diario Oficial La Gaceta* No. 32,724, of 18 January 2012;
- (n) International Labour Organization (ILO) Convention 102 on Social Security (Minimum Standards), deposited on 1 November 2012;
- (o) ILO Convention 144 concerning Tripartite Consultation, deposited on 12 June 2012;

(p) Ratification of the Memorandum of Understanding for Dignified, Orderly, Agile and Safe Repatriation with the United Mexican States, to provide special attention to Hondurans who are in an irregular situation in Mexico;

(q) Signing, in 2011, of the Santo Domingo Declaration on the drafting of a regional critical roadmap to eliminate violence against children and adolescents;

(r) Signing, in 2013, of the Joint Declaration of the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on implementation of the Regional Framework for Action for a comprehensive approach to trafficking in persons in Central America, as a shared effort of the Regional Coalition against Trafficking in Persons;

(s) Signing, on 6 June 2013, of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance;

(t) The State is currently taking steps to accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Ministry of Foreign Affairs drafted Executive Decision No. 02 DGTC of 4 February 2013, on accession, for submission to the Family Committee of the National Congress. The Ministry of Justice and Human Rights has requested that it be included on the agenda for discussion and adoption;

(u) The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is currently before the Family Committee of the National Congress, with a request that it be included on the agenda for discussion and adoption.

B. Laws, regulations and other domestic legislation

50. During the period covered by this report, Honduras expanded the legal framework for protecting the rights of children and adolescents and fulfilling its obligations in this regard, as follows:

(a) The Code of Civil Procedures was adopted by Legislative Decree No. 211-2006, of 26 May 2007.

(b) The Solidarity Fund for Honduran Migrants in Vulnerable Situations was created by Legislative Decree No. 179-2007, of 18 December 2007.

(c) The Act on Witness Protection in Criminal Procedures was adopted by Legislative Decree No. 63-2007, of 28 May 2007.

(d) The Act on the Establishment of a Vision for the Country and Plan for the Nation was adopted by Legislative Decree No. 286-2009, of 13 January 2010.

(e) The *Vaso de Leche* (Glass of Milk) for Improving School Lunches Act was adopted by Legislative Decree No. 54-2010, of 11 June 2010. This Act declares that it is in the national interest to provide appropriate nutrition for children in public educational centres; under the school lunch programme, milk and dairy products will be included in the children's diet.

(f) The Supplementary Income in Rural and Marginalized Urban Areas Act was adopted by Legislative Decree No. 107-2010, of 29 July 2010.

(g) The Fundamental Act on Education was adopted by Legislative Decree No. 262-2011, of 19 January 2012.

(h) The Strengthening of Public Education and Community Participation Act was adopted by Legislative Decree No. 35-2011, of 5 April 2011.

(i) The Food and Nutrition Security Act was adopted by Legislative Decree No. 25-2011, of 21 March 2011.

(j) The Trafficking in Persons Act was adopted by Legislative Decree No. 59-2012, of 25 April 2012.

(k) Decision No. STSS-097-2008, of 10 October 2001, was adopted to amend article 8 of the Regulations on Child Labour in Honduras. The amendment consists of an addendum incorporating in the Regulations a list of jobs which by their nature or the circumstances in which they are carried out are dangerous for persons under 18 years old in accordance with article 3(d) of ILO Convention 182 on the Worst Forms of Child Labour, which Honduras ratified by Legislative Decree No. 62-2001, of 24 May 2001.

(l) Executive Decree No. PCM-056-2011 was adopted on 23 August 2011 to amend articles 1 and 2 of Executive Decree PCM 011-2011, of 15 February 2011, instructing government ministries and other bodies to include actions designed to prevent and eliminate child labour in their annual strategic plans.

(m) Legislative Decree No. 23-2013, of 25 February 2013, was adopted to amend the Criminal Code in respect of the offence of discrimination when individual and collective rights are arbitrarily and illegally obstructed, restricted, limited, hindered or annulled or when a professional service is denied because of sex, gender, age, sexual orientation or gender identity, political activism, civil status, membership of an indigenous or Afro-Honduran people group, language, religion, physical appearance, disability or health, among others.

(n) Legislative Decree No. 22-2011, of 7 March 2011, was adopted to amend article 209-A of the Criminal Code, which defines the offence of torture as follows:

“Article 209-A

Torture is committed by employees or civil servants, including employees of prisons or juvenile protection centres, who, abusing their position and with the aim of obtaining a confession or information from anyone or of punishing him or her for any act he or she has committed or is suspected of having committed, subjects said person to conditions or procedures which by their nature, duration or other circumstances cause physical or mental suffering, the suppression or weakening of the person’s ability to know, discern or take a decision, or by any other means attack his or her moral integrity. Anyone who is guilty of torture shall be punished with ten (10) to fifteen (15) years’ imprisonment if the harm caused is serious, and five (5) to ten (10) years if it is not serious, and in addition shall be generally disqualified for twice the duration of his or her imprisonment.”

C. Policies, programmes and projects

51. During the period covered by this report, the following policies, programmes and projects were adopted to enhance the enjoyment by children and adolescents of their rights:

(a) The Policy on Accelerated Reduction of Maternal and Infant Mortality was adopted by Ministerial Decision No. 450, of 25 April 2008. The overall objective of this policy is to reduce maternal mortality (from 108 to 45 per 100,000 live births) and child mortality (from 30 to 23 per 100,000 live births) by 2015 through comprehensive strategies and initiatives that will strengthen, harmonize and align the technical and financial aspects of maternal and child services with the principles established for reforming the sector.

(b) The second Plan of Action for the Prevention and Eradication of Child Labour in Honduras 2008–2015 was adopted. The purpose of the Plan of Action is to

determine what interventions should be undertaken by government ministries and institutions, in conjunction with civil society and international cooperation agencies, in order to prevent and eradicate “child labour that needs to be eliminated”. The Plan of Action also outlines measures to be taken in connection with financing, organization, planning or similar matters, so as to coordinate efforts.

(c) The National Policy on Women and the Second Gender Equality Plan 2010–2022 were adopted by Executive Decree No. PCM-028-2010, of 6 July 2010, which outlines the basis and strategies for promoting the development of women of all ages. The 2010–2022 plan outlines six major lines of action, one of which is to promote, protect and guarantee the right of women, girls and adolescents to peace and to a life free of violence. The specific objective is to implement a number of measures, such as continuous awareness campaigns in the media; mainstreaming of the gender approach at all levels of education; dissemination of and reporting on laws and services that provide protection; monitoring mechanisms; surveillance of and penalties for media that devalue, denigrate or stigmatize the image of women; promotion of a culture of denunciation; prevention of violence related to sexual and reproductive health; and prevention of HIV/AIDS.

(d) The Road Map for the Prevention and Eradication of Child Labour and Its Worst Forms was adopted by Executive Decree No. PCM-011-2011, of 15 February 2011. The objective of this measure is to coordinate the efforts of all State actors, national and international non-governmental organizations, organized civil society and society at large in order to: (i) prevent and eradicate child labour for children under 14 years old; (ii) prevent and combat the worst forms of child labour for children under 18 years old; (iii) protect the wellbeing and the rights of working adolescents between the ages of 14 and 18.

(e) The National Policy and Strategy on Food and Nutrition Security was adopted by Executive Decree No. PCM-038-2010, of 24 August 2010. The objective is to ensure that all Honduran families are able to meet their basic needs for food in terms of quantity, quality, timeliness and safety, so that each family member achieves a suitable state of health and wellbeing and is able to fully develop his or her cognitive and physical potential.

(f) The National Climate Change Strategy was adopted by Executive Decree No. PCM-046-2010, of 16 November 2010. The Strategy is aimed at ensuring that Honduran society, its economy and its territory maintain low levels of climate vulnerability, so as to avoid exacerbating the negative impact of climate change by strengthening the public-policy framework, adopting appropriate and timely strategies and measures to reduce social, environmental and economic vulnerability and to improve the capacity for adaptation, in particular among those populations, sectors and territories that are more exposed to climate risks and the adverse effects of climate change.

(g) The National Youth Policy was adopted by Executive Decree No. PCM-051-2010, of 21 December 2010. The aim of the policy is to coordinate action by the State and by civil society to improve living conditions for young people, so as to enable them to fully exercise their citizenship, develop their abilities and demonstrate their solidarity and commitment to the construction of a participatory and inclusive democracy. The policy defines the social environments that will determine the living conditions of young people, their families and their communities; it therefore plays a key role in the State’s effort to promote, protect and ensure that young people are able to effectively enjoy their human rights. The policy summarizes a new social compact between government and civil society, based on the definition of priorities underlying the strategy for improving living standards, opportunities and the development of this population group.

(h) The Comprehensive Policy on Harmonious Social Relations and Citizen Security 2010–2022 was adopted by Executive Decree No. PCM-057-2011, of

1 October 2011, as amended by Executive Decree No. PCM-016-2012, of 26 June 2012. The policy broadens the scope of State actions so as to combine efforts to deal with the factors associated with violence and delinquency and prevent such acts from occurring, with efforts to strengthen the State's capacity to control, prevent, prosecute and punish behaviours that violate the law.

(i) The Social Protection Policy was adopted by Executive Decree No. PCM-008-2012, of 8 March 2012. This policy is based on a life-cycle and human-rights approach and targets people who live in poverty, extreme poverty, vulnerability, risk and social exclusion. The idea is to gradually generate social conditions that are conducive to personal and collective wellbeing and to strengthen the skills and capacities needed to enable persons living in poverty, extreme poverty, vulnerability, exclusion and social risk to fully enjoy their rights. The goal is to create and expand opportunities for the generation of wellbeing and wealth at both the family and the collective levels, thus ensuring the active inclusion of these persons in society.

(j) The Social Protection Policy was supplemented with other social programmes, such as the conditional cash transfer mechanism designed to help reduce the intergenerational transmission of structural poverty. In this context, approximately 300,000 families received the *Bono 10,000* (Voucher 10,000); in addition, allowances are granted for the elderly, for school lunches and milk and for backpacks and school supplies.

(k) As regards food and nutrition security, a Comprehensive Nutrition Plan and a Country Investment Plan for the Agriculture Sector and Food and Nutrition Security were developed.

(l) The Comprehensive Early Childhood Development Policy was adopted by Executive Decree No. PCM-031-2012, of 21 August 2012. The purpose of this policy is to promote and ensure fulfilment of the rights of small children, to create human capital for the future and to fulfil the commitments undertaken by the State in respect of this population group.

(m) The Policy on Decentralization for Development was adopted by Executive Decree No. PCM-021-2012, of 3 July 2012. The purpose is to contribute towards the equitable, efficient and sustainable development of Honduras by improving the quality of life and cultural development of the population; to reduce poverty; to strengthen public, private and political dialogue and civic culture as a means for guaranteeing governance; to improve innovation, competitiveness, production and productivity through the use of science and appropriate technology; to protect and promote the rational and technical use of natural resources and the environment; to increase job opportunities; to adopt institutional, political and legislative reforms so as to further modernize the State; and to ensure greater effectiveness and efficiency of public spending and the supply of basic services, creating conditions for development, making decisions of the public administration accessible and encouraging citizen participation by effectively strengthening the capacities of State entities at different levels of government, as well as of civic organizations and of the population as a whole.

(n) The first Public Policy and National Plan of Action on Human Rights was adopted by Executive Decree No. PCM-003-2013, of 22 January 2013. This measure was adopted to honour the obligations arising from the first World Conference on Human Rights and the Vienna Declaration and Programme of Action 1993. Technical and financial assistance were provided by the United Nations system and OHCHR following almost two years of wide-ranging consultations involving the participation of more than 5,000 persons belonging to 399 government ministries and institutions, 968 civil society organizations and other groups and sectors of Honduran society. The consultations produced 573 proposals put forward by citizens and public officials, 746 recommendations by the international and

inter-American human rights systems, 517 recommendations on reports and specialized studies and 731 recommendations on 34 public policies on a variety of topics. The Public Policy and National Plan of Action on Human Rights will enable the State of Honduras to continually, systematically and gradually fulfil its national and international commitments in the area of human rights.

(o) The National Plan of Action covers a ten-year period, from 2013 to 2022, and four strategic lines of action, namely: Human Security, including the right to education, the right to health, sexual and reproductive rights, the right to food, work, adequate housing, water and a healthy environment; the Justice System, including the right to life, security, personal integrity and liberty, justice and truth; Democracy, including freedom of expression, access to information, citizen participation, political participation and democratic governance; and Population Groups, including children and adolescents, young people, older adults, indigenous and Afro-Honduran people groups, women, migrants, sexual diversity community, persons with disabilities, persons who are deprived of their liberty in detention centres, human rights defenders, communicators and judicial personnel.

(p) The Ministry of Health adopted the National Standards for Maternal and Newborn Care by Ministerial Decision No. 2606, of 27 August 2010. The standards are designed to help reduce maternal and newborn mortality and morbidity in Honduras. They will make it possible to standardize clinical practices and basic procedures so as to enable health providers to offer timely, safe and effective care to women of all ages and to newborns who need the services of hospitals, maternity clinics and health centres.

(q) The *Vivienda Solidaria* (Solidarity Housing) and *Crédito Solidario* (Solidarity Loan) Programme was created by Executive Decree No. PCM-39-2006, of 20 October 2006. It is designed to provide dignified housing and solidarity loans, in the framework of a social economy, to the low-income population, through solidarity actions. The original decree was amended by Executive Decree No. 016-2010, of 27 April 2010, pursuant to which it now operates within the Office of the President of the Republic. It is responsible for obtaining resources and supporting the establishment of national housing policies, monitoring and following up on housing construction and renovation projects and developing arrangements for cooperation with other institutions and national programmes.

(r) The *Bono 10,000* Presidential Programme on Health, Education and Nutrition, which operates within the Office of the President, was created by Executive Decree No. PCM-010-2010, of 13 April 2010. The purpose of the programme is to help break the intergenerational cycle of poverty by creating opportunities and developing capacities and competencies in health, education, and nutrition for families living in extreme poverty.

(s) The PROVIVIENDA Presidential Programme on Coordination of the Housing Sector was created by Executive Decree No. PCM-004-2011, of 24 January 2011. The purpose of this programme is to coordinate and cooperate with efforts to formulate, promote and implement the Government's strategy for the housing sector by working directly with municipalities, cooperatives and foundations in the area of housing development.

(t) The *Desarrollemos Honduras* (Let's Develop Honduras) Supplementary Income Programme, created to implement the Supplementary Income in Rural and Marginalized Urban Areas Act, was adopted by Executive Decision No. 001-2011, of 14 January 2011. The main purpose of this programme is to promote the generation of supplementary income and develop capacities among persons who are unemployed or who live at a subsistence level. Priority is given to the low-income population living in poverty and extreme poverty. The programme provides co-financing for labour-intensive works and service projects proposed by members of civil society or by local, regional and

departmental authorities. The programme is based on the social policies currently being implemented by the State.

(u) The National Literacy Programme was created by Executive Decree No. PCM-074-2011, of 29 November 2011; it operates within the Ministry of Social Development. The programme aims to reduce the income gap and help develop the human potential of families and communities in rural and marginalized urban areas, especially the most neglected population, through poverty-reduction strategies and the concerted use of resources so as to improve the impact of the services offered by each sector.

(v) The National Agreement on Economic Growth with Social Equity was signed on 7 February 2012. It is conceived as a short-, medium- and long-term social compact between the Government, entrepreneurs, workers and campesinos that is intended to address the crisis faced by the country and by the developed economies in a scenario of growth with equity. This short-term social compact consists of a series of agreements and commitments among the parties to work together to achieve certain goals in the following areas: (i) economic growth with social equity; (ii) private and public investment; (iii) employment; (iv) wages; (v) productivity and competitiveness with social responsibility; (vi) protection of the vulnerable population; and (vii) dialogue and democratic participation.

IV. General measures of implementation

Harmonizing domestic legislation with the Convention and other applicable international legislation

52. Bearing in mind the Committee's recommendation on full harmonization of its domestic legislation, several years ago, Honduras began the process of amending its domestic legislation on the rights of children and the family, and it has made considerable progress in this regard. As reported in the previous periodic report, the effort began with the study and analysis of these issues in the context of the project on consolidation of domestic legislation that was conducted by the High Commission on Justice in 2005–2006. The Commission was comprised by the Office of the President of the Supreme Court of Justice, the Counsel-General's Office, the Office of the President of the Republic, the Ministry of the Interior and Justice, now Ministry of the Interior and Population, the National Commissioner for Human Rights, the National Autonomous University of Honduras and the National Congress of the Republic.

53. The project gave priority to issues relating to children and families as a pilot area in which to begin harmonizing Honduran legislation with international standards. Unfortunately, the process was not implemented as efficiently as it should have been, and because it was not self-sustainable, it was suspended after the June 2009 coup d'état, when the main cooperating agency withdrew support before the process could be completed.

54. In 2011, a second phase was started, and a specialized Technical Commission was appointed to address child and family issues. The Commission was coordinated by the Judicial Affairs Commission of the National Congress and the Ministry of Justice and Human Rights; it included specialists on children and families from the Honduran Institute for Children and the Family, the Office of the Prosecutor for Children of the Public Prosecution Service, the Office of the Coordinator of Juvenile Courts and the Office of the Coordinator of Family Courts. Technical and financial support were provided by UNICEF and USAID-SICA Regional Youth Alliance, which were part of a multidisciplinary working group that was charged with formulating a comprehensive reform bill.

55. The Technical Commission based its work on the studies conducted during the first phase of the legislative consolidation process. It then held consultations and workshops with independent specialists and judicial personnel working on child and family issues. It identified shortcomings and areas in which reforms were needed in order to harmonize domestic legislation and other international standards on the subject, as recommended by the Committee.

56. As a result of the work done by the Technical Commission and at the request of the Judicial Affairs Committee of the National Congress, a report on Comprehensive Reform of Child and Family Programmes was drafted and submitted to the National Congress at the end of 2011 for discussion and adoption. During 2012, the Office of the First Lady, the Ministry of Justice and Human Rights and a number of civil society organizations lobbied for the reform with the Judicial Affairs Committee, the Family and Child Committee and members of the political party caucuses in the National Congress and of its Board of Directors. The matter was placed on the legislative agenda during the first quarter of 2011.

57. In March 2013, after discussing it in three meetings, the National Congress adopted the bill on Comprehensive Reform of Child and Family Programmes, which brings the Code on Children and Adolescents, the Family Code, the Civil Code, the Code of Criminal Procedures, the Criminal Code and the Domestic Violence Act in line with international standards. Following are the salient aspects of this reform:

- (a) The concept of “child” is harmonized with the Convention;
- (b) Issues that are primarily of a social nature were removed from the purview of the courts, and terms that stigmatize certain groups, such as *riesgo social* (social risk), are no longer dealt with by the judicial system and instead are referred to the administrative system, where they are dealt with as violations of children’s rights;
- (c) The new text establishes a procedure for issuing a judicial declaration of abandonment, a matter that had previously led to backlogs and delays in the judiciary;
- (d) Offences related to maltreatment and use of children for begging, which were previously in the Code on Children and Adolescents, were transferred to the Criminal Code in order to put them in an appropriate legal framework;
- (e) Parents and all persons responsible for the personal care, upbringing, education, treatment and supervision of children, whether temporarily or permanently, are forbidden to use physical punishment or any other type of humiliating, degrading, cruel and inhumane treatment as methods of correction or discipline;
- (f) Title III of the Code on Children and Adolescents, which deals with juvenile offenders, and the entire process was substantially changed to focus much more on guarantees; the Special Juvenile Justice System was created to provide for comprehensive rehabilitation and reintegration into the family and the community, for children between the ages of 12 and 18;
- (g) An essential element of the Special Juvenile Justice System is the introduction of the concept of restorative justice as a new alternative for righting the wrong caused by an offence;
- (h) All the precautionary measures envisaged in the Code of Criminal Procedures are applied by the Special Juvenile Justice System, provided they are appropriate for ensuring that juvenile offenders are present during proceedings and that they make it possible to obtain evidence;
- (i) The same judge will not preside over every stage of the proceedings in cases against juvenile offenders; instead, different categories of judges are created, i.e., judges

responsible for procedural safeguards, trial judges, judges responsible for execution of the sentence and appeals courts;

(j) Alternative mechanisms were established which are applied according to criteria of timeliness, conciliation and suspension of the proceedings;

(k) The amount established as the family patrimony was raised from 100,000 lempiras to 1 million lempiras; this amount is indivisible, inalienable, immune from seizure or liens, and cannot be encumbered except for legal easements.

58. The institutions of the justice system as a whole have also adopted internal standards and rules to facilitate implementation of the comprehensive reform and have made the necessary changes in their structure and internal procedures.

59. The judiciary created a Committee on the Special Juvenile Justice System in order to fully implement the reforms in the system and strengthen the entities concerned.

60. The Committee has issued bulletins on regulations and developed flowcharts of the procedure, stressing the right of children to be heard in matters affecting them and be represented by a public defender to protect those rights. The Committee conducted a diagnostic study of needs in six areas, namely, training, infrastructure, public defence, human resources, materials and furniture, and IT equipment.

61. As part of the effort to bring domestic legislation in line with international standards for protecting the rights of the child, the Responsible Parenting Act was adopted to set up a procedure for establishing, recognizing or investigating legal maternity or paternity and for presumption of paternity in special cases in order to ensure that parents exercise their roles responsibly. Emphasis is placed on the importance of guaranteeing, through the Act, the right of the child to know who his or her father or mother is, the right to a name and to be recognized immediately after birth and the right to an identity. It is also important to ensure that both parents share responsibility for rearing, caring for and protecting their children. This bill was discussed and adopted by the National Congress in May 2013 and will be published in the official journal *La Gaceta*.

62. In follow up to efforts to harmonize domestic legislation with international standards, the following bills have also been submitted to the National Congress. During the process of adopting the Comprehensive Reform of Child and Family Programmes, some of these initiatives had been delayed; however, priority is now being given to promoting them among government and civil society sectors concerned with protecting the rights of the child:

(a) The *bill on adoptions* was submitted to the National Congress in 2009. In September, it will be discussed by different sectors when they are convened by the Family and Child Committee of Congress. The bill establishes special regulations on adoption, which is currently covered by the Family Code, the Code on Children and Adolescents and the administrative regulations of the former National Social Welfare Board, which are known as the Adoption Regulations applied by the Adoptions Department of the Honduran Institute for Children and the Family, which created the Placements Committee that has made the procedure more transparent. Among other innovations, the new adoptions bill establishes that the purpose of adoption is to place a child in a family in the same or similar conditions as those of a child born of the conjugal relationship, although that child is not a biological descendant of the adoptive parents, so that he or she may attain full physical, mental, spiritual, moral and social development, and to confer on the adoptee the same rights as those of the biological children. The bill establishes the principle of subsidiarity and provides that procedures shall be expeditious and free of charge. It expressly prohibits private adoption programmes, adoption of an unborn child and conditionalities for consenting to adoption.

(b) The *bill on the Office of the Children's Advocate* was submitted to the plenary of the National Congress by the Minister of Justice and Human Rights in August 2012; its inclusion on the agenda for discussion and adoption is pending. The bill creates the Office of the Children's Advocate as the public agency responsible for formulating, coordinating, managing, monitoring and evaluating public policy on children's rights, as well as programmes and services specializing in this area, in coordination with the relevant ministries and public institutions and civil society organizations. The bill conceives the Office of the Children's Advocate as a deconcentrated entity operating within the Ministry of Justice and Human Rights, with technical, functional, administrative and financial autonomy and enjoying all the guarantees and independence necessary for its operation. Under this bill, the Honduran Institute for Children and the Family would be closed down, and regional offices of children's advocates would be created. Creation of the Office of the Children's Advocate would also entail creating and organizing specialized services to monitor and evaluate child victims of different types of violence, abuse, exploitation and other violations of their rights; setting up local programmes to provide comprehensive services to children in general and specialized programmes and services to provide care, rehabilitation and social reintegration of child and adolescent offenders, with priority being given to non-custodial measures and restorative justice.

63. The above measures show that the State of Honduras has the political will to make a serious effort to harmonize its domestic legislation with the principles established in the international instruments on human rights and rights of the child that it has ratified, as recommended by the Committee.

V. The Opportunities Plan for Children and Adolescents and its inclusion in key public policies

64. The Opportunities Plan for Children and Adolescents is aimed at achieving full human development and social protection for children and adolescents in six priority areas or components, including quality and equity in primary care and nutrition; application of the National HIV/AIDS Plan; improvement of the coverage and quality of education at the preschool, primary and intermediate levels; eradication of violence, sexual exploitation and the worst forms of child labour, and promotion of children's right to participation.

65. This tool, along with the concluding observations and recommendations made by the Committee to Honduras in 2007 regarding compliance with the Convention, the different plans of action, and the reports issued by different civil society institutions and organizations specializing in issues relating to children and adolescents in Honduras provide the basis for the design, adoption and implementation of key public policies, such as the recently adopted Public Policy and National Plan of Action on Human Rights on matters pertaining to children and adolescents.

66. The components of the Opportunities Plan for Children and Adolescents are laid down in Objective No. 1 of the Act on the Establishment of a Vision for the Country and Plan for the Nation, which expresses the ideal of a well-educated, healthy country with no extreme poverty and with well-established social safety nets. In particular, the Act provides for access to quality education, combating HIV/AIDS and promoting a healthy life.

67. The Social Protection Policy and the Public Policy on Comprehensive Early Childhood Development follow some of the same approaches as the Opportunities Plan, such as the emphasis on the life cycle approach and on rights. Among other things, it targets children and adolescents under the age of 18 at the national level, prioritizing interventions in favour of those who are most vulnerable because of extreme poverty or the fact that they belong to indigenous or Afro-Honduran peoples and are at social risk.

68. These two policies are the basis for the State's effort to achieve coordination among institutions concerned with children and adolescents, as well as intersectoral coordination among ministries and public institutions, private enterprise, non-governmental organizations, local governments and international cooperation agencies. The policies also involve implementing some components of the Opportunities Plan, such as the protection of children and adolescents from violence and the worst forms of children labour, which is part of the Social Protection Policy; the Policy on Prevention of Violence against the Children and Youth of Honduras, the Road Map to Make Honduras a Country Free of Child Labour and the second Plan of Action to Prevent and Eradicate Child Labour and its Worst Forms 2006–2015. The component on protection and development of children and adolescents with disabilities is also included in the Social Protection Plan and the Comprehensive Early Childhood Development Policy, as well as in the operational plans for both policies which are currently being designed.

69. Honduras attaches special importance to maintaining an ongoing dialogue between civil society and the State in connection with the construction, adoption and implementation of these public and social policies. This is one of the strengths which Honduras considers fundamental in prioritizing social issues, especially on behalf of children and adolescents and their families. Such joint efforts have led to the adoption of specific proposals for regulatory and institutional reforms that improve the efficiency of the State and of public administration.

VI. Coordination

70. After the above discussion of Honduran legislation relating to children and families, it is now time to refer to the institution responsible for this area, bearing in mind the Committee's recommendations to Honduras, in which it stressed the need to provide the Honduran Institute for Children and the Family with adequate human and financial resources and complete the legislative and institutional reform aimed at strengthening the Institute.

71. The legislative and institutional reforms follow two tracks. On the one hand, bearing in mind the need for a legal framework that is consistent with the principles of the Convention and related international treaties that have been signed by Honduras, the reform aimed at consolidating the legislation on children and families was adopted. On the other hand, a bill was submitted to the National Congress on creation of the Office of the Children's Advocate which, if adopted, would establish a lead agency not only to work on behalf of a small sector of children under its protection, as is the case now with the Honduran Institute for Children and the Family, but also to guide public policies and coordinate public and civil society agencies in the implementation of national plans and programmes for children that will efficiently and effectively safeguard the rights of the 3.7 million children living in Honduras.

72. Several measures were adopted before the Office of the Children's Advocate was created. In particular, the Honduran Institute for Children and the Family was intervened by means of Decree No. PCM-063-2011, adopted on 21 September 2011 by the Council of Ministers. The purpose of the intervention was to ensure that the Institute had an adequate structure and a highly qualified professional staff so as to coordinate public and private efforts and achieve maximum efficiency for the benefit of the target population and that it would work to uphold the law, promote the social policies in force, use its resources rationally and execute its budget efficiently in keeping with its original purpose.

73. By Decree No. PCM-027-2012, of 31 July 2012, the President of the Republic, meeting with the Council of Ministers, declared a state of emergency in the Renacimiento,

Sagrado Corazón and El Carmen juvenile detention centres in order to: (i) review the increase in the budget approved for the Honduran Institute for Children and the Family for fiscal year 2012 with the authorization of the National Congress; (ii) submit a report on the state of and damages to the detention centres; (iii) draw up a plan for repairing and remodelling the infrastructure, equipment and furniture in the centres; (iv) ask the courts to conduct immediately a review of the case files with a view to taking steps, as a matter of urgency, to ease overcrowding in the detention centres; (v) conduct a census of the population of the centres; (vi) in coordination with civil society, review the special re-education and reintegration programmes for the children and adolescents in the centres. The commission has a plan for repairing and remodelling the infrastructure, equipment and furniture in the centres, but it has not been executed because no source of funding has been identified.

74. The many crises in the Institute over the last few years have affected the life and security of the children it serves; moreover, it has not had a significant impact and has spent over 93 per cent of its budget on salaries and wages. It has not facilitated a satisfactory response to the Committee's recommendation that it should be provided with adequate human and financial resources in order to fulfil its mandate, i.e., to design and coordinate official policy on children and ensure compliance with the Convention. This makes it even more urgent to implement the recommendation of the ministries, public institutions and civil society on the creation of a public agency to adequately protect the rights of children, ensure comprehensive and permanent protection for them and adapt to the constant changes inherent to social development. All this is taken into account in the bill on creation of the national Office of the Children's Advocate.

VII. Independent monitoring

75. Concerning mechanisms for protecting the rights of children, in paragraph 18 of its concluding observations on the third periodic report of Honduras, the Committee recommends that the State party should "establish a national Ombudsman for Children, and provide that person with adequate human and financial resources". On this same matter of human rights institutions for the protection of children, the United Nations Human Rights Council recently recommended, in its recommendation 83.6 of the Universal Periodic Review, that Honduras should establish an institution specifically addressing the rights of children.

76. Related to this is the recommendation that Honduras should take into account the Committee's general comment No. 2 on national human rights institutions (2002) and the Paris Principles and establish a national Ombudsman for Children, and provide that person with adequate human and financial resources. The State of Honduras realizes that it does not yet have a specialized institution for the protection of children's rights; nevertheless, it has the Office of the National Commissioner for Human Rights (amendment to article 59 of the Constitution, adopted by Legislative Decree No. 02-95, of 7 February 1995), the Honduran Institute for Children and the Family (Legislative Decree No. 199-97, of 17 December 1997) and the Municipal Children's Advocates.

77. The Office of the National Commissioner for Human Rights is an independent institution with constitutional rank that has nationwide coverage. It was created in accordance with the Principles relating to the status of national institutions (Paris Principles) adopted by the General Assembly in 1993. Article 59, as amended, of the Constitution of Honduras provides that "to guarantee the rights and liberties recognized in the Constitution, the Office of the National Commissioner for Human Rights shall be created. The organization, prerogatives and powers of the National Commissioner for Human Rights shall be the subject of a special law".

78. The Office of the National Commissioner for Human Rights has teams of specialists who work throughout the country, dealing with complaints of violations to individual rights, including rights of children, and following up on such complaints. In Tegucigalpa, the Office operates a special programme on protection of the human rights of children and adolescents. Its coverage is limited, however, and there are very few programmes that could be classified as national mechanisms for protecting the rights of children. Consequently, several civil society organizations have stressed the need to implement the aforementioned Human Rights Council recommendation 83.6 and the Committee's recommendation in paragraph 18 of its concluding observations.

79. The Office of the National Commissioner for Human Rights has reported⁸ that the complaints it received in 2012 regarding violations of the rights of children had to do with the denial of family benefits (maltreatment by omission) and, in many cases, the high-risk environments in which children live.

80. The Honduran Institute for Children and the Family was created by Legislative Decree No. 199-97, of 17 December 1997, as an autonomous social development agency of indefinite duration with legal standing and assets of its own. It is the lead state agency for matters relating to children and families, and its fundamental purpose is to provide comprehensive protection for children and to promote their full integration into the family. Nevertheless, the Institute has not had a significant impact in the protection of children's rights, and it spends more than 93 per cent of its annual budget on salaries and wages.

81. During the period 2010–2012, in order to comply with the Committee's recommendation to expand the presence of the municipal commissioners to all municipalities, 54 municipal councils on children and the family were set up to identify needs at the municipal level. The idea is to generate and maintain the necessary conditions to develop a system of opportunities in communities and municipalities throughout the country and guarantee comprehensive protection of children and the participation of families in the process. In 2011, the Ministry of the Interior and Population provided training for municipal children's advocates in 17 departments, consisting of 145 municipalities with 141 municipal commissioners and 77 children's advocates. It also appointed 30 municipal children's advocates in the departments of Valle, Copán and La Paz.⁹

VIII. Resources for children

82. To comply with the Committee's recommendation that the State should increase budget allocations for the implementation of the rights recognized in the Convention both at the central and at the local level, the Government's social spending is distributed in the form of allocations to the social investment subsector, which includes the areas of education, health, culture, art and sports, housing, protection/welfare and defence/security.

83. Social investment for children is provided through allocations from the State budget to cover the needs of children. The study conducted by the Children's Rights Observatory of the Honduran Institute for Children and the Family, with support from UNICEF, showed that in general terms, public spending increased at an average rate of 8.5 per cent per year

⁸ República de Honduras. Comisionado Nacional de los Derechos Humanos. Informe Anual del Comisionado Nacional de los Derechos Humanos sobre el Estado General de los Derechos Humanos en Honduras y el Desempeño de sus Funciones, pp. 161–163.

⁹ Informe de Logros Secretaría del Interior y Población 2011. www.scip.gob.hn, p. 8.

during the period 2006–2008, while social investment for children rose at an average annual rate of 5.5 per cent during the same period.¹⁰

84. The study also showed that overall spending in Honduras rose by 2.14 per cent during the period 2006–2008. It pointed out that social spending on children during the period studied ranged between US\$ 170 and US\$ 199 per child per year.¹¹ With regard to specific spending on children (during the period studied), it found that in terms of the sectoral distribution of spending, education accounted for a higher share than the other sectors. Spending on education rose from 83 per cent in 2006 to 85 per cent in 2008; it was followed, in terms of other spending categories, by health and nutrition, which fluctuated around 13 per cent during the three-year period; social welfare and development declined from 4 per cent in 2006 to 2 per cent in 2008. Values for all other sectors were negligible, never higher than 1 per cent in any case (social security, water and sanitation, housing).¹²

85. The Ministry of Planning and External Cooperation has established that in terms of GDP, social spending in Honduras amounts to 12 per cent of GDP, which is higher than the 10.1 per cent of GDP invested on average by the Central American region. Nevertheless, per capita spending in constant dollars is still lower than the average invested by neighbouring countries in the region.

86. In terms of specific programmes, it is worth noting that the *Escuelas Saludables* (Healthy Schools) programme is one of the social programmes with the broadest geographic coverage and the highest number of beneficiaries. Until January 2010, this programme was part of the Office of the President and was assigned to the Ministry of Social Development. One of the components of this programme is the school lunch programme, which to date has benefited 1,404,101 children in 298 municipalities and has invested 438,208,440 lempiras from the national budget.

87. In regard to social safety nets, in 2010 Honduras created and began implementing the Presidential Programme on Health, Education and Nutrition known as the *Bono 10,000* programme, for families living in extreme poverty. More than 350,000 households are currently covered by this programme.

88. As far as security is concerned, the State has allocated resources to the departments responsible for the administration of justice, including the judiciary, the Public Prosecution Service and the Ministry of Security.

89. During the period covered by this report, the judiciary had a total budget of 9,081,338,380.50 lempiras. This amount includes allocations for the courts that deal with children, families and domestic violence, among others. The section on dissemination of the Convention shows a breakdown of the amount spent by the judiciary on training for personnel dealing with issues relating to juveniles.

90. In 2012, out of a total amount of 1,761,672,800 lempiras allocated from the national budget for the judiciary, 39,887,141 were earmarked for juvenile courts nationwide, 35,001,675 lempiras (2 per cent) for family courts¹³ and 210,063,050 lempiras (12 per cent) for public defenders nationwide.

91. The budget for the Public Prosecution Service during the period 2007–2012 was 4,352,476,751 lempiras; this includes funds for the work of the special prosecutors for

¹⁰ UNICEF-Honduras. *La Infancia en Honduras, Análisis de Situación 2010* Tegucigalpa, MDC, May 2011, p. 21.

¹¹ Honduras: *Gasto Social en Infancia, 2006–2008*.

¹² Observatorio de Derechos de la Niñez. Honduras: *Gasto Social en Infancia, 2006–2008*, p. 42.

¹³ República de Honduras. *Poder Judicial de Honduras. Informe de Gestión Judicial 2012*, p. 44.

children, women, human rights and others. A budget of 18,325,516,841.12 lempiras was earmarked for the Ministry of Security to cover crime prevention and investigation.

92. A number of social programmes and projects report directly to the Office of the President, including the Prevention, Rehabilitation and Social Reintegration Programme for Gang Members. During the period covered by this report, these programmes received an allocation of 22,239,972.96 lempiras, bringing the total budget for crime prevention and investigation to 18,347,756,814.08 lempiras.

93. As regards the lead agency for policies on children and families, information provided by the Ministry of Finance allows for a comparison to be made of budgets approved, currently available and actually drawn by the Honduran Institute for Children and the Family, which increased substantially, especially in 2009 and 2012. However, the gaps between the amounts approved and the level of execution appear to indicate that some funds are still available for the current fiscal year, as shown in the following table:

Table 7

Honduran Institute for Children and the Family – Budgets approved, in force and drawn by the lead agency for policies on children and the family, 2007–2012

(In millions of lempiras)

| <i>Budget</i> | <i>Approved</i> | <i>Current</i> | <i>Drawn</i> |
|---------------|-------------------------|-------------------------|-----------------------|
| 2007 | 112 712 300.00 | 112 712 300.00 | N/A |
| 2008 | 143 170 700.00 | 180 230 239.00 | 179 983 089.00 |
| 2009 | 191 940 700.00 | 217 293 419.48 | 188 832 467.85 |
| 2010 | 188 553 405.00 | 188 935 846.20 | 181 863 626.10 |
| 2011 | 188 624 210.00 | 249 171 849.00 | 203 693 245.37 |
| 2012 | 225 688 610.00 | 225 688 610.00 | 175 397 631.27 |
| Totals | 1 050 689 925.00 | 1 174 032 263.68 | 929 770 059.59 |

Source: Prepared on the basis of information supplied by the Ministry of Finance as of 13 November 2012.

IX. Data collection

94. The Committee recommends that the State of Honduras continue and strengthen its efforts to develop a comprehensive system of data collection on the implementation of the Convention, disaggregated by those groups of children who are in need of special protection. In that regard, in 2008, with technical and financial support from UNICEF and working through the Social Investment, Public Policies and Partnerships Programme, the Honduran Institute for Children and the Family created the Children's Rights Observatory to provide opportunities for dialogue and analysis in connection with evidence-based decision making on the protection of children's rights, as well on the allocation and prioritization of resources for this purpose and compliance with relevant international treaties to which the State of Honduras is a party.

95. The Children's Rights Observatory is operates within the Honduran Institute for Children and the Family. It is charged with monitoring the observance of children's rights; following up on commitments undertaken at international forums (the Convention and other legal instruments), following up on the Committee's recommendations, supplying information that is lacking on children's issues and strengthening mechanisms for follow up, analysis and evaluation to support decision making.

96. The Observatory has produced a database of indicators relating to children; indices of children's rights, focusing on the life cycle; a booklet on social indicators relating to children; a census of non-governmental organizations; a research study on the situation of indigenous and Afro-Honduran children; a study of gender violence among adolescents; and a study on social spending for children.

97. The State of Honduras also created the System of Social Indicators on Children, Adolescents and Women, which is coordinated by the National Institute of Statistics and financed by UNICEF. This mechanism involves the participation of several ministries and public and private institutions, especially those concerned with statistics, with which it can establish partnerships and agreements. The purpose is to obtain data to be used in developing indicators on issues relating to children, especially to comply with the Millennium Development Goals and goals pertaining to education, orphans, HIV, child poverty and violence, among others. The module on child labour in the Continuous Multipurpose Household Survey of the National Institute of Statistics is also important, as is the National Population and Health Survey, which generates specific information on infant mortality and on children, prenatal care, infant health, breastfeeding, nutrition and HIV, among other factors.

98. The Ministry of Social Development created the National Centre for Information on the Social Sector, which includes the Single Registry of Beneficiaries, the Registry of Available Institutional Services and the National Early Childhood Registry. These were set up in the context of the Comprehensive Early Childhood Development Policy and the Social Protection Policy.

99. The Single Registry of Beneficiaries includes the subjects of both public policies, focusing on rights and the life cycle, among other aspects. The Registry serves as the basis for the Single System for Targeting Resources, which is designed to improve efficiency and the inclusion in the State's social services of persons living in poverty and extreme poverty and those who are vulnerable or socially excluded, from age 0 onwards.

100. The Registry of Available Institutional Services uses a single form for compiling information on the socioeconomic status of households. The National Early Childhood Registry is used to obtain information on comprehensive care received by children aged between 0 and 6 years and to identify gaps in terms of the care they should receive in order to redirect actions through existing programmes and projects.

101. A mechanism was also developed for monitoring and evaluating social policies, programmes and projects through the Single System for Social Policy Evaluation of the Ministry of Social Development.

102. To date, 591,530 persons between the ages of 9 and 18 years are included in the Single Registry of Beneficiaries. This includes 33,518 children between the ages of 0 and 6 years who are in the National Early Childhood Registry.¹⁴

103. Pursuant to article 19 of the Convention, the National Autonomous University of Honduras is working with the University Institute for Democracy, Peace and Security and the Monitoring Centre for Violence to study, analyse and understand the problems of violence and insecurity in the country. The aim is to highlight the nature of violence against children so as to provide objective elements that will lead to a better understanding of the phenomenon. The study should also provide information for decision makers at the national and local levels, persons responsible for designing public policy, child protection

¹⁴ A component of the Single Registry of Beneficiaries of social programmes, which was created thanks to the technical and financial support of UNICEF for the Ministry of Social Development.

organizations, academics and researchers, with a view to developing early warning systems that will help prevent and reduce this type of violence.

104. As the entity responsible for designing and implementing the first Public Policy and National Plan of Action on Human Rights, the Ministry of Justice and Human Rights is aware of the fact that children and adolescents should always be considered subjects of rights and not objects of protection.

105. With these two tools, guidelines for public servants will be developed so as to achieve a public administration that is more efficient and responsible and to comply with the State's obligation to protect justice and human rights and, in particular, to improve the living conditions of children and adolescents, who are so vulnerable to violations of their rights.

106. Relatively low levels of social investment in health, education, entertainment, prevention of violence and drug abuse, as well as high indices of unemployment, family breakdown, maltreatment, sexual abuse, criminal violence, exploitation of workers and sexual exploitation have set the scene for children and adolescents to be especially vulnerable to having their rights violated.

107. To provide information on progress made in the protection of human rights in Honduras, bearing in mind the objectives and strategies set forth in the first Public Policy and National Plan of Action on Human Rights, the Ministry of Justice and Human Rights created the Observatory of Human Rights and of the Performance of Ministries and Institutions of the Executive Branch. The Observatory has developed a system of indicators relating to process, structure and results so as to measure progress in protecting the rights of vulnerable groups covered by the first Public Policy and National Plan of Action on Human Rights. Children and adolescents are among the groups to which priority is assigned in both cases.

X. Training on and dissemination of the Convention

108. The Committee recommends that the State of Honduras strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professionals working with and for children, in particular law-enforcement officials, as well as for parliamentarians, judges, lawyers, health personnel, teachers, school administrators, social workers and others as required.

109. The judiciary, working through the Judicial School, has developed a television programme called *Consejo legal* (Legal Advice), which is broadcast on national television channel 8. Training for officials and employees of the judiciary covers important issues relating to children, the family and domestic violence, following a gender-sensitive approach, especially in the Strategic Plan of the Judiciary, which has made it possible to incorporate different types of training (onsite, semi-onsite and virtual), improving the professional qualifications of justices of the peace and implementing the legal and social investigation unit for judicial personnel.

110. During 2007, eight training activities relating to children, three on families and five on domestic violence were carried out. A total of 394 officials and employees of the judiciary received the training. The total budgetary expenditure amounted to 791,425.32 lempiras; substantial contributions to cover the cost were made by international cooperation agencies such as the Spanish Agency for International Cooperation and the Kingdom of the Netherlands, as well as by the Honduran Institute for Children and the Family and the Centre for Research and Promotion of Human Rights.

111. In 2008, the Judicial School, with support from ILO, the Women's Rights Centre and the World Bank, carried out five training activities on children and domestic violence for 174 officials at a cost of 46,001.90 lempiras.

112. In 2009, training activities on juvenile justice were organized for personnel of the judiciary, with support from the Regional Youth Alliance, and six courses on domestic violence were offered for 203 staff members, with the total cost of 1,216,439.94 lempiras being covered by the budget of the Judicial School. In 2010, a total of 20 training activities in the area of children, domestic violence and the family were offered, with 554 staff members participating. During the current year, only the World Bank provided technical and financial support, and the Judicial School spent a total of 2,093,569.47 lempiras from its budget.

113. In 2011, with technical and financial assistance from the Regional Youth Alliance USAID-SICA in the area of juvenile criminal justice, an inter-agency diploma programme was developed with the participation of representatives of the Honduran Institute for Children and the Family, the Public Prosecution Service and the judiciary. In addition, 524 participants received training in the area of domestic violence. The judiciary spent a total of 1,454,209.90 lempiras on these programmes.

114. During 2012, training in all three areas was offered, as well as seven academic workshops on children, 19 training activities on domestic violence and two on the family. Technical and financial support was provided by the Regional Youth Alliance USAID-SICA in the area of juvenile criminal justice, the Central American Court of Justice, the Programme on Support to the Security Sector, the Justice and Gender Foundation, the International Organization for Migration (IOM) and Universidad Tecnológica Centroamericana (UNITEC). A total of 709 judicial staff members were trained, at a total budgetary expenditure of 2,188,653.58 lempiras.

115. In 2013, under an agreement with the Organization of American States (OAS), the judiciary created the role of judicial facilitators who, in addition to working on tasks related to a culture of peace, help citizens understand issues such as the rights covered by the Convention, with emphasis on the right to a name (registration of infants at birth). Fifty-three facilitators are currently working in seven departments of the country.¹⁵ The subregional and local criminal justice commissions have trained 157 members of the judiciary and representatives of family counselling services in four departments of the country on issues such as at-risk children, abandonment, sexual exploitation and juvenile offenders.

116. Bearing in mind the Committee's recommendation that the State of Honduras should strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness about its principles and provisions, in particular among children themselves, parents, teachers and local authorities, as well as among indigenous groups and in rural areas, in 2009, the Honduran Institute for Children and the Family, with financial support from the United Nations Educational, Scientific and Cultural Organization (UNESCO), organized six walks in the host cities of the Institute's six regional offices with the slogan "*Unidos por la protección de los derechos de la niñez*" (United to protect the rights of the child). School children, non-governmental organizations, State employees, university students and non-governmental organizations in the region participated in the walk. In 2010, the Institute, in coordination with UNICEF, provided training for Government officials and representatives of civil society organizations on the Convention, the Committee's recommendations on the third periodic report, and Institute staff. The

¹⁵ Francisco Morazán, Intibucá, Choluteca, El Paraíso, Valle, La Paz, Comayagua.

training also touched on issues such as the rights approach, masculinity, commercial sexual exploitation and trafficking and others.

117. Through its protection programmes and its communications department, the Institute constantly organizes lectures and seminars and produces informational materials (brochures, posters, trifolds, etc.) on the Code on Children and Adolescents and on the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography.

118. In 2011, the Ministry of Justice and Human Rights carried out the first Grand Congress on Human Rights, which was named in honour of Blanca Jeannette Kawas Fernández. The congress was attended by 1,836 representatives from public entities, academia, civil society organizations, mass media and international cooperation agencies, as well as independent participants. The issue of the rights of children and adolescents was one of the central themes of the congress. The second Grand Congress on Human Rights was held in 2012 in honour of José Manuel Capellin, a defender of children's and adolescents' rights. This congress, which was attended by nearly 900 people, also discussed the issue of children's rights.

119. In 2012, with the support of the United Nations Human Rights Advisor in Honduras, the Ministry of Justice and Human Rights conducted workshops on preparation of reports to the United Nations for civil servants involved in preparing three initial reports — two reports to the Committee on the Rights of the Child and one to the Committee on the Elimination of Racial Discrimination — coordinated by the Ministry through its Directorate for International Commitments.

120. As regards training and dissemination of the rights of children in regard to the issue of commercial sexual exploitation and trafficking, the initial report of Honduras on the Optional Protocol on the sale of children, child prostitution and child pornography describes at length the training carried out during the current reporting period by the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons and other public institutions. In particular, training is provided to officials of the three branches of government, schools, armed forces, the national police and others, who learn about preventive measures, combatting crime and rehabilitation of victims.

XI. Cooperation with non-governmental organizations

121. The Committee recommends that the State of Honduras should continue, and where possible strengthen, the collaboration with non-governmental organizations, including children's organizations, in the development and implementation of programmes and activities aimed at improving children's rights. During the past three years, Honduras has rebuilt the relations and cooperation that were affected by the coup d'état of 2009. Coordination with civil society organizations that work to promote and protect children's rights has been strengthened, and work with children's organizations has increased in connection with the design of public policies that will show progress in protecting the right of children and young people to make their own decisions.

122. It is worth mentioning the National Youth Policy, the *Ruta Social para un Buen Gobierno* (Social Route for Good Government) and the Social Protection Policy, which were discussed in an environment that encourages children's participation and organization, such as the Alliance for Children, Adolescents and Youth, which includes over 125 civil society organizations, international cooperation agencies, the Government, youth from the five political parties and children's and young people's networks and movements.

123. In 2005, the Inter-Agency Committee on Early Childhood was set up to bring together public institutions and organizations and associations that provide services for children between the ages of 0 and 6 years. A participatory process was followed in drawing up the Public Policy on Comprehensive Early Childhood Services, which lays down principles, guidelines and actions for services to children under 6 and those not yet born.

124. The Ministry of Justice and Human Rights promoted the adoption of the National Policy on Prevention of Violence against Children and Young People, which was designed in coordination with Grupo País, a grouping of public and civil society institutions that works to protect children's rights. It is led by the Network of Children's Rights Institutions, the Centre for Research and Promotion of Human Rights, Grupo Sociedad Civil, Casa Alianza, and sporting and youth associations working to prevent violence.

125. The Technical Committee on Social Protection, an intersectoral body coordinated by the Ministry of Social Development, promoted the design and adoption of the Social Protection Policy, which is aimed at reducing poverty, extreme poverty, vulnerability and social exclusion. The collective development of public policies points to the need for and the importance of such agreements and of sharing responsibility for the actions resulting from those policies in order to achieve the desired objectives. The roles of public and private entities should be viewed as complementary in the protection of human rights, especially the rights of the child.

126. Another example of coordination between State and civil society organizations is the work of the National Commission for the Gradual Elimination of Child Labour, which includes representatives of Government, business, rural workers and organized civil society. This type of organizations may also be found in the regional subcommissions that include non-governmental organizations concerned with children's issues in the different areas of the country. The National Commission for the Gradual Elimination of Child Labour adopted Plan I and Plan II for the Gradual Elimination of Child Labour, the amendment to the regulations on child labour which adds lists of jobs which by their nature or the circumstances in which they are carried out are dangerous, and the Road Map to Make Honduras a Country Free of Child Labour.

127. The Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons has made a special effort to ensure coordination between public and civil society institutions. As a result, significant progress has been made in the area of children's rights, such as the adoption of the Plan to Combat Sexual Exploitation and Trafficking 2006–2011 and the Special Act against Trafficking in Persons in 2012.

128. One of the most important outcomes of cooperation between governmental and non-governmental organizations has been the adoption of the first Public Policy and National Plan of Action on Human Rights. This measure was adopted by Executive Decree No. PCM-003-2013, of 22 January 2013, following a lengthy process that lasted nearly two years. The effort was led by the Ministry of Justice and Human Rights and involved the participation of 5,116 persons belonging to 399 public institutions, 968 civil society organizations and groups and sectors of Honduran society. In this effort, 573 proposals were put forward by citizens and public officials. The children of Honduras are one of the population groups targeted by the policy and action plan.

129. The most important link between the Government, especially the Ministry of Justice and Human Rights, and civil society is the Citizens' Advisory Committee on Human Rights, which was created as an advisory body for the Public Policy and National Plan of Action on Human Rights. The Committee is made up of 30 representatives of the main non-governmental organizations working on issues pertaining to human rights, children,

youth, women, persons deprived of liberty, persons with disabilities, older persons and sexual diversity.

130. Other institutions, including the Ministry for Indigenous and Afro-Honduran Peoples, have carried out workshops with leaders of organizations representing the nine indigenous and Afro-Honduran people groups, with the aim of disseminating information on the rights of children in coordination with other Government ministries. The Ministry for Indigenous and Afro-Honduran Peoples is taking steps to increase its budget in order to intensify its work with indigenous and Afro-Honduran organizations, especially on behalf of the children in these groups.¹⁶

131. In 2011, the Ministry of the Interior and Population provided funding for 59 institutions working on disability issues that provide services to 14,500 people. Financing was provided for 25 projects in the areas of education, infrastructure, culture, arts and sports, and organizational strengthening; social assistance was provided in 108 cases, and 91 scholarships were granted to persons with disabilities. In addition, 19 million lempiras were transferred through the Ministry to institutions that provide educational, rehabilitation and other services in support of federations and associations of persons with disabilities,¹⁷ many of whom are under 18 years old.

132. The Honduran Institute for Children and the Family is charged with coordinating programming and execution of the work of public and private institutions aimed at providing comprehensive protection to families, especially children and adolescents; it also monitors associations and organizations that work on behalf of children. At present, 193 organizations concerned with children's programmes are registered with the Institute.

133. In another important development, in 2012, the Ministry of Justice and Human Rights and the Centre for Research and Promotion of Human Rights signed and began implementation of an agreement on cooperation and technical assistance which entails pursuing a common human rights agenda in the context of the first Public Policy and National Plan of Action on Human Rights. It also provides for promotion of a comprehensive migration policy with a human rights approach; the passing of the Special Act on Protection of Human Rights Defenders; promotion of the protocol on implementation of precautionary and provisional measures granted by the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights; and follow-up to the recommendations of the Truth and Reconciliation Commission, of the Universal Periodic Review and of the Special Rapporteurs of the United Nations.

134. The developments mentioned above demonstrate the political will of the Government of the Republic to increase cooperation with non-governmental organizations as described in the National Agreement on Economic Growth with Equity (2012), which stresses the importance the Government attaches to ongoing intersectoral participation and dialogue in seeking solutions and making decisions to guarantee the rights of the general population.

XII. International cooperation

135. The Committee recommends that the State of Honduras continue to undertake measures within the framework of international cooperation, while at the same time seeking

¹⁶ Replies to the questionnaire on preparation for the fourth and fifth report of Honduras to the Committee on the Rights of the Child (Cuestionario de Preparación del IV y V Informe del Estado de Honduras al Comité de los Derechos del Niño, pp. 6–7).

¹⁷ Informe de Logros SEIP 2011. www.seip.gob.hn, p. 16.

to strengthen, through it, its institutional structure for the implementation of the Convention.

136. Regarding international cooperation, during the serious political and institutional crisis experienced during the coup d'état of 2009, most international cooperation was suspended. It was not resumed until 2010, especially after the signing of the Agreement on National Reconciliation and Consolidation of the Democratic System in the Republic of Honduras (Cartagena Accord, 16 June 2010, Cartagena de Indias, Colombia), which acknowledged the political crisis that occurred before, during and after 28 June 2009) and condemned the ensuing events, which had jeopardized respect for and protection of human rights.

137. The Cartagena Accord also provided for the creation of the Ministry of Justice and Human Rights as the entity responsible for strengthening national capacities, promoting and protecting human rights in Honduras, following up on the recommendations made to Honduras as a result of the Universal Periodic Review and coordinating the cooperation and support of the United Nations and other international agencies in order to strengthen public policies and national capacities for guaranteeing the full enjoyment of human rights.

138. The Accord and the actions resulting from it were implemented in order to promote respect for and enjoyment of human rights. This made it possible for Honduras to be readmitted to international forums, and for the Ministry of Planning and External Cooperation, which had been created by the Act on the Establishment of a Vision for the Country and Plan for the Nation (Legislative Decree No. 286-2009, of 13 January 2010), to resume coordination of external cooperation projects, as the Act empowered it to coordinate external cooperation projects related to meeting the objectives of the Vision for the Country and Plan for the Nation. From 2010 onwards, a significant effort has been made to organize external cooperation activities by strengthening priority areas that are reflected in programmes and projects such as the following:

1. Access to maternal and newborn care;
2. Strategies for the inclusion of school-age children who have been excluded from preschool and primary education;
3. Prevention of mother-to-child transmission of HIV/AIDS;
4. Water and sanitation;
5. Infant survival and development;
6. Social mobilization;
7. Legislative reform;
8. Nutrition, prevention and nutritional recovery;
9. Early childhood development;
10. Strategies for inclusion of excluded children;
11. Quality preschool and primary education;
12. Support for the HIV/AIDS project and children;
13. Support for the early childhood survival and development project;
14. Support for the programme on protection of children from violence, abuse and exploitation;
15. Comprehensive care for orphans and vulnerable children;
16. Children's Rights Observatory;

17. Prevention of HIV/AIDS among adolescents;
18. Maternal and infant health care;
19. Children's participation;
20. Adolescents' participation;
21. Registry of births and national early childhood registry;
22. Reduction of chronic malnutrition;
23. Life information for adolescents;
24. Protective environment to reduce violence;
25. Prevention of mother-to-child transmission;
26. School retention of excluded children;
27. Universal preschool education.

139. One of the most tangible examples of the ongoing coordination between the State and international cooperation agencies is the periodic signing of the United Nations Development Assistance Framework (UNDAF), a strategic planning tool for the United Nations system and its agencies in Honduras. During the period 2007–2011, approximately US\$ 76.8 million were mobilized by the different United Nations agencies. These resources were distributed among the following priority areas:

Table 8

Resources from the United Nations Development Assistance Framework, 2007–2011

| <i>Priority area</i> | <i>Approx. amount in millions of USD</i> | <i>Percentage</i> |
|--|--|-------------------|
| Investing in people | 34.6 | 45 |
| Rural Development and Food Security with Equity and Sustainability | 6.9 | 9 |
| Democratic governance | 18.3 | 24 |
| HIV/AIDS | 9.8 | 13 |
| Environment and Risk Management | 7.2 | 9 |
| Total | 76.8 | 100 |

Source: Prepared on the basis of information provided by the Ministry of Planning and External Cooperation.

140. The priority area on “Investing in people” established programme area 4 in the poverty-reduction strategy on Investing in Human Capital. The national objective or priority of this strategy is to strengthen the human capital of the poor population by improving access, on an equitable basis, to quality basic services in health, education and culture, so as to improve their opportunities for employment and income generation. Policy measures for the period included drafting and adopting the Fundamental Act on Education of 2010; improving the quality and efficiency of education at all levels; improving the supply of education, with special emphasis on the preschool level; and improving mechanisms and programmes designed to increase the demand for education. In regard to health, the goal was to strengthen primary and preventive health care, enhance efforts to improve women's health and improve the efficiency and quality of health services.

141. On 17 March 2011, the Government of Honduras and the United Nations system signed UNDAF 2012–2016. The related Plan of Action identified three priority strategic

areas which were in line with the strategic objectives of the Vision for the Country and Plan for the Nation, as follows: (a) In the context of social rights and the Millennium Development Goals recognized by the international community, to contribute towards making Honduras a well-educated and healthy country without extreme poverty and with well-consolidated social safety nets; (b) strategic area 2: In the context of civil and political rights, to contribute towards ensuring that Honduras develops with democracy, with security and without violence and becomes a modern, transparent, responsible, efficient and competitive State; (c) strategic area 3: In the context of economic rights and environmental conventions, to contribute towards ensuring that Honduras is productive, generates dignified jobs, makes use in a sustainable and integrated manner of its natural resources and reduces the risk of disasters caused by environmental vulnerability. An estimated budget of US\$ 239,500,795 is available for UNDAF 2012–2016.

142. On the basis of these three strategic areas, ten overall effects or outcomes were established in the areas of education, health, nutrition, promotion of representative and participatory democracy, support for national and local planning, promotion of security, justice and human rights, environment, climate change, support for risk management and disaster preparedness, jobs, rural development and food security.¹⁸

143. During 2011, 2012 and 2013, following the creation of the Ministry of Justice and Human Rights, UNICEF was the first international agency with which cooperation was coordinated. In 2011, cooperation was implemented under the Child Protection Programme, and in 2012 and 2013, under the Programme on Access to Quality Education and Child Protection. UNICEF provided support in connection with public policies, technical assistance, advocacy, training and publications as follows:

(a) *First Public Policy and National Plan of Action on Human Rights*, through technical assistance for the adoption of policies on behalf of children within the Public Policy and National Plan of Action on Human Rights; it also helped with consultations with key stakeholders on issues relating to children and adolescents;

(b) *International commitments*, with technical and financial assistance in preparing initial reports on the Optional Protocols to the Convention and the fourth and fifth combined reports on the Convention. UNICEF is also helping to begin the process of developing the Critical Road Map for the Prevention of Violence against Honduran Children.

(c) *Harmonizing legislation with international standards*, supporting adoption of the Comprehensive Reform of Child and Family Programmes and the Trafficking in Persons Act. It also helped the Ministry of Justice and Human Rights to generate political will for adoption of this legislation by the National Congress.

(d) *Training* in children's, adolescents' and women's issues for staff of the Ministry of Justice and Human Rights and personnel of other ministries and public institutions, and support for development of two diploma programmes on the study and promotion of children's rights and youth in public policies on education, for key personnel of the Ministry of Education.

144. Bearing in mind the advantages of cooperating and working with international agencies concerned with children's rights, the President of the Republic has extended and maintains an open invitation to the United Nations High Commissioner for Human Rights and the different mechanisms and special procedures of the United Nations, several of

¹⁸ Sistema de las Naciones Unidas en Honduras y Gobierno de Honduras. Plan de Acción del MANUD (2012–2016). Diciembre 2011.

whom have visited Honduras, including Ms. Najat Maalia M'jid, Special Rapporteur on the sale of children, child prostitution and child pornography.

XIII. Definition of a child (article 1 of the Convention)

145. In its concluding observations on the previous report of Honduras, the Committee expressed concern “about the use of the biological criterion of puberty to set different ages of maturity between boys and girls; namely, that childhood ends at the age of 12 for males and 14 for females, while adolescence starts at these ages and ends at 18”.

146. This concern and the recommendation that the use of this criterion should be abolished were based on the fact that the article 1 of the Code on Children and Adolescents stipulates that “Legal childhood includes the following periods: Childhood begins at birth and ends at the age of 12 for boys and at 14 for girls, and adolescence begins at the aforementioned ages and ends at the age of 18. Persons who are adults but younger than 21 are adult minors”.

147. The efforts to consolidate the legislation on children and families that began in 2005 led to an in-depth analysis of domestic legislation on children, bearing in mind the Convention and the main international human rights treaties, which culminated with the bill on consolidation of domestic legislation, as mentioned above.

148. The bill on consolidation which was submitted to the National Congress on 7 September 2011 included an amendment to article 1 of the Code on Children and Adolescents so as to make it compatible with international standards on the definition of a child and avoid all distinctions, as recommended by the Committee. The following text was submitted:

“Article 1

For the purposes of this Code, a child shall be understood to be any person younger than 18 years old.

The provisions of this Code are a matter of public order, and the rights it establishes for children may not be waived or compromised and their application is obligatory in all acts, decisions or administrative, judicial or any other measure that may be adopted in respect of persons up to the age of 18, who for all legal effects shall be considered children.

Should there be doubt about the age of a child, he or she shall be assumed to be younger than 18 until such time as his or her true age is established.”

149. This initiative on legislative integration, which includes far-reaching reforms to national legislation on children, the family, domestic violence, and civil, criminal and procedural law, is known as the Comprehensive Reform of Child and Family Programmes. Thanks to the tireless efforts of the Ministry of Justice and Human Rights, the support of civil society and non-governmental organizations, as well as UNICEF, it was adopted by the National Congress in March 2011.

XIV. General principles

A. Non-discrimination

150. The Committee recommended that the State of Honduras should continue revising its legislation in order to bring it into full compliance with article 2 of the Convention, and

to ensure full implementation in practice of all legal provisions prohibiting discrimination. As mentioned above, Honduras has made a serious effort to integrate the fundamental principles of human rights and the Convention into its domestic legislation by implementing comprehensive reforms on issues relating to children and the family. It has also amended other legislation, established institutions and designed and implemented public policies aimed at ensuring respect for and fulfilment of human rights without discrimination of any kind.

Integrating the fundamental principles of human rights and the Convention into domestic legislation

151. As regards legislation aimed at eradicating all forms of discrimination against children, in addition to article 1, article 31B of the Code on Children and Adolescents was amended to bring it in line with the principle of non-discrimination. The amended article reads as follows:

“Article 31B

The rights of children belonging to ethnic or indigenous peoples or to religious or linguistic minorities are guaranteed, including the right to their own cultural life, to profess and practice their own religion or to use their own language, in harmony with their cultural environment, the other precepts and principles laid down in this Code, the Constitution of the Republic and the Convention on the Rights of the Child.”

152. The principle of equality and non-discrimination in regard to adoption is protected by the amendment of article 119B of the Family Code by means of an addendum which reads as follows:

“Article 119B

Adoption is a legal institution designed to provide protection and incorporate a person who is not a biological child of the adopter into the family on the same terms as a child born of the conjugal relationship, so as to enable the child to attain full physical, mental, spiritual, moral and social development.

Adoption of an unborn child is prohibited.”

153. The recently adopted Trafficking in Persons Act expressly regulates the principle of non-discrimination and stipulates that “independently of criminal or administrative proceedings pertaining to the investigation of the offence of trafficking in persons, the provisions of this Act shall be applied in such a way as to guarantee non-discrimination against persons who are victims of this offence based on ethnicity, sex, age, language, religion, sexual orientation, political or any other views, origin, nationality, economic status or any other social or migratory status”.

Integrating the principle of non-discrimination into institutional reforms

154. Upon the initiative of the executive branch, the National Congress adopted Legislative Decree No. 203-2010 of 12 October 2010, which creates the Ministry for Indigenous and Afro-Honduran Peoples. This Ministry is empowered to formulate, coordinate, execute and evaluate policies that promote the economic, social, cultural-academic and environmental development of indigenous and Afro-Honduran peoples.

155. The Ministry for Indigenous and Afro-Honduran Peoples is responsible for implementing policies aimed at promoting racial equality, social inclusion and equity for indigenous and Afro-Honduran peoples and helping to eradicate racism, racial

discrimination, xenophobia and other related forms of intolerance among human beings, so as to promote harmonious social relations among all persons living in Honduras. This is also related to the following segment.

Integrating the principle of non-discrimination into the design and implementation of public policies and programmes

156. With regard to inclusive public policies designed to combat discrimination by ensuring equal access to education, health-care facilities and poverty alleviation programmes and pay special attention to the situation of girls, as recommended by the Committee, on 8 March 2012, the President of the Republic, meeting with the Council of Ministers, adopted the Social Protection Policy. This measure was discussed and designed with the participation of civil society and beneficiary groups, state and government representatives and international cooperation agencies.

157. The purpose of this policy is gradually to generate social conditions that will contribute to individual and collective wellbeing. It is also aimed at strengthening the capacities and skills of persons living in poverty, vulnerability, exclusion and social risk so as to enable them to fully enjoy their rights and to create and increase their opportunities for building wealth and wellbeing both as families and collectively and thus be actively included in society. The policy focuses on human rights, the life cycle, comprehensive public action, social inclusion, gender and environmental and territorial concerns. The components of the policy are Prevention, Protection (Social Welfare and Social Security) and Opportunities and Competencies; the idea is to ensure that the population is able to exercise the rights to life, health, education, food security, housing, employment and income generation, among others.

158. The principle of non-discrimination is also embodied in the *Bono 10,000* Presidential Programme on Health, Education and Nutrition, the broadest social protection programme in the country, which includes the Special Plan for Indigenous and Afro-Honduran Peoples. Starting in 2010, conditional cash transfers of 10,000 lempiras per year have gradually been extended to as many as 350,000 households living in poverty and extreme poverty throughout the country, including indigenous and Afro-Honduran populations belonging to nine culturally distinct peoples.

159. The Programme provides services for indigenous and Afro-Honduran families, as required by its operational regulations; paragraph 16 of chapter 7 of the regulation, on operational mechanisms, stipulates that the Programme shall guarantee the inclusion of indigenous and Afro-Honduran peoples in poor and extremely poor communities, and charges the Office of the National Programme Coordinator and/or the Programme Technical Unit with drawing up and submitting to the Technical Committee a specific plan for accomplishing this. In addition, paragraph 7 of chapter 9, on transitional measures, outlines a plan for the inclusion of indigenous and Afro-Honduran peoples.

160. The *Protocolo de Ingreso y Atención a los Pueblos Indígenas y Afro Hondureños* (Protocol for Inclusion of and Services to Indigenous and Afro-Honduran Peoples) will be followed in order to organize and enhance the *Bono 10,000* Programme, in the light of the experience gained and the need to know with certainty what impact it has on the culturally distinct populations of Honduras. The idea is to ensure that contacts with these groups and the implementation of the *Bono 10,000* Programme among communities with ethnically distinct populations is carried out with sensitivity to their cultures and respect for their heritage and their human rights, bearing in mind the need to include them while protecting their indigenous and Afro-Honduran identity, based on principles of equity and local development. The Protocol has been validated through regional workshops with the following individual indigenous and Afro-Honduran communities: Miskito, Pech, Tawahka, Garifuna, Tolupán, Lenca, Chorti and Nahoá.

161. With regard to the Committee's recommendation that the State of Honduras should carry out comprehensive public education campaigns to prevent and combat all forms of discrimination, the Honduran Institute for Children and the Family, working through its regional directorates, has participated in public education campaigns at the institutional and inter-agency levels in order to prevent and combat all forms of discrimination against children; however, owing to the technical and logistical shortcomings of the regional directorates and the lack of a budget for operations, it has not been possible to provide ongoing and systematic training at the regional level. In order to overcome these obstacles, the Institute intends to establish partnerships with local stakeholders for the implementation of local training, promotional and educational programmes on the Convention.

162. In the context of the International Year for People of African Descent which was proclaimed by United Nations resolution 64/169, the Council of Ministers issued an executive decree declaring 2011 as the International Year for People of African Descent. The first World Summit of Afro-descendants in Honduras was held from 18 to 21 August 2011 in the city of La Ceiba, Atlántida department, with the slogan "*Desarrollo Integral Sostenible con Identidad*" (Comprehensive Sustainable Development with Identity). More than 1,350 delegates from 43 countries and four continents participated in this event. The participants represented organizations in the Afro-Honduran social movement and populations and communities from Africa and the worldwide diaspora, as well as governments, international cooperation organizations and their specialized agencies, multilateral banks and civil society organizations from the Americas, Africa, Europe and Asia. A forum on the subject of Afro-descendant children was also held in the context of the Summit.

163. The second World Summit of Afro-descendants will be held in Spain in 2014. Honduras participated in the pre-summit held in Panama in October 2012, which followed up on the issue and established a platform for following up on solutions to the problems of Afro-descendant children.

164. The Ministry for Indigenous and Afro-Honduran Peoples has conducted training workshops for judicial personnel on the implementation of ILO Convention 169 and the Declaration on the Rights of Indigenous Peoples. The Directorate of Public Policy and Affirmative Action, in coordination with the Special Prosecutor for Ethnic Groups and Cultural Heritage, has provided technical advice on enforcement of the law for members of those groups.

165. Compliance with the Committee's recommendation presents significant challenges, however, in particular because Honduras has just begun the process of creating the social and human rights institutions that are needed to ensure that all Honduran children, including indigenous and Afro-descendant children, will be able to enjoy their rights. In order to accomplish this goal, the State needs human resources specializing in human rights and financial resources to improve mechanisms for registering and identifying all children, especially those who have traditionally been excluded from surveys and record-keeping programmes that would give them access to the benefits of social policies and programmes.

166. In regard to administration of justice, the judiciary keeps a record, which is available for consultation, of decisions and sentences that have been handed down on the issue of equality and non-discrimination, based on international instruments.

167. Honduras has not yet fully applied the international legislation on the right to non-discrimination owing to a lack of awareness and training on the need to implement the recommendations and consultative opinions that have been handed down regarding equality and non-discrimination. It has not yet been possible to appoint honest and independent individuals to the Council of the Judiciary and the Judicial Staff, and this has delayed implementation of the mechanisms for monitoring judicial action.

168. With regard to the inclusion of specific information on measures and programmes related to the Convention that have been taken in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and also taking into account the Committee's general comment No. 1 (CRC/GC/2001/1) on the aims of education, the Ministry of Justice and Human Rights coordinated the preparation, in a participatory process, of the initial report of Honduras on racial discrimination which, as mentioned earlier, includes a section on the situation of indigenous and Afro-Honduran children and another section on education.

169. One of the measures taken to combat discrimination of children in education was the adoption and implementation of the Fundamental Act on Education, in which education is conceived as a human right of everyone to have access to knowledge that will foster their personal development and skills with freedom and equality and ensure respect for their dignity. The Act also enshrines the principle that education should be free, equitable and inclusive, multicultural and intercultural.

170. As regards criminal law, the definition of the offence of discrimination was harmonized with international human rights standards by means of an amendment to article 321 of the Criminal Code to provide penalties for anyone who arbitrarily and illegally obstructs, restricts, hinders, prevents or denies the enjoyment of individual and collective rights or who refuses a professional service on grounds of sex, gender, age, sexual orientation, gender identity, party affiliation or political views, civil status, *membership of indigenous and Afro-descendant peoples, language, tongue, nationality, religion*, family relationship, economic or social status, different abilities or disability, health situation, *physical appearance or for any other reason that constitutes an affront to the human dignity of the victim*. The Code also stipulates that such conduct shall be considered aggravated when the act is committed with violence or by a public official or employee in the exercise of his or her position or when the discriminatory situation has already occurred before.

171. To extend the scope of the aforementioned amendment, article 321-A was added. This addendum provides for the punishment of anyone who publicly or through the mass media incites to discrimination, hatred, disparagement, persecution or any form of violence or attack against a person, group or association, or foundations, companies, corporations or non-governmental organizations, on any of the grounds mentioned in the previous paragraph.

172. By means of an addendum to article 27, paragraph 27 of the Criminal Code, a provision was included establishing as an aggravating circumstance the commission of any offence with hatred or disparagement on grounds of the sex, gender, religion, national origin, membership of an indigenous or Afro-descendant people group, sexual orientation or gender identity, age, civil status or disability, ideology or political views of the victim.

173. Finally, the Ministry of Justice and Human Rights submitted to the National Congress for discussion and adoption a preliminary bill amending article 6 of the Political Constitution to recognize the pluricultural nature of the Honduran nation and provide for official use of the ancestral tongues of the indigenous and Afro-Honduran peoples in the territories where they live. The amendment also provides that the State shall respect and encourage their conservation and use, given that they are part of the cultural heritage of the nation and of humanity.

B. Best interests of the child

Integrating the principle of the best interests of the child in the legislation

174. The Committee recommends that the State of Honduras should strengthen its efforts to ensure that the general principle of the best interests of the child is understood and appropriately integrated in all legal provisions as well as in judicial and administrative decisions and projects, programmes and services that have an impact on children.

175. In compliance with this recommendation, the definition of the best interests of the child was included in the comprehensive reform of the Code on Children and Adolescents, the Family Code, the Civil Code, the Criminal Code, the Code of Criminal Procedures and the Domestic Violence Act. Article 5 of the Code on Children and Adolescents reads as follows:

“The provisions of this Code shall be interpreted and applied in such a way as to ensure effective protection for the rights of children and their best interests.

“They shall also be interpreted and applied bearing in mind the treaties and agreements on the rights of the child that have been adopted and ratified by Honduras, which shall prevail over domestic law.

“For the purposes of this Act, the Best Interests of the Child is understood to mean **fulfilling, comprehensively and simultaneously, all the rights and guarantees recognized in this Act.** The following shall be respected:

- (a) A child’s status as a subject of rights;
- (b) The right of the child to be heard and to have his or her views taken into account;
- (c) Respect for the full personal development of the child’s rights in his or her family, social and cultural setting;
- (d) The child’s age, level of maturity, capacity for discernment and other personal conditions;
- (e) The balance between the rights and guarantees of the child and the requirements of the common good;
- (f) The child’s living environment. The living environment shall be understood to be the place where the child has lived, in a legitimate situation, for most of his or her life.

“This principle shall also be applied in regard to parental authority, the guidelines for the exercise of such authority, filiation, the return of the child, adoption, emancipation and all circumstances relevant to the above, regardless of the location in which it is invoked.

“In the event of conflict between the rights and interests of the child and other equally legitimate rights and interests, the rights and interests of the child shall prevail.”

Integration of the principle of the best interests of the child in judicial and administrative decisions. Integration of the principle of the best interests of the child in services that have an impact on children

176. To further apply the principle of the best interests of the child, additional posts have been created for the appointment of judges specializing in this area. More public defenders

have also been appointed, as well as multidisciplinary teams trained to deal with cases of children whose rights have been violated, as well as juvenile offenders and families.

177. There are currently 20 judges specializing in issues relating to children and adolescents in eight departments of the country, 43 judges who are also familiar with child and family issues, 12 public defenders in this area, 16 psychologists and 22 social workers. The departments with the most specialized judges are Francisco Morazán, with five; Olancho, with six, and Choluteca, with five. During the period covered by this report, the number of public defenders rose from 239 in 2007 to 257 in 2011; of psychologists, from four in 2007 to six in 2011; and of social workers, from seven in 2007 to ten in 2011.

178. Access to the justice system for children and their families has been strengthened by the judiciary's National Directorate of the Public Defence Service, the main duty of which is to provide free of charge the services of a public defender at trials for anyone accused of a misdemeanour or an offence who cannot afford to hire a private defender. Approximately 80 per cent of the inmates in the 24 prisons throughout the country do not have resources to pay for a lawyer.

179. Since 2010, when the new Code of Civil Procedures entered into effect, the National Directorate of the Public Defence Service has provided assistance in family, civil and other cases to which this Code applies. In addition, specialized public defenders are available for situations involving children, domestic violence and families. The judiciary has made arrangements for coordination with agencies such as the USAID-SICA Regional Youth Alliance. The judiciary's strategic plan also provides for strengthening the National Directorate of the Public Defence Service and promoting efficient coordination of free services offered by other organizations at the national level.

180. In addition to giving children access to the justice system through the Public Defence Service, the law schools of the main public and private universities offer free legal aid services which are provided by law students serving internships as legal advisers.

181. Other intersectoral arrangements for facilitating access to the justice system include an agreement between the National Institute for Women and the law firm UNITEC, which will make it possible to provide services to thousands of women who cannot afford to pay for legal counsel when they are victims of domestic violence. This arrangement will also provide for psychological counselling for women and children who have suffered from domestic violence.¹⁹

182. The Supreme Court of Justice and the Public Prosecution Service have trained judges, public defenders, prosecutors and other law enforcement personnel on the content and scope of the Convention. Thus, a serious effort has been made to train all judicial personnel who deal with children's rights, especially in light of the entry into force of the Comprehensive Reform of Child and Family Programmes and the harmonization of domestic legislation with international standards, so as to encourage those involved, better articulate the grounds for judicial decisions and improve the performance of law enforcement.

C. Right to life, survival and development

183. Regarding the Committee's recommendation that the State of Honduras should guarantee children throughout the country the right to life, it is vitally important to mention that the Constitution of the Republic, which is the supreme law of the Honduran legal

¹⁹ <http://relacionespublicasinam.blogspot.com/2010/12/en-alianza-inam-unitec-se-abren-las.html>.

system, stipulates in article 65 that the right to life is inviolable. Article 66 goes on to prohibit the death penalty, and article 68 establishes the right of all persons to respect for their physical, psychological and moral integrity, thus also protecting the lives of all individuals.

184. Bearing in mind these constitutional principles and the Committee's recommendations, the State is making every effort to continue investigating allegations of disappearances and extrajudicial killings of children and to prosecute and punish those responsible. At the request of the Standing Commission on the Protection of the Physical and Moral Integrity of Children, which was created in May 2002 by Decision No. 1401-2002 of 6 September 2002, the Special Unit to Investigate Deaths of Minors was set up under the National Criminal Investigation Directorate of the Ministry of Security.

185. The Special Unit is charged with investigating violent deaths of children in Honduras, discovering who is responsible, taking preliminary statements from suspects, providing the competent bodies with the information necessary to initiate criminal proceedings, following the general guidelines issued by the person assigned by the Public Prosecution Service to oversee the case, and handing over to the competent authorities the persons considered responsible for the deaths. The judiciary has helped to strengthen the Unit not only through monitoring and follow-up, but also through budgetary allocations for the cities of Tegucigalpa MDC and San Pedro Sula.

186. To follow up on the Committee's recommendation, the Honduran Institute for Children and the Family has conducted sensitization, training and promotional activities and disseminated information on the right to life. This work has not been carried out systematically owing to the lack of a budget earmarked for this purpose; therefore, financial support is being sought from national institutions and international cooperation agencies.

187. To prosecute and punish those responsible, the Public Prosecution Service, working through the Office of the Special Prosecutor for Children, specifically the staff responsible for investigating violent deaths of children that are similar to executions, received 63 complaints in 2011. It is currently prosecuting 25 cases; during this period, 18 prosecutor applications were submitted and 20 sentences were handed down, all of them convictions.²⁰

188. Concerning the Committee's recommendation that the State should systematically collect data and information on all violence and abuse against children and notably extrajudicial killings, it is worth noting that progress in systematizing information has been made by the National Autonomous University of Honduras, through the University Institute for Democracy, Peace and Security and the Monitoring Centre for Violence. The official sources of data to be analysed are provided by the Ministry of Security through the National Police (Crime Prevention Police, National Criminal Investigation Directorate and National Traffic Directorate) and the Public Prosecution Service, through the Directorate-General of Forensic Medicine. The data are corroborated throughout the country by the Monitoring Centre for Violence.

189. This effort to collect, systematize and analyse data has provided the basis for the Special Bulletin on Violence against Children, which is funded by UNICEF and UN Women. The most important data obtained by the Monitoring Centre for Violence on acts of violence and abuse against children are shown in the following table:

²⁰ República de Honduras. Ministerio Público. 2011 Informe Anual de Labores, p. 107.

Table 9
Child deaths from external causes in 2011 at the national level

| <i>Cause</i> | <i>Percentage</i> |
|--------------------------|-------------------|
| Homicide | 55.7 |
| Suicide | 5.1 |
| Traffic events | 18.2 |
| Involuntary manslaughter | 14.0 |
| Cause not determined | 11.6 |

Source: Prepared with data from *Boletín Especial sobre Violencia contra Niñas y Niños 2011*. Observatorio de la Violencia UNAH.

190. Regarding the Committee's recommendation that the State should reduce the availability of arms and ensure that their sale occurs only under strict governmental control, the Comprehensive Public Policy on Harmonious Social Relations and Citizen Security adopted by the current Administration recognizes that the large volume of arms currently in circulation in the country undoubtedly has an effect on the phenomena of violence, while facilitating and even encouraging the use of force by individuals. The legislation regulating the possession and carrying of arms by individuals should be improved so as to facilitate better State control over arms; it is also necessary to change the mistaken perception among citizens that arms give greater security and instead to build trust among citizens in the State agencies that are responsible for protecting them.²¹

191. The policy on security seeks to strengthen the capacity for registration and control of arms in order to reduce the high rates of lethal violence caused by firearms and reduce the circulation and use of such weapons in the country. The strategy is aimed at improving registration procedures and State controls, changing the legislation, and raising awareness about the risks involved in the possession and use of firearms, as well as destroying surplus arms.

192. The Committee recommends that the State should address the root causes of these violent acts, including poverty and marginalization, since most of these acts are said to occur in the poorest metropolitan areas of Tegucigalpa and San Pedro Sula. In that regard, it should be noted that the Social Protection Policy covers children who are victims of violence, trafficking, abuse in all its forms, and sexual and economic exploitation, largely from those areas.

193. In implementing the policy, the Ministry of Social Development has made progress in identifying the poor, vulnerable and marginalized population, with a view to implementing affirmative actions that will improve their living conditions. It is compiling socioeconomic information on the poor metropolitan areas of Tegucigalpa, San Pedro Sula and other intermediate urban areas. Once analysed, this information will undoubtedly generate important data on poor and marginalized households and enable public and non-governmental institutions, through the Single Registry of Beneficiaries, to provide responses that are better suited to their actual individual situation and to develop and/or reformulate consistent and relevant social policies.

²¹ Gobierno de Honduras. Secretaría de Seguridad. Política Integral de Convivencia y Seguridad Ciudadana 2011–2022, p. 6.

D. Respect for the views of the child²²

194. The State of Honduras takes note of the Committee's recommendation that it should continue to promote, facilitate and implement in practice the principle of respect for the views of children in all matters affecting them, in accordance with article 12 of the Convention, and that it should take fully into account the recommendations adopted in September 2006 on the Committee's day of general discussion on the right of the child to be heard.

195. In 2010, the Inter-Agency Committee on Early Childhood, which is comprised of public and civil society institutions, began designing the Comprehensive Early Childhood Development Policy, consulting directly with different sectors of the country through workshops organized at the central and departmental levels. In addition to inviting the participation of the ministries and of State and municipal institutions, civil society organizations, opinion leaders, writers, intellectuals, artists, religious, academics and entrepreneurs, the Committee paid special attention to the views of parents, adolescents and adolescent mothers, among others. Children between the ages of 4 and 6 who were consulted in children's forums, using words and drawings, shared their dreams for their families, their educational centres and their communities, and expressed their needs and desires. All of this information was taken into account in the Comprehensive Early Childhood Policy document, which was eventually adopted by the President, meeting with the Council of Ministers, by means of Executive Decree PCM-031-2012, of 21 August 2012.

196. As a result of the analysis of existing information and of the consultations throughout the country, the most pressing needs of children were identified, with a view to reducing poverty and marginalization and ensuring the effective enjoyment of their rights by all Honduran children.

197. During the period 2005–2006, fulfilling the right of children to participate in the sphere of education, a study entitled *Los Gobiernos Escolares y Estudiantiles en Honduras (Estudio de su organización y funcionamiento en municipios de cinco departamentos de Honduras)* (School and Student Governments in Honduras (Their Organization and Operation in Municipalities of Five Departments of Honduras)) was coordinated by the Ministry of Education, with technical assistance from UNICEF. The study found that 97 per cent of educational centres had elected school governments, that 54.6 per cent of the leadership positions in school governments were held by girls, and that members of school governments participated in children's networks and organizations promoted by the municipal mayors' offices in the framework of the Covenant on Children, the Ministry of Education and other institutions and with the support of entities such as UNICEF, Save the Children, Plan International and others.

198. Regarding the participation of children in judicial procedures, the judiciary has provided appropriate and systematic training on the rights of the child for judges, public defenders and auxiliary and technical personnel. Judicial offices have been adapted so that children will be able to participate comfortably in judicial proceedings.

199. In 2012, the Ministry of Justice and Human Rights, working in conjunction with the Network of Children's Rights Institutions and UNICEF, carried out consultations on the initial reports on the Optional Protocols to the Convention, with the participation of more

²² Information for this section is missing from the Ministry of the Interior (SEIP)-Covenant on Children and the National Congress. They did not reply to the questionnaire.

than 60 children and adolescents belonging to the Young Journalists Network of Honduras and the Network of Children's Rights Institutions.

XV. Civil rights and freedoms

A. Birth registration

200. The National Registry Office and several public institutions, working in partnership with civil society, have managed to reduce the underreporting of births from 20 per cent in 2001 to 12 per cent in 2005 and 7 per cent in June of 2012. The idea is to reduce this figure to under 5 per cent by 2013.

201. Among the measures taken to give priority to immediate reporting of all births and to promote and facilitate the registration of children who were not registered at birth, and in the light of article 7 of the Convention and the Committee's recommendation in its previous concluding observations, the National Registry Office has shortened the deadline for registering births occurring within the national territory from up to five years to one year, as required in article 53 of the National Registration of Persons Act.

202. To facilitate the registration of children who were not registered at birth, late registration has removed from the purview of the courts. A team of 45 lawyers in 21 offices throughout the country provides free registration by issuing free of charge retroactive birth certificates (*reposición por omisión*). Between 2008 and 2010, 20,933 retroactive birth certificates were issued. The highest demand occurred in the departments of Cortés, El Paraíso, Olancho, Atlántida and Francisco Morazán. In 2009, 190,991 births were recorded; in 2010, 210,578, and in 2011, a total of 210,258.

203. Campaigns were organized to raise awareness about the right to a name and a nationality, as recommended by the Committee, including the national campaign on birth registration entitled *¡Un Derecho de Todos!* (Everybody's Right), in 2007; the campaign entitled *Tengo Derecho a un Nombre y a una Nacionalidad* (I Have the Right to a Name and a Nationality); *Mamá, Papá, Inscríbeme en el Registro Civil*²³ (Mother, Father, Register Me in the National Registry Office), in 2007; the national campaign on *Cómo Inscribir un Nacimiento* (How to Register a Birth), by the National Registry Office and the National Institute of Statistics; the national campaign on *Tengo Derecho a un Nombre y a una Nacionalidad. Mamá, Papá, Inscríbeme en el Registro Civil*, by the National Registry Office and UNICEF in 2008; the national campaign entitled *Las Niñas, Niños y Adolescentes Tenemos Derechos* (Children and Adolescents Have Rights), by the National Registry Office and PLAN, OAS/Universal Civil Identity Project of the Americas (PUICA), the Swedish International Development Cooperation Agency (SIDA), UNICEF, Save the Children and the Association of Honduran Municipalities, applying the Registration Amnesty established by Decree No. 108-2007, of 11 October 2007; the national campaign entitled *Inscríbeme en el Registro Civil y Construyamos un País Cinco Estrellas* (Register Me in the National Registry Office and Let's Build a Five-Star Country), by the National Registry Office/OAS/SIDA 2009; the national campaign entitled *Las Niñas y los Niños con Discapacidad Tenemos Derechos a un Nombre y a una Nacionalidad* (Children with Disabilities Have the Right to a Name and a Nationality), by the National Registry Office/Ministry of the Interior and Justice,²⁴ UNICEF,

²³ This campaign was conducted throughout the Department of Gracias a Dios, with the support of the First Lady's Office, UNICEF, the offices of municipal mayors and the National Institute of Statistics.

²⁴ Directorate-General for the Development of Persons with Disabilities.

Ayuda en Acción, the National Federation of Parents of Persons with Special Needs, the Honduran Social Investment Fund-Innovation Fund for Development and Social Assistance, the Coordinating Office for Rehabilitation Institutions and Associations of Honduras and the Network of Children's Rights Institutions, in 2009; the regional campaign in the department of Gracias a Dios, in the framework of the Project on Support of Citizen Registration and Identification, with the support of UNDP, SIDA, the Spanish Agency for International Development Cooperation (AECID), the National AIDS Forum, the Federation of Indigenous Peoples of La Mosquitia and Miskito Indian Women, 2010; the regional campaign in the department of Cortés entitled "*Inscribe a tus Niños y Niñas*" (Register Your Children), *Tengo Derecho a Tener Derechos* (I Have the Right to Have Rights), *Feria del Derecho a un Nombre y a una Nacionalidad ¡Inscríbelos Ya!* (Right to a Name and a Nationality Fair – Register Them Now!), by the National Registry Office/OAS, Coordinator of Mennonite Social Action, the Municipal Mayor's Office, the Government of the United States of America and the General Coordinating Office for the Rivers of San Pedro Sula, in 2009 and 2012.

204. In keeping with the Committee's previous recommendation, these campaigns targeted the areas identified by the National Registry Office as having the highest underreporting rates, especially in the rural areas of the departments of Gracias a Dios, Colón and Olancho and in geographic areas predominantly inhabited by indigenous groups, Afro-descendants, persons with disabilities and those living in poverty and extreme poverty.

205. During the current year, work will begin on implementing, with the help of PLAN Honduras, the *Promotorado Registral Infantil* (Promotion of Child Registration) project. The goal is to raise awareness among children of the importance of timely birth registration, especially within the family, in school and in the community. The OAS Universal Civil Identity Project of the Americas (PUICA/OAS) has also been presented, and during this year, the project on hospital birth registration will be carried out, first with funds from OAS and also with public funds. The goal is to open branches of the National Registry Office in the 25 hospitals nationwide that have maternity services, beginning with the three main hospitals in Honduras, i.e., the Leonardo Martínez, San Felipe and Materno Infantil hospitals.

206. From 2007 to date, the National Registry Office has expanded its coverage from 298 civil registry offices to 310; it has opened 12 branch offices in locations with predominantly indigenous or Afro-Honduran populations or in remote hard-to-reach communities, including villages in La Mosquitia such as Rus Rus, Tikiraya, Usubila, Kraursirpe, and in the area on the border with El Salvador in the villages of San Antonio, Florida, Mesetas, Estancia, Nahuaterique, El Zancudo and others. In addition to these efforts, SIDA, AECID and UNDP have helped to purchase two mobile units known as *Vehículos de Inscripción e Identificación Ciudadana* (Citizen Registration and Identification Vehicles), as they provide mobile registration services in different communities.

207. The National Registry Office has a staff of 1,416 permanent employees; of these, 872 perform civil registry duties, 200 issue national identification documents, 51 keep civil registry records, 75 work in the central archive and 178 perform administrative duties. Most of the personnel carry out registry tasks, especially recording births and deaths.

208. During this period, the competencies of the human resources assigned to birth registration were strengthened, steps were taken to upgrade the academic qualifications of human resources in the National Registry Office, a Training Unit was created to improve the registration skills of staff and to train and update the knowledge of staff, the creation of the Centre for Registration Studies was promoted, job descriptions were developed, handbooks on technical, registration and administrative duties and procedures were prepared (with the support of AECID).

209. Steps were also taken to ensure that the data available to the National Registry Office were true and accurate. From 2006 onwards, the process of setting up equipment and automating registration procedures has increased threefold. In 2006, only 45 offices were automated, and of those, only one was online with the Central Office, and 30 were located in urban areas.

210. In 2012, 118 offices were automated, and of these, 73 were in rural areas or municipalities. Of the 118 offices, 32 are online with the Central Office, making it possible to update information on births in real time. These 118 offices cover 82 per cent of the total population of the country. Between December 2012 and January 2013, with the assistance of AECID and UNDP, 30 additional offices in the central south-eastern region of the country were automated.

211. The Honduran Institute for Children and the Family attaches priority to the registration of births of all children who are not currently on the records of the National Registry Office. This is one of the main tasks performed by the institution's attorneys; thanks to their effort, 320 children were registered during the period 2007–2012. The juvenile courts and the section courts work in coordination with the National Registry Office to facilitate immediate registration of abandoned children who have no family or of juvenile offenders.

B. Freedom of association

The State party should 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.

212. In order to protect the rights of children, the Honduran Institute for Children and the Family works directly through the attorneys in the Integrated Centre for Administration of Justice, ensuring that decisions taken by judicial personnel are consistent with the legislation on children.

213. In 2003, the High-level Criminal Justice Commission set up an inter-agency team²⁵ to follow up on and generate statistical information on the amendment to article 332 of the Criminal Code, on unlawful association. The statistical information on children refers to cities with the largest population and the highest incidence nationwide; this information is constantly compared and reviewed with the data provided by the Crime Prevention Police and the Investigation Police of the Ministry of Security. It is also checked against the information provided by the Public Prosecution Service.

214. The information shown below covers the period from August 2007 to June 2012.

²⁵ The team is made up of technical personnel of the Public Prosecution Service, the judiciary and the Ministry of Security, the latter being in charge of prevention and investigation. The team meets at the office of the coordinator, a responsibility carried out by the judiciary through the Electronic Centre for Judicial Documentation and Information (CEDIJ).

Table 10

Statistics on activities pertaining to children pursuant to article 332 of the Criminal Code (as amended), on the offence of unlawful association – August 2007/June 2012

| <i>No.</i> | <i>Description</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>Totals</i> |
|------------|--|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| 1 | Persons arrested by the National Police | 171 | 114 | 84 | 92 | 107 | 24 | 592 |
| 2 | Persons released by administrative decision | 87 | 55 | 13 | 28 | 13 | 4 | 200 |
| 3 | Population of offenders referred by prosecutors to competent courts | 84 | 59 | 71 | 64 | 94 | 20 | 392 |
| 4 | Persons under detention | 59 | 42 | 50 | 48 | 63 | 16 | 278 |
| 5 | Other precautionary measures | 25 | 16 | 20 | 10 | 31 | 4 | 106 |
| 6 | Persons released by court order (or referred to competent courts because they were adults) | 0 | 1 | 1 | 6 | 0 | 0 | 8 |

Table 11

Number of offenders arrested – August 2007/June 2012

| <i>Year</i> | <i>Number of persons arrested</i> | <i>Percentage</i> |
|-------------|-----------------------------------|-------------------|
| 2007 | 171 | 28.89 |
| 2008 | 114 | 19.26 |
| 2009 | 84 | 14.19 |
| 2010 | 92 | 15.54 |
| 2011 | 107 | 18.07 |
| 2012 | 24 | 4.05 |
| Total | 592 | 100.00 |

Source: Special Programmes Unit/Judiciary – Ministry of Security and Public Prosecution Service – CEDIJ.

215. Finally, this subject was discussed during the process of designing the Public Policy and National Plan of Action on Human Rights. It was included as strategic action 8 under component 4 on the Vulnerable Population Group: Children, as well as “Strengthen preventive measures and procedures so that no minor under age 18 shall be deprived of his or her liberty illegally or arbitrarily, in particular as a result of measures for combating *maras* (gangs) or in the event the minor represents an immediate threat to himself or herself or to others”. The year 2014 was set as the deadline for implementing this action.

C. Prohibition of torture and other cruel, inhuman or degrading treatment

The Committee urges the State of Honduras to take all necessary measures to prevent children from being subjected to torture or any other cruel, inhuman or degrading treatment or punishment in all circumstances, and in particular during or after their apprehension by law-enforcement officials. The Committee further recommends that all allegations of ill-treatment and abuse committed at the hands of law-enforcement officials be investigated and those responsible prosecuted and punished.

216. In 2008, the National Preventive Mechanism Act was adopted by Legislative Decree No. 136-2008, of 31 October 2008. This Act establishes the technical and institutional framework for the national mechanism, in accordance with the provisions of the Optional

Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Honduras has been a party since 1996.

217. In terms of its legal standing, this mechanism is an autonomous national statutory body which is mandated by law to periodically review the treatment of persons who are deprived of liberty in detention centres in order to strengthen preventive measures against torture and other cruel, inhuman or degrading treatment, and to issue recommendations, proposals and observations to the competent national authorities.

218. Although the National Preventive Mechanism Act was adopted in 2008, it was not until 17 September 2010, at the request of the incumbent Minister and Human Rights Adviser, that the executive branch took steps to establish the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment in order to periodically review the treatment of persons deprived of liberty in detention centres and to issue recommendations, proposals and observations to national authorities.

219. With regard to the prevention of torture and violence in general, it is worth noting the action taken by the National Prevention, Rehabilitation and Social Reintegration Programme, which is responsible for coordinating, strengthening and ensuring consistency in the implementation of all programmes and projects designed to prevent the violence that affects the children and youth of Honduras. The legal framework for this programme empowers it to develop and follow up on national policies and plans designed to promote an environment that will protect children and young people through appropriate strategies and approaches.

220. In coordination with the Government and civil society, a group called Grupo País was set up in 2012 to draw up the National Policy on Prevention of Violence against Children and Young People, the draft of which was submitted to the President of the Republic and the Council of Ministers on 18 December 2012 through the Ministry of Justice and Human Rights. The Policy was adopted by Executive Decree PCM-011-2013, of 12 February 2013. As part of the Plan of Action for the Policy, work is currently underway on the design of the National Road Map for the Elimination of Violence against Children; this is an inter-agency effort being carried out by public and civil society actors.

221. In terms of public policy, it is a sign of progress that children (from birth) who are victims of violence are considered subjects of the Social Protection Policy adopted by the State in March 2012. This means that priority is given to prevention, protection and generation of opportunities for this population group and for their families in order to solve the problems they experience.

222. In addition to the development of public policies in this area, the National Campaign on Prevention of Violence was launched in February 2012 in 48 of the municipalities that are most affected by violence. Twenty-eight promoters were assigned to work directly with local governments and civil society organizations that carry out prevention programmes in their local areas to help design local public policies and transfer innovative methodologies such as *El Desafío de Soñar Mi Vida* (The Challenge of Dreaming My Life), which consists of two workbooks for facilitators and participants, who in this case were teachers and children between the ages of 13 and 17. This methodology was facilitated by USAID; the National Prevention, Rehabilitation and Social Reintegration Programme prints the manuals with its own funds and the support of international cooperation agencies such as UNICEF.

223. Another methodology that was transferred in the same manner to technical staff of municipal programmes for children and young people, district directors and representatives of local civil society organizations is the programme entitled *Toma de Decisiones y Resolución de Conflictos* (Decision Making and Conflict Resolution), which also uses workbooks for facilitators and participants. This methodology can be used in educational centres, grass-roots organizations and civil society and community groups.

224. Another methodology, known as *Familias Fuertes* (Strong Families), is designed to improve family relations and communication so as to prevent violence and physical and emotional punishment. This methodology, which was provided by the United Nations Office on Drugs and Crime (UNODC), is a fundamental tool for generating harmonious family relations, using dynamic learning methods and audiovisual media.

225. The *Escuelas Abiertas* (Open Schools) model is carried out on weekends on school premises, bringing together members of the community and strengthening the social network through cultural and sporting programmes. It helps to improve interpersonal communication and carries out activities that improve the community environment. The Open Schools programme, which began in Brazil with the support of UNESCO, has proved effective in reducing crime and other types of community violence. The National Prevention, Rehabilitation and Social Reintegration Programme is currently replicating this model in 48 municipalities that have been chosen for intervention.

226. The Ministry of Security,²⁶ working in the context of the Programme of Support to the Security Sector, which is co-financed by the European Union, is carrying out the following projects aimed at preventing violence against children and young people:

Project on Prevention of marginalization and juvenile violence and access to jobs for adolescents and young people in the municipality of Marcala, La Paz. Asociación Cristiana de Jóvenes (ACJ/YMCA Honduras)

227. The general objective is to help improve security and justice for juveniles in the municipality of Marcala, department of La Paz. The specific objective is to strengthen the capacities of 2,240 young people in Marcala so as to positively influence primary and secondary prevention of marginalization in a context of citizen participation and job opportunities.

Project on Prevention of juvenile violence in marginal urban communities of Tegucigalpa

228. The general objective is to help prevent violence among young people and improve living conditions for the population of the three marginal urban districts of the city of Tegucigalpa — Villa Nueva, Nueva Suyapa and Los Pinos — as well as to strengthen the implementation and promotion of programmes for at-risk youth through the active participation of all stakeholders and sectors of those three districts.

Project on Strengthening local capacities and promotion of social opportunities for citizen participation in violence prevention in Honduras

229. The general objective is to promote practical actions to encourage harmonious social relations that will be conducive to the creation and/or improvement of institutional and community environments for citizen participation in efforts to prevent violence and marginalization, with the involvement of citizens in four municipalities of Santa Bárbara. This project pursues the following specific objectives:

(a) To strengthen young people through training and vocational education, as well as artistic, cultural and sporting activities in marginal areas, so as to build a culture of violence prevention;

²⁶ Information obtained from <http://www.pass.hn/index.html>.

(b) To carry out activities aimed at preventing drug addiction and gang membership, and to promote the prevention of sexually transmitted diseases among at-risk youth.

Project on Prevention of juvenile violence in four districts of peri-urban Comayagüela in the Central District Municipality, department of Francisco Morazán, Honduras

230. The general objective is to help reduce juvenile violence in the communities located within the area of influence of the project. The specific objective is to strengthen capacities for social prevention of violence in educational centres and districts of the peri-urban area of Comayagüela, for the benefit of 5,660 children and young people.

231. Efforts to eliminate violence against children and young people represent a major challenge for the State. Raising awareness and responding to the situation entails improving inter-agency and intersectoral coordination so that public policies targeting children, adolescents and young people who are affected by violence can be applied at the community level and can be coordinated with prevention and protection measures initiated under other social policies, such as the Social Protection Policy, the National Youth Policy, the Road Map to Make Honduras a Country Free of Child Labour and, above all, national policies on education, health and jobs.

232. In addition to the challenge of coordinating action, the State must provide sufficient and sustainable human and financial resources for policy implementation in the form of budgetary allocations for the institutions concerned and for programmes and projects carried out under the policies adopted.

233. To this must be added the ongoing task of keeping the general public, communities, families, children and parents aware of the negative effects of violence against children and the need to combat it. This is a challenge that entails changing the social paradigm.

XVI. The family environment and alternative care

A. Family care and parental responsibilities

234. Note has been taken of the Committee's recommendation that the State should give appropriate assistance to parents in the performance of their child-rearing responsibilities, including appropriate measures to ensure that children of working parents have the right to benefit from childcare services and facilities for which they are eligible. The Committee further recommends that the State should develop and implement policies and programmes to provide for the needs of children in single-parent families.

235. As regards public policies, Honduras has taken steps to strengthen the role of parents and enable them to fulfil their responsibilities as primary caregivers from the earliest stage of a child's life. This is the case, for example, with the Comprehensive Early Childhood Development Policy and the Social Protection Policy, both of which were adopted in 2012. The Comprehensive Early Childhood Development Policy stresses care for mothers and children and includes components on nutrition and on child care, with the aim of providing comprehensive care for very young children while their mothers are working.

236. Thirty-six Comprehensive Care Centres operated by the Honduran Institute for Children and the Family provide care for 937 boys and 908 girls, for a total of 1,845 children between the ages of 6 months and 6 years. The centres care for the children during their parents' working hours, especially in the case of working mothers; however, owing to the Institute's administrative difficulties, it has not been able to expand coverage of the

Comprehensive Care Centres and the day-care centres so as to provide a wider range of services for families, especially those with working mothers.

237. The School for Parents provides training so as to strengthen family ties and instil in parents an awareness of their responsibilities. In addition, home visits are carried out to offer guidance on family life, and training on subjects of interest to parents is offered to participants in the Institute's programmes. A family counselling programme was also set up.

238. The Ministry of Labour and Social Security operates nine day-care centres throughout the country which provide services for 559 children (305 boys and 254 girls), which help 499 families.

239. At the Council of Ministers meeting on 19 February 2013, the President of the Republic declared a state of emergency in the Comprehensive Child Care Centres administered by the Honduran Institute for Children and the Family so as to allow for essential goods and services to be supplied immediately and to ensure that the centres meet the minimum requirements for protecting children and comply with measures ordered by the courts. A commission was created to provide oversight and technical assistance for the Comprehensive Care Centres, issue recommendations, establish standards for control and intervention and work with the Office of the Executive Director of the Institute on the reorganization of the Comprehensive Child Care Centres.

240. As regards the Committee's recommendation that the State of Honduras should take all appropriate measures to expedite the adoption of two Bills aimed at facilitating the determination of paternity and at providing for the responsibility of fathers for the care and upbringing of their children, the Responsible Parenting Act was adopted by the National Congress and is pending publication. The initiative seeks to establish a procedure for determining maternity or paternity with legal certainty and for recognizing such maternity or paternity, as well as for the investigation and presumption of paternity in special cases, thus fostering responsible parenting. This legislation will contribute to implementation of the Social Protection Policy and the Comprehensive Early Childhood Development Policy. The Ministry of Labour and Social Security has also taken part in these efforts.

B. Alternative care

241. The matter of strengthening the family and addressing the problem of parent-child separation, as well as the need to contribute to family reunification in the best interest of the child is embodied in the main public policies promoted by the State of Honduras during the period covered by this report, as described above.

242. As regards the Committee's recommendation that the State should develop and implement a comprehensive policy for children in need of alternative care, which should include measures to provide families of children in need of care and protection with the necessary support and counselling in order to prevent child-parent separation, unless this separation is necessary in the best interests of the child, the Social Protection Policy includes among its beneficiaries pregnant women who have been deprived of liberty, children between the ages of 0 and 18, children of parents who have been deprived of liberty, and children who are orphans, abandoned or helpless and those affected by migration.

243. The Honduran Institute for Children and the Family also operates the School for Parents so as to strengthen family ties by reaching about parental responsibility. Home visits are carried out to offer guidance to the family, and there is a family counselling programme for parents and adolescents.

244. As regards the recommendation that the State should promote alternative care in foster families, including kinship care and provide these families with adequate financial and other support, including training, the Honduran Institute for Children and the Family is carrying out the subprogramme on *familias protectoras* (foster families)²⁷ throughout the country to provide care for children who need special protection. At present, the subprogramme includes 152 *familias protectoras* who care for 432 children in five regions of the country. It also has a cooperative relationship with the Buckner Foundation for children who need individual attention in the *familias solidarias* (families in solidarity) programme.

245. The *familias protectoras* subprogramme and the scholarship programme received a budgetary allocation of 8.97 lempiras in 2007, 8.7 million in 2008, 8.89 million in 2009, 8.89 million in 2010, 8.6 million in 2011 and 9.6 million in 2012. The subprogramme's coverage increased to 830 children in 2007, 805 in 2008, 776 in 2009, 759 in 2010, 731 in 2011 and 724 in 2012.

246. The Honduran Institute for Children and the Family promotes care for children in extended families through different types of arrangements, on the condition that the family environment be safe. *Familias sustitutas* (substitute families) take care of children who are not eligible for adoption or family reintegration, leaving only the option of placement in a family or in a private centre. There are three types of *familias protectoras*: (a) subsidized *familias protectoras*: this is a short-term strategy, whereby the family receives a monthly subsidy of 1,700 lempiras or in special cases, 2,000 lempiras for each child; (b) *familias sustitutas*: this is a long-term strategy that is authorized by the juvenile courts; no financial subsidy is needed, and preference is given to placing the child within the extended family; (c) volunteer *familias solidarias*: this is a short- and medium-term strategy for which no court authorization or financial subsidy is required. Between 2007 and October 2012, a total of 432 children were cared for by 152 subsidized *familias protectoras*, while 4,625 children were cared for by volunteer *familias solidarias*.

247. Families applying for the *familias protectoras* subprogramme under any of the three arrangements mentioned above, undergo a preliminary investigation and interview, after which a full investigation is conducted of the family's psychosocial environment and community references; other requirements must be met as well. This process is carried out by the Honduran Institute for Children and the Family through the technical staff of the *familias protectoras* subprogramme and the juvenile courts or a surrogate thereof. The process sometimes includes oversight to ensure that the families are suitable and that the children will benefit from the arrangement.

248. With these mechanisms, it will be necessary to carry out more awareness campaigns to encourage Honduran families to participate in child-protection programmes such as these. The monthly subsidies for maintenance expenses range from approximately 1,700 lempiras (for healthy children) to 2,000 lempiras (for special-needs children). Unfortunately, no other nationwide plans or programmes to encourage other types of protection for children are available.

249. The National Women's Prison for Social Adaptation has a section especially fitted out for women prisoners who live with their children under 2, namely, the *Casa Cuna* childcare project, which receives financing from the European Union through the Programme on Support to the Security Sector, in coordination with the Italian non-governmental organization Dokita. This initiative is designed to improve the living

²⁷ This subprogramme was set up in 1998. It is financed with national resources through transfers from the National Children's Welfare Board.

conditions of female inmates and their children by creating spaces especially designed for them, for activities such as breastfeeding. Thus, child care is provided by their own mothers.

XVII. Adoption

250. The Committee recommends and urges the State to speed up the adoption of the draft Special Law on Adoption and finalize the process of ratification of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. The Ministry of Foreign Affairs referred the draft law to the President of the Republic for his signature. The President then transmitted to the National Congress Executive Decision No. 11-DGTC, of 4 April 2011, and on 6 September 2012 it was referred to the Family and Child Committee of the legislature for inclusion on its agenda. In August 2013, the Ministry of Justice and Human Rights urged the National Congress to adopt it, as it was part of the international commitments undertaken by the State of Honduras.

251. In 2009, the bill on adoptions was submitted to the National Congress, in the expectation that it will be submitted to the Family and Child Committee for decision and adoption, as this is a debt which Honduras owes to its children.

252. The statistics generated by the Adoptions Department of the Honduran Institute for Children and the Family²⁸ show that a total of 223 children were adopted during the period between 2007 and 2012 by 73 Honduran families and 150 families of other nationalities. Of the total number of children adopted, 103 were boys and 120 were girls, which indicates that a slightly higher number of girls are declared to be in a state of abandonment by the juvenile courts or are placed in voluntary adoption (adoption by consent) by the parents and/or family members.

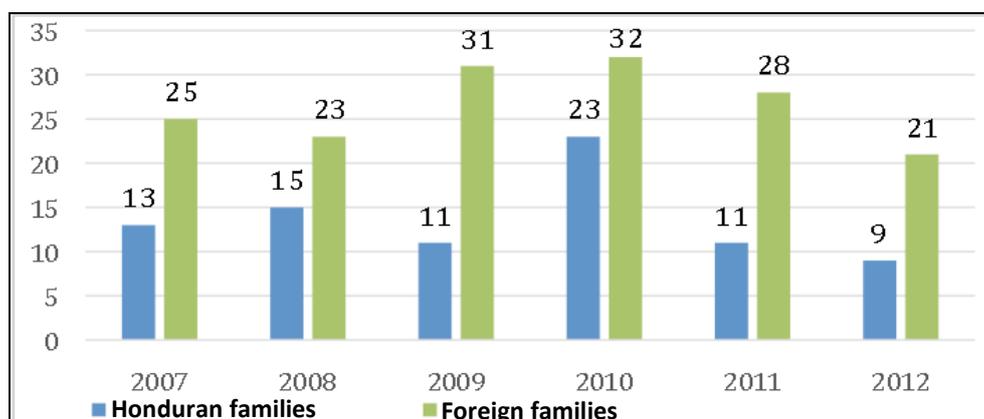
Table 12
Adoption statistics (2007–2012)

| Year | Classification by gender | | Adoptions assigned | | Total girls and boys |
|---------------|--------------------------|------------|--------------------|---------------------------------|----------------------|
| | Girls | Boys | Honduran families | Families of other nationalities | |
| 2007 | 20 | 18 | 13 | 25 | 38 |
| 2008 | 26 | 12 | 15 | 23 | 38 |
| 2009 | 25 | 17 | 11 | 31 | 42 |
| 2010 | 20 | 16 | 14 | 22 | 36 |
| 2011 | 16 | 23 | 11 | 28 | 39 |
| 2012 | 13 | 17 | 9 | 21 | 30 |
| Totals | 120 | 103 | 73 | 150 | 223 |

Source: Special Programmes Unit/Judiciary – IHNFA.

²⁸ The adoptions procedure for Hondurans, foreigners residing in Honduras and foreigners consists of two stages: the administrative stage, which begins with the Honduran Institute for Children and the Family and concludes with the assignment of the child, and the judicial procedure, which involves submitting the file to the Family Court, which issues the adoption decision, making the adoption final. The documents are then signed at the Institute, which transmits the relevant communication to the National Registry Office, and the Registry registers the child with the parents' surnames.

Figure 1

Percentage of girls and boys assigned in adoption to Honduran and foreign families

Source: Special Programmes Unit/Judiciary – National Institute for Children and the Family.

253. Under the Comprehensive Reform of Child and Family Programmes, the regulations on adoption were amended, and budgets were adjusted to meet the requirements of the Convention on the Rights of the Child and the Hague Convention on adoptions. These measures will be supplemented once the Adoptions Act is passed, and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption is ratified. As noted above, the discussion and adoption of both these instruments is pending in the National Congress.

XVIII. Violence, abuse, neglect and maltreatment

254. In its recommendations, the Committee urges the State to *strengthen its efforts to prevent and combat ill-treatment of children within and outside the family and reinforce the mechanisms monitoring the extent of all forms of violence, injury or abuse, neglect, maltreatment or exploitation covered by article 19, including within the family, schools, in institutional or other care*. These issues are related to the phenomenon of violence against children that has been highlighted in the major public policies adopted during the period covered by this report, with a view to carrying out actions to prevent and combat the problem.

255. The policies on this matter include the Social Protection Policy, the Comprehensive Early Childhood Development Policy (both adopted in 2012), the recently adopted Public Policy and National Plan of Action on Human Rights 2013–2022 and the National Policy on Prevention of Violence against Children and Young People (adopted in 2013).

256. Under the Social Protection Policy, children who are victims of violence, trafficking and sexual and economic exploitation are expressly considered as subjects of action under the policy, which includes components on protection, social assistance, social security and protective services, the latter being designed to restore rights that have been violated.

257. The Comprehensive Early Childhood Development Policy includes the subsystem on protection of early childhood, which follows the life-cycle approach, and the National Policy on Prevention of Violence against Children and Young People, which develops the bases for preventing and eradicating domestic violence and institutional violence.

258. This policy also takes into account the fact that children need to have access to technical training and appropriate technological know-how so that they can realize their

potential, enter the labour force and find dignified work. It fosters the development of at-risk young people and promotes and reorients human development of the at-risk population, as well as their employability and life skills, and it helps raise awareness of these issues among the authorities, the communications media and society at large.

259. All these policies and strategies are consistent with the Committee's recommendation that the State should *use its recommendations as a tool for action, in partnership with civil society and, in particular, with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse*. On this point, it is important to stress the importance of intersectoral participation and international cooperation, which have been vital in the process of designing and adopting the three policy tools, with support from UNICEF, USAID, the World Bank and other agencies that have provided technical assistance for these processes.

260. In 2011, in compliance with article 19 of the Convention and the Committee's recommendation that the State of Honduras should carry out studies on violence, ill-treatment and abuse of children so as to determine the scale and the nature of such practices, the National Autonomous University of Honduras, working through the University Institute for Peace, Democracy and Security and the Monitoring Centre for Violence, and with the support of UNICEF and UN Women, issued the *Boletín Especial sobre la Violencia contra Niñas y Niños* (Special Bulletin on Violence against Children), which has become a key resource for decision making.

261. The State has taken a number of important steps to prevent and combat violence, abuse and ill-treatment of children, including the creation and operation of a telephone hotline with the number 111 to take complaints on these issues. The hotline is staffed by psychologists from 8:30 a.m. to 4:30 p.m., and the remaining hours are covered by the operators for emergency line 114. When a complaint is received, it is referred to the Office of the Prosecutor for Children in the Public Prosecution Service.

262. The Public Prosecution Service also coordinates actions to provide for criminal prosecution of abuses against children and psychosocial investigations of families against which complaints of child abuse have been lodged.

263. In the judicial sphere, the Code on Children and Adolescents provides protection for vulnerable and at-risk children when they are neglected or endangered, their basic needs are not met, their material assets are in jeopardy, they need legal assistance, they suffer ill-treatment or corruption, they are in a situation that threatens their integrity, they are addicted to substances that create dependency or they are exposed to such addiction. Fraudulent adoptions and refusal to provide child support are also prosecuted by the competent criminal courts.

264. Data provided by the judiciary through the juvenile courts show that girls are proportionally more likely than boys to suffer or endure situations that involve risk. During the period 2007–2012, 65 per cent of 21,787 cases that were prosecuted involved girls, while boys were the victims in the remaining 35 per cent.

265. The highest number of cases brought to court involved neglect or endangerment, with 8,524 cases being prosecuted between 2007 and 2012; these were followed by 5,866 cases of begging during the same period and 2,096 cases of ill-treatment or corruption. There were 561 cases of extreme poverty, 552 cases of children with no legal counsel and 535 cases of addiction. There were 232 cases of sexual abuse, 210 cases of denial of child support, 134 cases of threats to children's assets, 62 cases of commercial sexual exploitation and 33 cases of fraudulent adoption.

266. Of the total number of 21,787 court cases, sentences and decisions were handed down in 13,661 cases; of these, 4,554 were dismissed, and 3,767 were admitted. In other decisions, 4,249 cases were dismissed because the court did not have competence over them, or because the victim was older than 18. Restraining orders were issued in 123 cases, conciliation was reached in 31, and there was no specific information regarding 937 decisions.

267. Honduras is making every effort to comply with article 19 of the Convention on protection from all forms of physical or mental abuse. One of the most important steps in that direction has been that of analysing, consolidating and harmonizing the bill on comprehensive reform and other legislation on children, adolescents and families with the Convention.

268. One of the advances made was the amendment of article 191 of the Family Code. This article had previously stipulated that parents were entitled to reprove and correct, in an adequate and moderate manner, the children over whom they had parental control. This provision was amended to read as follows: "Parents shall refrain from applying to the children under their parental authority any corrective or disciplinary measures that are contrary to the children's dignity and their fundamental rights established in the Convention on the Rights of the Child, the Code on Children and Adolescents and other laws."

269. With regard to measures taken to prevent ill-treatment of children in other spheres, in 2007, the Office of the Special Prosecutor for Children of the Public Prosecution Service, with technical assistance from UNICEF and the Andalusian International Development Cooperation Agency, conducted a study entitled *Estudio Garantía de Derechos de la Niñez en el Sistema Educativo Nacional* (Study on Guaranteeing the Rights of the Child in the National Educational System). The purpose of the study was to identify and analyse the main ways in which the rights of children and adolescents were violated in the national educational system, both public and private; to determine the frequency and prevalence of punishments most often applied to students; and to draw up some minimum standards to guide the development of internal regulations in educational centres in order to ensure that the laws on education did not violate human rights or the rights of students in the schools. School principals and teachers in the public system, as well as parents and guardians, 1,038 students between the ages of 4 and 18 at the three levels of education all participated directly in this effort.

270. Regarding ill-treatment of children in non-family environments, the study found that some schools still used corporal punishment as a disciplinary measure, especially in preschool and primary education in the public sector, despite the fact it is expressly prohibited by the laws on education and national and international standards on protection of the rights of children and adolescents.

271. This brought to light the need for school administrators and teachers to have clear and up-to-date tools for the implementation of educational programmes, especially in terms of positive disciplinary measures, in order to avoid committing acts that might entail administrative or criminal liability. It was suggested that a review of the legislation and regulations on education was urgently needed, in the light of the main national and international instruments on protection of human rights and the rights of the child, such as the Convention on the Rights of the Child and the Code on Children and Adolescents.

272. The study included a proposal on minimum standards for internal regulations²⁹ to guarantee compliance with the rights of the child in the national educational system. The proposal specifically listed as the seventh minimum standard for internal school regulations

²⁹ For educational centres.

the express and definitive prohibition of physical or corporal punishment, collective punishment and any degrading punishment that might humiliate, belittle, ridicule, threaten or discriminate against a student.

273. This issue was considered by the Ministry of Justice and Human Rights which, on 30 November 2011, replied to the follow-up questionnaire on the study of the United Nations Secretary-General on Violence against children (A/61/299). The reply was sent to the Office of the Special Representative of the Secretary-General on Violence against Children, Mrs. Marta Santos País. Honduras is one of the four countries in the region that has complied with the obligation to transmit the duly completed questionnaire to the Special Representative.

274. In December 2011, the Ministry of Justice and Human Rights represented the Government of Honduras in the drafting of the Santo Domingo Declaration, which establishes the need for regional and national roadmaps on the elimination of violence against children and adolescents. In Santo Domingo, the participating States prepared the regional roadmap, which lays down guidelines for each State to prepare its own national roadmap; the Honduran roadmap is currently being prepared by the Ministry of Justice and Human rights, working with Grupo País.

XIX. Corporal punishment

275. As mentioned earlier, a far-reaching reform of legislation on children and the family was undertaken. Legislation was passed to prohibit all forms of corporal punishment of children in every context, including the family environment; thus, article 191 of the Family Code was amended, as mentioned above. This legislation will supplement the existing articles on ill-treatment by transgression in the Code on Children and Adolescents, article 168 of which reads as follows:

“Article 168

Ill-treatment by transgression occurs in whenever behaviour towards a child is hostile, indicative of rejection or destructive, such as subjecting the child to physical abuse; providing him or her with drugs or medications that are harmful or not necessary for the child’s health; subjecting a child to unnecessary medical or surgical procedures that put his or her physical, mental or emotional health at risk; making the child a victim of emotional or verbal aggression, including through offence and humiliation; a lack of communication that conveys rejection; punishment through hard labour and other similar transgressions or discriminatory actions.

Acts of violence in the family nucleus, even if they do not directly affect the child, shall also be considered ill-treatment by omission.”

276. In the administrative sphere, forums designed to raise awareness against corporal punishment and promote child-rearing and teaching methods taught at the Schools for Parents were organized by the Honduran Institute for Children and the Family with a view to preventing all types of domestic violence. The technical and operational staff of the programmes encourage children in different centres to report abuse and ill-treatment on the part of their family members and other people. When abuse and corporal punishment of children is identified by Institute staff, home visits are immediately made to the families concerned, and the corresponding complaint is lodged with the competent authorities. A handbook on procedures by areas has been developed to guide the staff on effective ways to provide services for children and on the application of internal regulations for each programme.

XX. Basic health and welfare

A. Children with disabilities

277. According to the National Multipurpose Household Survey conducted by the National Institute of Statistics in 2002, the prevalence of disability in Honduras is 26.5 per 1,000 inhabitants. At that time, there were 25,271 persons with partial deafness and 9,504 totally deaf persons, for a total of 34,775 Hondurans with auditory disability. The illiteracy rate for partially deaf persons is 54 per cent, and it is 76 per cent for those who are totally deaf. This situation is associated with the barriers to communication and access to information they must deal with, which makes it difficult for them to be fully integrated into society.³⁰ Unfortunately, there are no specific data on services for children with disabilities in early childhood, especially for children between the ages of 0 and 3 years.

278. The Single Registry of Beneficiaries of the Ministry of Social Development shows that the rate of children with disabilities is 12.3 per 1,000 children. In other words, around 100,000 children have some type of disability. The ratio for children aged between 0 and 5 years is 18.9 per cent, and for children between 6 and 17, it is 81.1 per cent. Sensory disabilities account for 64.2 per cent of disabilities among children.

279. The Ministry of Social Development, working in coordination with the Directorate-General for Persons with Disabilities of the Ministry of the Interior and Population and the entire sector of persons with disabilities worked within the framework of the National Policy on the Prevention of Disabilities, Comprehensive Care and Rehabilitation for Persons with Disabilities and Promotion and Protection of their Rights and Responsibilities, adopted in 2004, to make it more specific and operational and manage it throughout the life cycle. This is being done in keeping with the principles of the Convention on the Rights of Persons with Disabilities, which was ratified by the State of Honduras on 18 February 2008, and the Optional Protocol to that Convention, which was ratified on 30 June 2010. Thus, Honduras has taken steps to comply with the Committee's recommendation that it sign these international instruments.

Recommendation that the State pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible, and facilitate their inclusion in the mainstream education system.

280. The social policies described in this report and the Fundamental Act on Education are designed to fulfil the underlying principles, such as equity and inclusion, which are defined in the Act as "ensuring equal opportunities for access to education with no discrimination whatsoever, meeting special educational needs and cultural, linguistic, social and individual diversity, which are key elements of development". The Act includes definitions of the different types of education offered by the national education system, including education for persons with disabilities, which provides services, techniques, strategies, knowledge and teaching resources for ensuring that this population group receives a comprehensive, flexible and dynamic education.

281. According to the Statistical Report on the School Population with Disabilities and Special Educational Needs Honduras 2010, 6,229 (27 per cent) of 22,418 preschool and primary education centres reported that they had children with special educational needs. The total enrolment in these centres was 45,536, or 2.88 per cent of total enrolment in the country and 5.95 per cent of enrolment in schools with services for children with special

³⁰ According to data supplied by the Ministry of Justice and Human Rights as of January 2013.

educational needs. Of the cases reported, 43 per cent were females and 57 per cent were males. The System of Educational Statistics makes it possible to compare the number of children with disabilities in the national educational system from the preschool level to the third cycle of primary education. Final enrolment figures for the years 2009, 2010 and 2011 show the following:

Table 13
Children with disabilities enrolled in the national educational system (2009–2011)

| <i>Type of centre</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> |
|-----------------------|---------------|---------------|---------------|---------------|
| CCPREBS ³¹ | 645 | 690 | 435 | 355 |
| Preschool | 2 338 | 2 954 | 2 640 | 2 019 |
| Primary | 49 324 | 52 173 | 47 596 | 45 072 |
| Totals | 52 307 | 55 817 | 50 671 | 47 446 |

Source: Prepared with information from the Educational Statistics System, Ministry of Education, Honduras.

282. The most recent data from the System of Educational Statistics show the number of children with disabilities from preschool to the third cycle of primary school, as well as the most frequent types of disability, as follows:

Table 14
Percentage of children with disabilities enrolled in the national educational system

| <i>Year</i> | <i>Total national enrolment</i> | <i>Children with disabilities enrolled</i> | <i>Percentage</i> |
|-------------|---------------------------------|--|-------------------|
| 2009 | 1 615 142 | 52 307 | 3.23 |
| 2010 | 1 607 141 | 55 817 | 3.47 |
| 2011 | 1 558 515 | 50 671 | 3.35 |

Source: Prepared with information provided by the System of Educational Statistics, Ministry of Education, Honduras.

Table 15
Types and prevalence of disabilities in children enrolled in the national educational system. Preschool and primary education at the national level

| <i>Type of disability</i> | <i>CCEPREBS</i> | <i>Preschool</i> | <i>Primary</i> |
|---------------------------|-----------------|------------------|----------------|
| Auditory | 59 | 130 | 2 431 |
| Visual | 46 | 156 | 7 230 |
| Motor | 85 | 572 | 3 798 |
| Intellectual | 36 | 462 | 5 033 |
| Paediatric cerebral palsy | 27 | 27 | 183 |
| Multiple | 31 | 286 | 1 838 |
| Others | 22 | 114 | 760 |
| Speech disorders | 129 | 893 | 5 305 |

³¹ *Centros Comunitarios de Educación Pre-básica* (Community Preschool Education Centres).

Source: Prepared with information provided by the System of Educational Statistics, Ministry of Education, Honduras.

283. As noted in the Statistical Report on the School Population with Disabilities and Special Educational Needs Honduras 2010, issued by the Ministry of Education, many of the children with disabilities and special educational needs are poor, and this precludes them from having access to educational centres. Furthermore, the schools do not have the necessary infrastructure.

284. The Social Intervention and Protection Programme of the Honduran Institute for Children and the Family provides services for children with disabilities in two centres: the Comprehensive Special Rehabilitation Centre serves 321 children, and the Special Training Centre serves 130. These centres facilitate access to education, health care and recreation for children with Down's Syndrome, learning disabilities, partial or total auditory problems and speech disorders.

285. These special centres are only located in Tegucigalpa. In 2012, the Comprehensive Special Rehabilitation Centre started the Primary Education Centre, which includes the first three educational cycles (from first to ninth grade) in order to guarantee access to regular education for children with disabilities. According to the Honduran Institute for Children and the Family, although several civil society organizations provide schooling for this population, the fees are high and beyond the reach of low-income families.

286. On 21 November 2012, the Ministry of Justice and Human Rights submitted to the National Congress a draft bill proposing adoption of an act recognizing Honduran sign language (LESHO) as the language to be used by deaf persons, persons with auditory disabilities and deafblind persons who voluntarily decide to use it as a linguistic medium to enable them to understand others and to be understood. Although this population group already uses Honduran Sign Language, it is not officially recognized by the State.

287. The bill also provides that in official or public acts at the national or local levels that involve the participation of the President of the Republic, leaders of other branches of Government, ministers and heads of public institutions, the use of sign language interpreters and listener-interpreters will gradually be introduced so as to promote dissemination of the information. The Honduran education system must guarantee the right of deaf students and those with auditory disabilities to an education in Honduran sign language to encourage the teaching and learning process.

288. The bill was the result of the coordinated efforts of representatives of the National Association of the Deaf, the National Federation of Parents of Persons with Disabilities, the Coordinating Office for Rehabilitation Institutions and Associations of Honduras, the Honduran Foundation for Rehabilitation and Integration of Persons with Limited Abilities and the National Autonomous University of Honduras. These organizations worked in conjunction with the Director of LESHO Interpreter Courses, following up on the Universal Periodic Review.

289. The well-coordinated formulation and implementation of social policies that benefit children with disabilities and their families, such as the Social Protection Policy, the Comprehensive Early Childhood Development Policy and the Public Policy and National Plan of Action on Human Rights, is essential to the advancement of efforts to guarantee the right to basic health and welfare for all children with disabilities.

290. The Honduran Social Investment Fund and the Innovation Fund for Development and Social Assistance drew up a handbook for persons with disabilities entitled *Somos Iguales, Tenemos Derechos* (We Are Equal, We Have Rights). The publication, which promotes respect for the rights of this population, was disseminated through civil society organizations.

Recommendation that the State undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and promote and expand community-based rehabilitation and social reintegration programmes, including parent support groups; Strengthen public-awareness campaigns.

291. With regard to professional resources, the National Autonomous University of Honduras offers technical training for sign language interpreters, and the Francisco Morazán National Pedagogical University offers a licentiate degree in special education.

292. In 2011, the Ministry of the Interior and Population granted funding to 59 non-governmental organizations which provide services for 14,500 persons with disabilities. This funding was provided for 25 projects in the areas of education, infrastructure, culture, art and sports, and organizational strengthening; social assistance to 108 persons and scholarships to 91 persons with disabilities. As of this date, the Ministry has a fund in the amount of 19 million lempiras for transfers to organizations, federations and associations of persons with disabilities that provide educational and rehabilitation services for children.³²

293. The Committee recommends that the State should adequately disseminate and implement the Act on Equity and Comprehensive Development for Persons with Disabilities (Decree No. 160-2005). The purpose of this Act is to ensure coordination, promotion and harmonization of public, private or mixed policies arising from national or international initiatives aimed at helping to improve the quality of life of persons with disabilities. It creates the Directorate-General for Persons with Disabilities within the Ministry of the Interior and Population. The Directorate-General has the following duties: (a) To develop policies and to follow up on policies adopted by the Social Affairs Office for the prevention, care and comprehensive rehabilitation of persons with disabilities, drawing up such implementation plans as may be necessary to meet their needs; (b) to coordinate with different public and private institutions programmes for the prevention, habilitation, comprehensive rehabilitation and promotion of the rights of persons with disabilities; (c) to establish strategic partnerships with local governments, so as to fulfil the objectives and provisions of the Act on Equity and Comprehensive Development for Persons with Disabilities.

294. The Directorate-General for Persons with Disabilities carries out, on a continuing basis, public-awareness, communication and information activities on the rights of persons with disabilities. It also supports projects aimed at improving the quality of life of persons with disabilities through education, health, training, information and other activities.³³ In addition, it grants funding for civil society organizations that work with persons with disabilities and for social assistance and scholarship programmes.

295. A Project Committee comprised of the following was set up; for civil society, the Coordinating Office for Rehabilitation Institutions and Associations, the National Federation of Agencies of Persons with Disabilities, the National Federation of Parents of Persons with Disabilities and the Honduran Foundation for Rehabilitation and Integration of Persons with Limited Abilities; and for the Government of Honduras, the Directorate-General for the Development of Persons with Disabilities. The Project Committee has reviewed, in a highly professional, objective, participatory, transparent and

³² Informe de Logros SEIP 2011. www.seip.gob.hn, p. 16.

³³ <http://www.digedepdi.seip.gob.hn/index.php/que-hacemos>.

impartial manner, 32 projects submitted by the same number of associations and institutions concerned with disabilities; 18 of these projects were approved.³⁴

Provide appropriate infrastructure for the care of children with disabilities.

296. Concerning this recommendation, the Honduran Social Investment Fund, working through the Programme on the Modernization of Educational Infrastructure and Its Local Management, has carried out infrastructure projects to provide access for children to educational centres, parks and recreational centres. The projects are designed to ensure that such places are accessible to children with disabilities. The Directorate-General for the Development of Persons with Disabilities has developed the National Plan for Universal Accessibility, which is based on the principles of equitable use, flexibility in use, simple and intuitive use, perceptible information, tolerance for error, minimum physical effort and adequate size for approach. Under this Plan, constructions and modifications in all buildings, means of transport, public spaces and private spaces that are open to the public, as well as technology, information and communication must comply with these principles.³⁵ Full compliance with this recommendation is still pending, however.

B. Health

1. Sanitation and water

297. Sanitation and access to water are two aspects that concerned the Committee, which considered access to sanitary facilities inadequate, especially in rural and remote areas of the country. It also noted that homes, especially in rural areas, lacked clean drinking water.

298. According to the forty-third Continuous Multipurpose Household Survey, which is aimed at generating relevant data to guide national public policies, in May 2012, there were 1,786,742 dwellings in the country, providing shelter for 1,822,142 households with a total of 8,303,399 persons. The Survey also included important data on sanitation and water.

299. In the first place, it should be noted that the data from the 2012 Survey show that access to water through public services in the urban areas was 92.3 per cent, and in rural areas, 7.7 per cent. The percentage of dwellings that had access to water from winch-operated wells was 5.7 per cent in urban areas and 94.3 per cent in rural areas; 1.4 per cent of urban dwellings obtained water from rivers, creeks and streams, compared with 98.6 per cent in rural areas. In brief, in 2012, 12.8 per cent of dwellings in Honduras still did not have adequate water service.³⁶

300. As regards basic sanitation, 13.1 per cent of dwellings in Honduras do not have adequate sanitation; this is more of a concern in the rural areas (17.4 per cent) because most rural dwellings use simple pit latrines while others lack any kind of waste disposal facility.³⁷ Toilets connected to the sewer system are mostly used in urban areas; 68.3 per cent of dwellings have this system of sanitation, mainly in the cities of San Pedro Sula and the Central District (88.4 per cent and 82.1 per cent, in that order). In rural areas, most

³⁴ <http://www.digedepdi.seip.gob.hn/index.php/apoyos-a-proyectos>.

³⁵ Gobierno de Honduras. Secretaría de Interior y Población. DIGEDEPDI. Plan Nacional de Accesibilidad Universal, p. 5.

³⁶ Instituto Nacional de Estadísticas. Resumen Ejecutivo. XLIII Encuesta Permanente de Hogares de Propósitos Múltiples. EPHPM – May 2012, p. 1.

³⁷ *Op. cit.*

dwellings have latrines with hydraulic seals (34.2 per cent); they are followed by dwellings with no waste-elimination system whatsoever (17.3 per cent) and simple pit latrines.³⁸

301. According to the Ministry of Planning, by the end of 2011, children in 360 rural communities in 40 high-priority municipalities had greater access to quality water and sanitation, and were practicing good hygiene.³⁹

302. The Ministry of Natural Resources and the Environment deals with complaints from communities in an effort to prevent water and air pollution, which cause diseases that especially affect children. It conducts field inspections, applies penalties and carries out programmes designed to teach about sanitation and environmental protection.

303. The Standing Commission on Disaster Preparedness, in coordination with the fire department and other entities concerned with prevention of natural disasters, offers training on environmental issues at the primary level and is currently working with the Ministry of Education on including in the school curricula content on protection, environmental conservation and prevention of natural disasters and epidemics.

2. Maternal and child mortality

304. Regarding the Committee's concern about *maternal mortality in rural areas due to lack of services and skilled health workers*, since 2008, the country has been implementing the Policy on Accelerated Reduction of Maternal and Infant Mortality. In that year, it was reported that in Honduras, 200,000 women become pregnant each year, and that of these, 30,000 may suffer pregnancy-related complications which can cause sickness, prolonged disability or death, both of the mother and of the child. Bearing this in mind, the policy was aimed at ensuring that by 2010, no department would have a maternal mortality rate of more than 90 per 100,000 live births.

305. The Ministry of Health reports that the following departments met the goal: Copán, Cortés, Choluteca, Francisco Morazán, Lempira, Ocotepeque, Santa Bárbara, Valle and Yoro; however, nine departments were not able to meet the goal, namely Atlántida, Colón, Comayagua, El Paraíso, Gracias a Dios, Intibucá, Islas de la Bahía and La Paz. These are being given priority as the effort continues.

306. Data reported by the Ministry of Health show a maternal mortality rate of 74 per 100,000 live births for the year 2010 (compared with 108 per 100,000 reported by the Epidemiology and Family Health Survey, 2001). The main causes reported were haemorrhage during pregnancy, childbirth and post-partum; high blood pressure during pregnancy, childbirth and post-partum; puerperal sepsis; amniotic fluid embolism; complications during labour and indirect causes. Increased institutional prenatal care and institutional delivery have helped reduce maternal mortality and improve newborn health.

307. With regard to the Committee's concern about the high percentage of infant and child mortality in the country and deaths related to malnutrition, between 2005 and 2009, the Subsectoral Plan on Maternal and Child Health targeted the following four departments that have high levels of poverty and maternal and infant mortality: Copán, Intibucá, La Paz and Lempira.

308. In 2008, work began on implementation of the Policy on Accelerated Reduction of Maternal and Infant Mortality 2008–2015, which includes comprehensive programmes for improving maternal and child health in order to better promote and provide maternal and

³⁸ *Op. cit.*, p. 2.

³⁹ Reply to questionnaire on preparation of the report of Honduras to the Committee on the Rights of the Child sent to the Ministry of Justice and Human Rights. January 2013.

child health services, including preventive care. This policy is in line with the National Health Policy 2006–2010, the Health Policy 2021 and the Millennium Development Goals. To this effort are added the Maternal and Child Health Policy, Standards for Maternal and Newborn Care, the Nutrition Policy, the Mental Health Policy, the National Policy on Women, the Policy on Sexual and Reproductive Health, the Policy on Blood, Policy on Medication, Policy for the Prevention of Disability and the recently adopted Comprehensive Early Childhood Development Policy.

309. Infant mortality dropped by 11 points, and under-five mortality fell by 15 points⁴⁰ as a result of the implementation of strategies on institutional care, on promotion and on prevention of the main pathologies of epidemiological concern. In terms of area of residence, infant mortality dropped significantly with respect to the estimates shown in the previous report to the Committee; it has dropped by five points both in the rural areas (from 38 to 33 per cent) and in the urban areas (from 29 to 24 per cent). In general, mortality during the child's first five years of life is higher in rural areas than in urban areas (43 per cent compared with 29 per cent), owing to the worse socioeconomic and environmental conditions in rural areas; the fall in mortality rates has been achieved thanks to the Government's intervention strategies on behalf of children.

310. An important characteristic of infant mortality risks is the fact that the probability of death during the first year of life is almost twice as high for children of uneducated mothers as it is for children of mothers with a higher level of schooling (37 per cent compared with 20 per cent).⁴¹ The highest infant and child mortality rates are reported in La Paz and Copán.

311. The State provides Integrated Management of Childhood Illnesses⁴² (IMCI) in the Health Units for children between the ages of 2 months and 4 years. The health care services encourage promotion of growth, guidance on food, treatment of intestinal parasites and education on danger signs. In the case of infants under 2 months old, the danger signs of common newborn illnesses are identified, breastfeeding techniques are taught to mothers of infants in this age group, and growth is promoted.

312. At the community level, the promotion and prevention strategy is implemented through the Strategy on Comprehensive Care for Children in the Community, with its components of monitoring growth, care for newborns and common illnesses of children under 5. The purpose of the strategy is to improve care so as to help reduce mortality.

313. These efforts were coordinated and harmonized with non-governmental organizations and mayors' offices so as to enhance their effectiveness and focus efforts on children between the ages of 2 months and 5 years. The challenge for the next few years will be to prioritize the group of newborns; this will be discussed in the next periodic report.

314. The comment made in the previous report is still valid with regard to the efforts of different units in the Ministry of Health to improve access to oral rehydration therapy, the prevention and care of pneumonias and diarrhoeas and the increase in institutional births. These are factors that can be considered to have contributed most towards the reduction of infant mortality and mortality among under-fives.

315. Regarding the Committee's concern at the fact that breastfeeding to the age of six months has significantly decreased, the Ministry of Health adopted the Standard for the

⁴⁰ According to data from the National Population and Health Survey (ENDESA) 2005–2006, compared with the Epidemiology and Family Health Survey (ENESF) 2001.

⁴¹ ENESF 2001 and ENDESA 2005–2006.

⁴² Diarrhoea; respiratory diseases, especially pneumonia; dengue; measles; malaria.

Protection and Promotion of Breastfeeding by means of Ministerial Decision No. 4780, of 8 November 2005. The idea is to protect and promote breastfeeding for all infants and best feeding practices for children under 2 years old. The standard is obligatory throughout the country, in both the public and the private sectors. The standard was the basis for the draft bill on the protection and promotion of breastfeeding, a measure also recommended by the Committee, whose objective was to regulate the marketing of substitutes for mother's milk. This effort involved the participation of UNICEF, the Institute of Nutrition of Central America and Panama (INCAP)/Pan American Health Organization (PAHO), the International Baby Food Action Network (IBFAN) and the National Commission on Breastfeeding. The bill is currently being discussed in the National Congress of the Republic.

316. It is worthwhile noting the following data on breastfeeding from the National Population and Health Survey 2005–2006:

- Breastfeeding is still a widespread practice in Honduras. Ninety-five per cent of children born during the five years preceding the National Population and Health Survey 2005–2006 were breastfed at some time (an estimated 96 per cent, according to the Epidemiology and Family Health Survey), there being no difference among subgroups of the population. Seventy-nine per cent of infants began breastfeeding within one hour after birth, and the percentage rose to 91 per cent during the first day. This is a significant improvement over the estimated figures for the 2001 survey, which showed rates of almost 50 per cent during the first hour and 82 per cent during the first day;
- The early start of breastfeeding rose to 82 per cent in rural areas and 75 per cent in urban areas. Eighty-three per cent of mothers with less schooling began breastfeeding early, compared with 65 per cent of mothers with a higher level of education. The lowest percentages of early breastfeeding were found in the department of Atlántida (70 per cent) and the municipality of the Central District (71 per cent). The highest percentages were found in Ocotepeque, with 88 per cent, and Lempira and Intibucá, with 85 per cent;
- Children under 3 years old were breastfed on average for 18.8 months; this represents an improvement over 2001, when breastfeeding lasted 17.6 months. The median duration is slightly higher, at 19.2 months;
- According to the National Population and Health Survey 2005–2006, 43 per cent of infants under 2 months old are exclusively breastfed. This represents a decline of four percentage points with respect to 2001 (47.2 per cent). In the case of children under 6 months old, 30 per cent are breastfed exclusively, which is 4.9 per cent fewer than in 2001 (34.9 per cent).

317. Regarding the Committee's recommendation that the State *ensure basic health care and services to all children throughout the country, including by finalizing the reform of the health sector so as to improve the quality and accessibility of services*, the Ministry of Health estimates that 82 per cent of the population has access to basic health services, 60 per cent through the Ministry of Health, 12 per cent through the Honduran Social Security Institute and 10 per cent through the private sector. The public health system has 28 hospitals, 1,578 outpatient facilities (health care centres equipped with a doctor and a dentist, rural health care centres, and peripheral clinics) and 66 maternal and infant care clinics.⁴³ The Honduran Social Security Institute has two hospitals which provide care at

⁴³ According to data from the Information Systems Area of the Ministry of Health.

levels II and III and 38 outpatient care facilities, most of which provide health care at levels I and II.

318. During the period 2007–2012, the Ministry of Health worked on identifying strategies for extending coverage in communities and population centres with no physical or economic access to basic health services. The efforts of the immunization programme, improvement of access to oral rehydration therapy, the prevention and care of pneumonias and diarrhoeas and the increase in institutional births may be considered the factors that have most contributed towards the reduction of infant mortality and mortality among under-fives. A significant contribution has also been made by the *Escuelas Saludables* programme, which promotes healthy habits, timely detection of disease and training for families.

319. To improve the supply and quality of basic services, especially for mothers and children, work is currently underway on the Mesoamerican Initiative, which is part of *Salud Mesoamérica 2015* (SM2015), a programme designed to improve the health of women and children under 5 years old in the poorest populations of the Mesoamerican region. This programme, which has three projects, is aimed at helping to reduce maternal and child morbidity and mortality in the poorest municipalities of the country. The first project is designed to improve access to and coverage and quality of maternal and child health and nutrition services among the target population of 19 municipalities selected as some of the poorest in the country. The Executive Board approved the Mesoamerican Health Fund by Decision DE-9/09 (GN-2530); resources for the Fund will be supplied by the Programme on Strengthening Decentralized Management of Health Services (HO-L1059, 2418/BL-HO).

320. The reform of the health sector will entail building a health system with universal access which is based on primary care, social participation and decentralized services that will make it possible to reduce mortality rates, especially maternal and child mortality, and improve control of the main communicable diseases. The aim is to ensure that all the entities comprising the system act synergistically so as to maximize the impact on health, correct shortcomings or failures that might occur during the process and guarantee that the most vulnerable segments of the population see the greatest improvements in health.

321. Between 2007 and 2009, coverage was extended through decentralized management of health services. Decentralization was moved forward through contracts with municipal associations or community organizations, and during that period, new models were applied with 24 decentralized providers in 198 Health Units in 46 of the 298 municipalities. Public health services of this type covered a population of around 694,000 persons (children, adolescents, adults and older persons) in 13 of the 18 departments of the country. Coverage was also extended through contracts for services provided by itinerant teams from civil society organizations and other private providers, who were compensated on a per capita basis.

Continue to address the problem of malnutrition and expand the supply of clean drinking water in homes, with special emphasis on rural and remote areas.

322. As regards the problem of malnutrition, an effort was made to develop a regional initiative to eradicate chronic malnutrition in 2015; however, the initiative could not be implemented because of the lack of a budget in the Ministry of Health. Nutritional surveillance is being implemented, however, in 45 municipalities in eight departments in the dry corridor, which includes some of the poorest departments in the country. This effort is being carried out through the Project on Comprehensive Care for Vulnerable Groups.

323. To mitigate the problem in those departments, priority was given, both in Health Units and in communities, to implementation of strategies on Comprehensive Care for Children in the Community, covering individuals, families and communities. The health system has also been strengthened through reforms and coordination with civil society organizations. The results of these efforts are evident in the figures on chronic malnutrition measured by the standards of the National Centre for Health Statistics,⁴⁴ which show a rate of 29 per cent in 2001, compared with 24.7 per cent in 2005–2006 (a reduction of 4.3 percentage points).

324. In 2008, the Ministry of Health began planning for implementation of the World Health Organization's child growth standards. In 2011, it obtained the *Norma para la Vigilancia Nutricional de los Niños Menores de 5 años de Edad* (Standard for Nutritional Surveillance of Children Under Five) and began implementing it in two departmental health regions (out of 20 health regions). It was finally approved in November 2012.

325. The objectives of the Standard are: (a) To provide technical elements and tools for institutional staff to evaluate the nutritional status and growth of under-fives, so as to guarantee timely care in cases where growth is inadequate or in situations involving severe nutritional harm, taking into account good practices in child feeding, physical activity, hygiene and other related aspects; and (b) to ensure that institutional staff (managers, directors, supervisors and others) in the health regions and at the central level periodically monitor epidemiological indicators of nutritional status and growth for epidemiological surveillance of the nutritional characteristics of the population covered by the health system. This effort was supported by the Pan American Health Organization and the Institute of Nutrition of Central America and Panama (INCAP).

326. Also noteworthy is the Baby-Friendly Hospital Initiative promoted by UNICEF and WHO to promote and support breastfeeding as the only suitable food for newborns so as to give them a better start in life. The Mario Catarino Rivas Hospital in San Pedro Sula has made significant progress in setting up a new-generation human milk bank with the support of the Government of Brazil. In addition, the *Hospital Escuela* (teaching hospital) in Tegucigalpa is already taking steps to set up a milk bank.

327. Laws and public policies have been adopted and social protection programmes have been implemented with the aim of improving the malnutrition and food-security indicators of the Honduran population, especially children. The Policy on Long-Term Food and Nutrition Security 2006–2015 was adopted, the long-term objective of which is to ensure that all Honduran families meet their basic needs for food in terms of quantity, quality, timeliness and safety. The goal is for all family members to achieve good levels of health and wellbeing and fully develop their cognitive and physical potential.

328. A strategic plan for implementing the long-term policy was developed; in both the implementation plan and the policy, food and nutrition security is seen as a sectoral strategy that is complementary to others, such as the Poverty-Reduction Strategy. Short-term actions are also taken into account, such as those related to child malnutrition, the maintenance of a nutrition surveillance system emphasizing the growth and development of under-fives so as to prevent malnutrition. These tools led to the creation of the Technical Unit on Food and Nutrition Security within the Office of the President and the formal establishment of the Inter-Agency Technical Commission on Food and Nutrition Security as the advisory and consensus-building body for this subject.

⁴⁴ NCHS.

329. Some of the chief accomplishments of the Technical Unit on Food and Nutrition Security were the creation of the route for setting up the *Vivir Mejor* (Better Living) school census, in conjunction with the Ministry of Social Development and the Ministry of Education; the revision and adaptation of the methodology for drawing up the study on food and nutrition security in the dry corridor; an analysis of the inclusion of the FNS⁴⁵ approach in the methodology for municipal development plans with the land management approach developed by the Ministry of Planning and External Cooperation; and the 2012 nutritional diagnosis of under-fives, breastfeeding mothers and women of childbearing age, which was carried out in coordination with other State ministries and international cooperation agencies in the municipalities of Sierra de La Paz in the Lempa Region. In addition, in February 2012, an evaluation of food and nutrition security was conducted in different municipalities of La Sierra de La Paz, taking into consideration indicators of the physical availability of foodstuffs, current consumption of food and an assessment of the situation of the under-five population (weight/height indicator).

330. One of the programmes adopted more recently is the Programme on Support for Food Security in Honduras, which is carried out under an agreement between the European Community and the Government of Honduras. The Programme is coordinated by the Office of the President and implemented by the National Institute for Women, the National Agrarian Institute, the Property Institute, the Forestry Conservation Institute and the Ministry of Agriculture and Livestock. It has three main components, namely: (a) institutional strengthening; (b) land use regulations; and (c) support for production initiatives.

331. The *Escuelas Saludables* programme, which includes a subcomponent on school lunches, provides a daily ration of food to public school children at the preschool and primary levels. Its coverage was extended significantly, from 390,918 children between 1998 and 2002 to 1,404,101 children in 2012.⁴⁶ The Ministry of Social Development, the Ministry of Education and the World Food Programme (WFP) coordinate delivery of the service, which covers the 18 departments and 298 municipalities of the country.

332. In addition, given the importance and extent of coverage of the school lunch programme, in 2010, the National Congress adopted the Act on the *Vaso de Leche* (Glass of Milk) Programme for the Improvement of School Lunches, by Legislative Decree No. 54-2010 of 7 June 2010. The Act is implemented through the *Vaso de Leche* Programme of the Ministry of Social Development which, in addition to school lunches, currently provides a glass of milk for 259,437 children in 3,445 public educational centres and a portion of fresh cheese (in addition to the lunch) for 226,323 children in 4,540 educational centres, thus covering a total of 485,760 children in the public education system who now receive better school lunches.

333. The Honduran Institute for Children and the Family enters into cooperation agreements with WFP to provide for and/or strengthen the nutritional regimen for childcare centres, in coordination with the *Escuelas Saludables* programme, promoting good nutrition and monitoring the children's weight and height. The Institute participates in meetings of the Expanded Programme on Immunization of the Ministry of Health, which has increased the coverage of vaccination and other immunization programmes for children.

⁴⁵ Food and Nutrition Security.

⁴⁶ According to data supplied by the Ministry of Development.

334. In conclusion, significant progress has been made in terms of children's enjoyment of the right to health, especially through primary health care services for mothers and children under age 5 and thanks to the emphasis on measures for improving the management of the Ministry of Health. A special effort is being made to health services accessible to rural populations. In general, progress has been towards improving equity and introducing the principle of the best interest of the child into policies, especially for children under 5 years old.

335. Despite the progress made towards giving priority to food and nutrition security, inter-agency and intersectoral coordination remain a challenge in terms of the approach to and the targeting and implementation of food security policies within social policies in order to identify and prioritize actions directed at those who are most in need of such programmes.

C. Adolescent health

336. Regarding the Committee's recommendation that the State *ensure access to reproductive health services to all adolescents and carefully address the issues of teenage pregnancy, clandestine abortions and substance abuse*, it is important to provide some figures relating to adolescent health.

337. In Honduras, according to data from the National Population and Health Survey, 22 per cent of women between the ages of 15 and 19 years have been pregnant at some point; either they were already mothers (17 per cent), or they were pregnant for the first time (4 per cent). The percentage of women who had been pregnant is relatively low among women between the ages of 15 and 16 and rises rapidly to 36 per cent at age 18 and 40 per cent at age 19. The highest percentages of adolescents who are mothers or are pregnant occur among women with no education (46 per cent) or with only primary schooling (42 per cent). On the other hand, the rate is only 11 per cent among women with secondary education and 2 per cent among women with higher education.

338. The Survey data also show that the geographic areas with the highest percentages of adolescent maternity or pregnancy are Colón, with 31 per cent who are already mothers or pregnant; Santa Bárbara and Atlántida, each with 29 per cent; and Lempira and Copán, with 26 per cent. At the other end of the scale are adolescents in the department of Cortés, with only 16 per cent pregnant at some time (14 per cent in San Pedro Sula) and El Paraíso, with 17 per cent.

339. Bearing in mind the above, it should be noted that exposure to the risk of pregnancy and the start of a girl's reproductive life may be estimated from the age of first union. This has a significant effect on fertility, because the younger a woman is when she takes a partner, the longer will be her exposure and the greater her potential for childbearing throughout her life. As regards premature unions, the Survey shows that 10 per cent of women had entered into a union before the age of 15, and 40 per cent, before age 18.

340. The median age of the first union for women is 19 years; this finding is identical to that of the 2001 Survey. In rural areas, the median age is 18.2 years, compared with 19.8 in urban areas.

341. In the following table, the National Institute of Statistics provides a description of the phenomenon of adolescent pregnancy in 2012:

Table 16
Adolescent pregnancy and maternity

| <i>Characteristics</i> | <i>Already mothers</i> | <i>Pregnant with first child</i> | <i>Total pregnant at least once</i> |
|------------------------|------------------------|----------------------------------|-------------------------------------|
| Total | 17.2 | 4.2 | 21.4 |
| Age | | | |
| 15 | 2.8 | 2.6 | 5.4 |
| 16 | 7.5 | 4.3 | 11.8 |
| 17 | 17.4 | 6.1 | 23.5 |
| 18 | 27.6 | 4.1 | 31.7 |
| 19 | 36.0 | 4.2 | 40.2 |
| Education | | | |
| No education | 39.7 | 6.6 | 46.3 |
| Primary 1–3 | 34.2 | 7.9 | 42.1 |
| Primary 4–6 | 24 | 5.3 | 29.3 |
| Secondary | 8.1 | 2.7 | 10.8 |
| Higher | 0.0 | 2.2 | 2.2 |
| Area of residence | | | |
| Urban | 13.8 | 3.9 | 17.7 |
| Rural | 21.3 | 4.6 | 25.9 |

Source: National Institute of Statistics INE. <http://www.ine.gob.hn/drupal/node/235>.

342. As may be seen from the above table, the phenomenon mostly affects adolescents with no education or those with only the first cycle of primary education; the rates rise significantly at age 17, and the increase in adolescent mothers is greater in rural areas. Nevertheless, the public health system has made some progress in terms of providing care for adolescent mothers, mainly in the urban areas. To date, 34 health services for adolescents have been set up in the urban areas, some within hospitals and health centres. This is evident in the country reports issued in the context of the adolescent health project carried out by the Programme on Comprehensive Care for Adolescents, the United Nations Population Fund (UNFPA) and the Canadian International Development Agency (CIDA). The number of adolescents for whom care has been provided in all health units has increased, as shown in the following table:

Table 17
Care provided for adolescents, 2007–2011

| <i>Year</i> | <i>Total cared for</i> | <i>Adolescents cared for</i> | <i>Percentages</i> |
|-------------|--------------------------|------------------------------|--------------------|
| 2007 | 4 082 787 | 716 645 | 17.56 |
| 2008 | 3 022 317 | 525 293 | 17.38 |
| 2009 | 3 249 907 | 564 843 | 17.38 |
| 2010 | 4 372 863 | 775 241 | 17.72 |
| 2011 | Not disaggregated by age | | |

Source: Department of Statistics, Ministry of Health. *Boletín*.

343. In connection with the data shown above, the following table reflects the number of adolescent mothers discharged after giving birth, according to geographic location:

Table 18

Adolescents discharged after childbirth, by department, 2010 and 2011

| Department | 2010 | | | 2011 | | |
|-------------------|--------------|---------------|---------------|--------------|---------------|---------------|
| | 10–14 | 15–19 | Total | 10–14 | 15–19 | Total |
| Atlántida | 147 | 2 222 | 2 369 | 709 | 2 027 | 2 736 |
| Choluteca | 55 | 1 215 | 1 270 | 30 | 543 | 573 |
| Colon | 134 | 1 752 | 1 886 | 122 | 1 755 | 1 877 |
| Comayagua | 90 | 1 663 | 1 753 | 76 | 1 729 | 1 805 |
| Copán | 54 | 1 476 | 1 530 | 31 | 556 | 587 |
| Cortes | 132 | 4 624 | 4 666 | 54 | 1 640 | 1 694 |
| El Paraíso | 47 | 1 288 | 1 335 | 49 | 1 202 | 1 251 |
| Francisco Morazán | 61 | 4 785 | 4 846 | 72 | 1 782 | 1 854 |
| Gracias a Dios | 12 | 244 | 256 | 12 | 244 | 256 |
| Intibucá | 37 | 759 | 796 | 7 | 161 | 168 |
| Islas de la Bahía | 29 | 264 | 293 | 9 | 237 | 246 |
| La Paz | 29 | 695 | 779 | 15 | 764 | 779 |
| Lempira | 20 | 492 | 512 | 12 | 364 | 376 |
| Ocotepeque | 17 | 529 | 546 | 11 | 353 | 364 |
| Olancho | 83 | 1 571 | 1 654 | 71 | 1 612 | 1 683 |
| Santa Bárbara | 51 | 1 502 | 1 553 | 34 | 964 | 998 |
| Valle | 18 | 450 | 468 | 5 | 187 | 192 |
| Yoro | 131 | 2 333 | 2 464 | 133 | 2 403 | 2 536 |
| Subtotal | 1 211 | 27 469 | 28 680 | 1 452 | 18 523 | 19 975 |

Source: Department of Statistics, Ministry of Health, 12 September 2012.

344. Since 2011, the Ministry of Health has been using the Adolescent Information System to identify the problems of adolescents, as well as for rapid statistical assessments. The System was recently implemented in the Mario Catarino Rivas Hospital, the Leonardo Martínez Hospital, both of which are in San Pedro Sula, and the San Francisco de Juticalpa Hospital in Olancho.

345. Regarding the Committee's recommendation that the State should *provide adequate access to mental-health services for all children and take all necessary measures to fight drug, alcohol and tobacco addictions*, in 2011, the Ministry of Health established a clinic for adolescents suffering from depression in the Mario Catarino Rivas Hospital. It is also working with PAHO to set up an observatory to identify cases of suicidal behaviour. Counselling for adolescents is also provided, mostly in the main hospitals of the country (Leonardo Martínez, Mario Catarino Rivas, *Hospital Escuela*, San Francisco in Olancho and in the Health Centres of the Metropolitan Region in Tegucigalpa). However, the mental health services provided to date have been insufficient, and the health authorities have not been able to expand such services because of the lack of funds.

346. Despite the aforementioned financial limitations, medical and nursing personnel are being trained to provide psychological first aid to adolescents with depression. The

Ministry of Health is also hindered by the fact that these cases are not included in the National Information System. To overcome this problem, work has begun, in coordination with the Department of Mental Health, on strengthening data collection in this area.

347. The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependence conducts research and works to prevent addiction, as well as to provide treatment and rehabilitation for persons who have been affected by the use of narcotic substances. Following are some of its main achievements during 2012:

- **Programme on Prevention through Education:** This involves programming, coordinating and carrying out prevention efforts in order to identify the factors, the nature and the consequences of drug addiction and promote public awareness campaigns, including through inter-agency events for mass audiences. It also includes training, storage and distribution of information on this subject. As of December 2012, the programme had reached 1,373 students of educational centres from third grade of primary school through the complete secondary and university levels.
- **Care for drug addicts and their families** was provided through treatment services. In 2012, treatment was offered in 2,008 cases.
- **Help line for addicts.** During the last quarter of 2012, 66 calls were received.
- **Research** was conducted by the Institute on risk factors that influence drug use, with 11,699 participants. The research helped identify the age at which drug use starts, patterns of use by age and sex and frequency of use by type of drug.
- **The *Yo Quiero Ser (I Want to Be)* Programme:** The purpose of this programme is to develop a systematic process for organizing and training children's networks and improving their skills and capacities so as to increase the opportunities open to them, thereby strengthening the factors that help to prevent drug use and assisting the students in developing a life plan. Training was provided for 2,164 persons during the last quarter of 2012.
- **The Youth Without Drugs Project:** The objective of this project is to prevent the use of alcohol, tobacco and other drugs by adolescents and young people, by supplying football uniforms and balls and training programmes for 1,097 young people during the last quarter of 2012.⁴⁷

The Committee recommends that the State continue prioritizing the issue of adolescent health on the political agenda of the Government and grant more resources to public institutions for quality care of this age group.

348. One of the measures taken to prioritize adolescent health in the Government's political agenda was the adoption of the National Strategy to Prevent Adolescent Pregnancy in Honduras. This strategy, which is part of the Plan for the Nation and Vision for the Country, is an inter-agency and intersectoral effort begun in 2010 which culminated with its launching on 22 November 2012. The strategy is currently being discussed with key partners, including the Ministry of Education; financing is being sought from national sources and international cooperation agencies, with a view to increasing its coverage. In coordination with the National Institute for Women, consensus was reached on the *Normas de Atención en Planificación Familiar* (Guidelines for Family Planning Services) and *Normas de Atención Integral al Hombre* (Guidelines for Comprehensive Services

⁴⁷ http://www.ihadfa.hn/index.php?option=com_remository&Itemid=76&func=startdown&id=611.

to Men). The guidelines were developed in the context of the second Gender Equality Plan 2010–2022.

349. The Honduran Institute for Children and the Family reports that all adolescents under its care receive basic health care and guidance on issues of concern to adolescents (adolescent pregnancy, sexually transmitted diseases, HIV/AIDS, drug use and others). It coordinates with governmental and civil society organizations its work in providing care, detoxification and training in these areas. These efforts are coordinated with the Ministry of Health in order to guarantee the right to health for pregnant adolescents, as well as mental health services. As a result, care was provided for 12,918 girls and boys during the period from 2007 to 2012.

350. Training was also provided in the area of sex education, reproductive health and drug dependence for the population served by the centres operated by the Honduran Institute for Children and the Family, as well as at educational centres and in communities. This work of providing care and rehabilitation for children with addiction problems is coordinated with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependence and with non-governmental organizations. Training was provided for parents and other concerned persons in 36 workshops, each with the participation of 35 young people and 35 parents.

351. In all these actions, however, the State of Honduras recognizes the enormous challenge it faces as it strives to improve access to health care for the adolescent population, especially in the case of early pregnancies, in both the urban and the rural areas.

D. HIV/AIDS

With regard to the Committee's recommendation that the State increase its effort to prevent HIV/AIDS transmission among children, including by developing a clear and coherent national normative framework.

352. The Policy on Accelerated Reduction of Maternal and Infant Mortality is one of the normative frameworks adopted by the State in 2008. This policy establishes that as of that date, HIV was the first cause of death in women of child-bearing age, at a rate of 250 per 100,000 women; the National Population and Health Survey 2005–2006, one of the main sources of information on which the policy is based. There is evidence of the feminization of the HIV/AIDS epidemic through heterosexual relations, mainly during pregnancy or among captive sex workers. More women than men are among the recently infected population that has not yet developed AIDS (a men-to-women ratio of 0.6 to 1). Fifteen per cent of women who had had sexual relations during the last 12 months reported that they had had a sexually transmitted infection.

353. The Policy on Accelerated Reduction of Maternal and Infant Mortality establishes two specific strategies for achieving positive results in the effort to eliminate the transmission of HIV/AIDS among children:

(a) To prevent vertical transmission of HIV from mother to child and obtain an HIV-negative newborn, pregnant women are monitored for potential problems. The strategy guidelines call for all pregnant women to receive counselling on HIV, for those who consent to a test to be tested for HIV, and for those who are found to be HIV-positive to be included in the protocol for managing the disease. This protocol entails administering triple antiretroviral therapy (ARV) and recommending Caesarean delivery.

(b) Eradication of congenital syphilis. Standards for mothers and newborns call for a VDRL test during pregnancy. The test is not available in every health unit, so this requirement is not always met. The work will be coordinated with the Department of

Laboratories so as to implement rapid tests and provide coverage in facilities where there is no laboratory.

354. In line with the Committee's recommendation to *strengthen measures to prevent mother-to-child transmission through activities aimed at reducing maternal mortality*, two strategies are in place that are closely related to the Strategy on Essential Obstetric and Newborn Care (EONC) of the Policy on Accelerated Reduction of Maternal and Infant Mortality. This involves organizing services to increase coverage of institutional delivery under an integrated EONC system, in which each departmental region must have one complete EONC service, from two to four basic EONCs and as many outpatient units for pregnant women, newborns and post-partum care as possible. Also included is a component for improving the quality of care by providing clinical training of resources and monitoring their performance.

355. In 2008, Honduras established Standards for Comprehensive Care of Pregnant Women for the Prevention of Mother-to-Child Transmission of HIV, the objectives of which are: (a) to give health workers tools for the comprehensive and timely care of HIV-positive pregnant women; (b) to help facilitate timely care of HIV-positive women and children in comprehensive health care services, including antiretroviral treatment in accordance with national standards; and (c) to help improve the quality and warmth of care for pregnant women and their children in the health services.

356. In addition to the standards, the Programme on Prevention of Mother-to-Child Transmission is being implemented in all 298 municipalities throughout the country. Through the Policy on Accelerated Reduction of Maternal and Infant Mortality, the health authorities are monitoring an indicator of the reduction of mother-to-child transmission of HIV that is used in connection with the testing of pregnant women during prenatal care. In December 2007, the National Strategic Plan on Response to HIV/AIDS (PENSIDA III) established that Honduras had made significant progress in its response to the HIV epidemic, among other things, by reducing mother-to-child transmission of HIV in over 50 per cent of municipalities where the Programme on Prevention of Mother-to-Child Transmission of HIV was being implemented, providing accelerated access to antiretroviral treatment for thousands of Honduran men and women, and enabling civil society, persons living with HIV, vulnerable groups and other sectors of Honduran society to increase their participation in the joint response to the epidemic.⁴⁸

357. According to reports on the Special Session of the United Nations General Assembly, coverage of pregnant women who needed antiretroviral treatment (ARV) increased from 21 per cent in 2005 to 28 per cent in 2009. This had some effect on the aforementioned drop in the rate. An HIV-positive diagnosis is especially problematic because the children of pregnant women who are HIV-positive are doubly at risk: they will either be infected with HIV/AIDS, or they will be orphaned by the death of the mother.⁴⁹

358. According to administrative data from the Programme on Prevention of Mother-to-Child Transmission of HIV and Syphilis of the Ministry of Health, in 2010, 72 per cent of pregnant women were screened for HIV, out of an expected total of 200,000 per year. Treatment was given to those who were found to be HIV-positive. At the national

⁴⁸ PENSIDA III, p. 5.

⁴⁹ Sistema de las Naciones Unidas en Honduras, Septiembre 2010. Objetivos de Desarrollo del Milenio, Honduras 2010. Tercer Informe de País, p. 37.

level, 5 per cent of children born of HIV-positive mothers in 2010 were found to be positive. Of these, 1.02 per cent received treatment under the Programme.⁵⁰

359. Data for 2011 show that the Programme on Prevention of Mother-to-Child Transmission of HIV expanded its coverage from 202 Health Units in 2005 to 428 in 2007, 525 in 2008 and 578 in 2009. In 2010 and the first half of 2011, 1,400 health units in the country were carrying out interventions under the Programme, thus increasing coverage from 14 per cent to 88 per cent of all health units in the 20 departmental health regions.⁵¹

360. The Comprehensive Early Childhood Development Policy addresses the importance of early protection of children who are at risk for HIV. The component on health care for vulnerable persons provides for the following actions: (1) through the Ministry of Health and in conjunction with civil society organizations, strengthening laboratories by providing them with equipment and qualified human resources; (2) enforcing compliance with the standard on rapid testing of mothers and children to detect or prevent mother-to-child transmission of HIV, advanced HIV and other sexually transmitted diseases, with informed consent.

361. In 2012, the Ministry of Justice and Human Rights promoted a draft bill proposing comprehensive amendments to the HIV/AIDS Act. The bill was drafted by the Round Table on HIV/AIDS, under the leadership of the Ministry, in follow-up to recommendations made by the Universal Periodic Review. Public and civil-society institutions, as well as international cooperation agencies specializing on the subject, took part in this exercise.

362. The amendments cover six key themes, as follows: (a) incorporating the human rights approach into the Act; (b) identifying cross-cutting themes or principles that should be the basis of the entire Act; (c) strengthening institutions, especially of the National Commission on AIDS (CONASIDA); (d) guaranteeing access to health, jobs and education (universal and comprehensive); (e) replacing the model of duties and rights by a model focusing on guarantees and human rights; and (f) strengthening penalties for personnel who deny services.

363. In regard to their rights, children will be guaranteed access to education, and penalties will be established for denial of service to children based on their blood-test results (arts. 51 and 69); comprehensive care will be provided by the State in coordination with public or private organizations that serve children affected by the epidemic, who will receive care directly in the absence of family members or guardians; HIV-positive children will be guaranteed universal access to antiretroviral medication, and the prohibition against adoption will be changed based on the best interest of the child regardless of the HIV status of the adoptive parents (art. 79). This draft bill is part of the State's effort to bring domestic legislation on the protection of children in line with international rules on the subject. Its adoption by the National Congress of the Republic is pending.

364. The component of the public policy on early childhood and the action taken by the Ministry of Health are directly related to the Committee's recommendation that the State should pay particular attention to children infected and affected by HIV/AIDS or who have become orphans as a result of the death of HIV/AIDS-infected parents.

365. Honduras set up the Inter-Agency Committee for the Protection of AIDS Orphans and Children Vulnerable to HIV/AIDS, which is comprised of representatives of public and private institutions, for the fundamental purpose of enforcing the rights of children affected

⁵⁰ Gobierno de Honduras. Comité Interinstitucional de Atención a la Primera Infancia. 2012. Política Pública para el Desarrollo Integral de la Primera Infancia, p. 9.

⁵¹ Source: www.salud.gob.hn/documentos/upeg/propuesta/Avances%20en%20Salud2010-2011.pdf.

by HIV. The Committee's Strategic Plan on the Incidence of HIV/AIDS 2007 targets the under-18 age group. Implementation of the plan began in 2008 in coordination with the Ministry of Health; financing from the Global Fund was provided until 2012. Phase I began in May 2011 with the project on strengthening the national response to HIV/AIDS, with emphasis on orphans and vulnerable children, in over 25 municipalities to which priority had been assigned owing to the high prevalence of HIV. A comprehensive approach was taken to this population through seven pillars: (a) health; (b) education; (c) nutrition; (d) protection and care; (e) income generation; (f) psychosocial support; and (g) legal support. The project is carried out with the participation of grass-roots organizations that have ample experience with children. In September 2012, 778 children received comprehensive care, including ARV therapy, psychosocial support and medical care in 20 comprehensive care centres.

366. In the context of the Inter-Agency Committee's efforts, in 2000, the Honduran Institute for Children and the Family, in conjunction with the National Forum on AIDS and UNAIDS (with financial support from UNICEF) conducted training workshops on comprehensive care for children with HIV and AIDS. The Inter-Agency Committee also participated in cultural activities, walks and social events organized to raise awareness about this scourge.

367. Among other important activities, national scientific forums were held in coordination with the Honduran Paediatric Association, with the aim of learning about advances in scientific research on prevention and timely clinical treatment of HIV/AIDS of children, as well as to discuss the psychosocial implications of the epidemic for children and their families.

368. The Honduran Institute for Children and the Family, working through the Department of Institutional Communication, is working to promote and disseminate information on the subject by presenting experts on radio and television who discuss the issue from the standpoint of prevention and comprehensive protection. Inter-agency coordination is still weak, however, and there is a lack of funds for prevention and protection of children infected with and affected by HIV/AIDS. A proposal has been put forward to strengthen coordination of the Inter-Agency Committee for the Protection of AIDS Orphans and Children Vulnerable to HIV/AIDS, earmark budgetary funds for its activities, disseminate information on plans, programmes and legislation on this issue and launch national communication, informational and educational campaigns on HIV/AIDS.

369. The Inter-Agency Committee also seeks to expand coverage of the comprehensive care strategy, to strengthen the Programme on Prevention of Mother-to-Child Transmission of HIV and to strengthen support for HIV-positive persons through the joint efforts of 50 self-help groups throughout the country and a strategy for home support developed by the Association of People Living with HIV.⁵²

370. International cooperation agencies also provided support through specific intersectoral programmes in this area, including the following:

(a) The project entitled *Niñez Futuro y Vida* (Children Future and Life) was a joint project of the Pastoral Social Caritas (Caritas Social Ministry) in the diocese of Comayagua, the Honduran Institute for Children and the Family and UNICEF which was carried out between September 2004 and September 2005. It provided comprehensive care for children, their families and self-help groups. The second phase was extended to

⁵² 2010. Informe Nacional sobre los progresos realizados en la aplicación del UNGASS. Honduras. Período de cobertura: enero de 2008-diciembre de 2009.

December 2006 for a beneficiary population of 100 HIV-positive children between the ages of 1 and 18, from low-income families in the central zone.

(b) Models for institutional and community care, the objective of which is to provide children and adolescents who are infected with, affected by or vulnerable to HIV with comprehensive care in an institutional and community setting, so as to improve their quality of life.

(c) A health manual to provide children with up-to-date information about HIV/AIDS, teach them about the special care they need to take to protect their health, and strategies for minimizing the problems faced by AIDS orphans in school.

(d) A nutrition manual to provide guidance to children and their families and guardians who may have developed symptoms of the disease or who may have a sick parent about the importance of eating well and other care they need to take in order to stay healthy. The manual also teaches how to create food logs for persons with poor nutrition, so that they or their caregivers can maintain the logs, and includes exercises for children to learn ways to continue eating even when they have lost their appetite.

(e) A caregiver's manual for recognizing when the child feels lonely, confused or in need of help, to learn about the difficulty they have expressing their ideas, identify cases in which a child sees death as a component of his or her daily life and identify when the child becomes withdrawn, aggressive, absent-minded, disinterested, isolated, fearful or has difficulty with ideas or situations.

(f) The *Personitas* (Little Persons) Project, which is implemented through the *Calidad de Vida* (Quality of Life) organization and the *Personitas* Project as a joint effort of the Honduran Institute for Children and the Family and UNICEF, to mitigate the effects of the pandemic, offering a comprehensive response to children who are infected, affected or orphaned by HIV/AIDS, their mothers and relatives who have taken them in when they have lost their fathers.

Provide adequate human and financial resources to both CONASIDA and PENSIDA II.

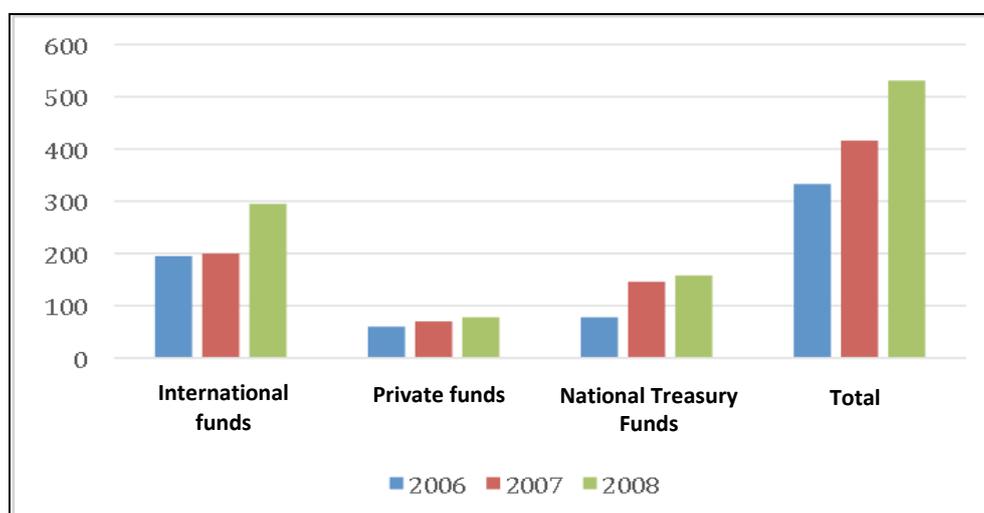
371. To begin with, it should be noted that advocacy is being conducted to improve the operation of CONASIDA, and that the implementation of PENSIDA III has been extended to 2015 pursuant to a decision by CONASIDA. PENSIDA III was developed and implemented with broad multisectoral participation, including by governmental and non-governmental organizations and institutions, persons living with HIV/AIDS, technical and financial cooperation agencies and civil society organizations.⁵³ A better response to this recommendation will be achieved when the comprehensive reform of the HIV/AIDS Act is adopted.

372. The budget for 2010 established that resources invested in responding to the HIV/AIDS epidemic in Honduras in 2008 amounted to US\$ 28,464,052 (537,970,599 lempiras at the exchange rate of US\$ 1 = 18.90 lempiras). In terms of the sources of financing, resources from the private sector amounted to US\$ 4,579,969 (86,561,419 lempiras, equivalent to 16.1 per cent); from the public sector, US\$ 8,867,492 (167,595,595 lempiras, equivalent to 31.2 per cent), and from international agencies, US\$ 15,016,591 (283,813,585 lempiras, equivalent to 52.7 per cent). World Bank subsidies accounted for more than 80 per cent of the funds provided by multilateral agencies.

⁵³ *Op. cit.*

Figure 2

The following figure shows the share of resources provided from each source of funding during the period 2006–2008⁵⁴



Strengthen its efforts by conducting campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS.

373. At present, with the Ministry of Health coordinating the effort, a preventive programme is being implemented among adolescents and young people and the population that is most at risk (sex workers, men who have sex with men, persons deprived of liberty, persons with HIV) in 69 priority municipalities with the participation of grass-roots organizations. The three central objectives of the programme are focused on: (1) human rights and reduction of the stigma and discrimination; (2) promotion of health for the prevention of sexually transmitted diseases and HIV; and (3) comprehensive care.

374. The Ministry of Education carried out awareness-raising activities in 2010, including the following:⁵⁵

- 315 educators received training on sex education, sexual and reproductive health, gender equity, self-esteem and epidemiological data relating to HIV/AIDS;
- 240 student leaders received training on sex education, gender, self-esteem, the HIV/AIDS Act, the Equal Opportunities for Women Act and the EXPOSIDA methodology, in 30 educational centres in the Central District, in Francisco Morazán, municipalities of the department of La Paz, and Guarita in the department of Lempira;
- Educational materials were distributed in training carried out during National Youth Week in response to HIV/AIDS, in educational centres in the departments of Francisco Morazán, Choluteca, Valle, La Paz and Ocotepeque.

⁵⁴ *Op. cit.*

⁵⁵ República de Honduras. Secretaría de Educación. Plan de Educación 2010–2014. Informe de Logros 2010, pp. 18 and 23.

Seek further technical assistance from, for example, the United Nations Joint Programme on HIV/AIDS and UNICEF.

375. The National AIDS Programme in Honduras works in close coordination with the agencies of the United Nations system and UNAIDS. These organizations provide technical and financial assistance in support of the national response to the epidemic. It is also worth mentioning the actions aimed at national alignment and complementarity of the main agencies funding promotion and prevention, namely, the Government, USAID and the Global Fund.

XXI. Standard of living

The Committee recommends that the State take all possible action, including providing additional and better managed resources, to reduce poverty and ensure that the entire country has access to basic goods, education, health and other services, including clean drinking water, especially the remote and rural areas.

376. According to the third report on the Millennium Development Goals for Honduras 2010, progress in reducing poverty has been slow, having dropped by 0.6 percentage points per year between 2001 and 2009 (63.7 per cent – 58.8 per cent, in that order). In absolute values of poor households, however, the number has increased by 205,233. Also, the incidence of poverty is still higher in rural areas (64.4 per cent) than in urban areas (52.8 per cent), indicating a gap of 11.6 percentage points.⁵⁶

377. An outstanding achievement of the current administration is the launching of the national development plan known as Vision for the Country and Plan for the Nation, which includes among its four major objectives the aspiration for a country without extreme poverty, one that is well-educated and healthy and with well-established social services and safety nets. This has led to the creation of an innovative system of social institutions designed to ensure the integration and coordination of social policies in order to enhance the efficiency of resources earmarked for combatting poverty through effective mechanisms for targeting the subjects of social policy. Plans, projects and social programmes currently underway are continually monitored and evaluated.

378. Among these actions, it is worth mentioning the creation of the Ministry of Social Development and of social policy management tools such as the Single Registry of Beneficiaries of Social Programmes and the Single System for Evaluating Social Policies (described earlier in this report), under the strategy for coordinating social policies included in the Social Protection Policy that was adopted in March 2012.

379. The following large-scale social protection programmes are currently being implemented on behalf of the vulnerable population living in poverty and extreme poverty:

***Bono 10,000* Presidential Programme on Health, Education and Nutrition**

380. The purpose of this programme is to generate human capital by developing capacities in the areas of health, education and nutrition of families living in poverty and extreme poverty. This is done through the delivery of conditional cash transfers to cover shared responsibilities (health, education and nutrition) in order to help break the intergenerational cycle of poverty. Between 2010, when the programme was started, and December 2012, conditional cash transfers were given to as many as 350,000 households that are vulnerable and at social risk, living in poverty and extreme poverty, throughout the

⁵⁶ Information provided by the Ministry of Social Development as of December 2012.

country.⁵⁷ As of December 2012, benefits under this programme had been delivered to 53,010 households belonging to indigenous and Afro-Honduran peoples, benefitting 20,000 children from those households who are in bilingual intercultural primary education programmes.

Escuelas Saludables Programme

381. This programme is implemented by the Ministry of Social Development in close coordination with the Office of the First Lady and the Ministry of Education. It helps guarantee the right to education and health of children in public schools through deworming services, dental care and school lunches. The programme also helps improve nutrition and reduce dropout, absenteeism and repetition rates, thus encouraging good performance in school. The school lunch programme currently covers the entire country; in 2012, it benefited 1,404,101 children at a cost of 438,208,440 million lempiras.

Presidential Programme on Community Development Units

382. This programme was created in 2003, and in 2010, it was placed under the Ministry of Social Development. Its purpose is to design, plan, coordinate and implement projects to benefit marginalized communities in the main population centres of the country. In geographic terms, it covers four municipalities, including the most densely populated urban centre of the Central District, the municipalities of Talanga and Maraita in the department of Francisco Morazán and the municipality of Juticalpa in Olancho, at a cost of 40,940,759 lempiras.

Vaso de Leche Programme

383. This programme is based on the idea that it is in the national interest to ensure that children in the public schools of the country receive proper nutrition, to be provided through a daily dietary intake of 200 millilitres of milk with the school lunch. The programme, which has been in place since 2010, also supports small and medium-scale producers of milk and dairy products throughout the country. It currently benefits 143 category (b), (c) and (d)⁵⁸ municipalities and a total of 485,760 children in the national public education system, as well as small-scale producers in those municipalities.

Desarrollemos Honduras Programme

384. This programme was created under the Supplementary Income in Rural and Marginalized Urban Areas Act to help unemployed persons or poor families in urban and rural areas who produce at a subsistence level to generate supplementary income and develop their capacities, with priority being given to those who live in poverty and extreme

⁵⁷ Information provided by the Office of the President as of December 2012.

⁵⁸ Municipalities in Honduras are classified by the Ministry of the Interior and Population in terms of the following criteria: administrative structure, number of inhabitants and number of employees, amount of the budget, channels of communication, IDH and marketing centre, among others. Based on these criteria, municipalities are classified in four categories: A, B, C and D. The potentially largest ones fall under category A, potentially medium-sized are type B, and small and backward municipalities are types D and C. Of the 298 municipalities in Honduras, 67 belong to category C, i.e., they are sparsely populated with more rural than urban inhabitants and approximately 70 per cent of basic needs unmet; 156 are classified as type D, 52 are type B, and the largest are 23 municipalities including major cities such as the municipality of the Central District and San Pedro Sula. *Source:* Planes de Inversión Municipal para la Reducción de la Pobreza (PIM-ERP). Unidad Técnica. Grupo Sociedad Civil (GSC). October 2007, p. 6.

poverty. In 2012 it was reported that 33,081⁵⁹ persons in rural and marginalized urban areas in 13 departments generated supplementary incomes by carrying out community development activities, with an investment of 28,510,705 million lempiras.

Mi Primer Empleo (My First Job) Programme

385. This programme is implemented by the Ministry of Labour and Social Security to promote insertion into the labour force and social inclusion of low-income young people between the ages of 15 and 21 in marginalized urban areas who have completed at least three years of primary education and who neither work nor study. The programme gives them guidance for life, helps them develop basic job skills, provides technical training and arranges for internships directly related to their training. In 2012, the programme had benefitted 4,883 young people; 3,947 graduated from the programme, and 2,316 received certificates of completion.

Vivienda Solidaria y Crédito Solidario Programme

386. This programme was created in 2006 to provide dignified housing and solidarity loans, in the framework of a social economy, to the low-income population, demonstrating solidarity by promoting and arranging for loans and subsidies for housing development and encouraging citizen participation and self-management in connection with the organization, construction or improvement of dwellings and habitats.

387. Between 2008 and 2012, 1,667 dwellings were built under the solidarity loan programme for the same number of families, with 6,668 children; the beneficiary population totalled 8,335 persons. The programme provided 41,600 lempiras as a direct subsidy to families who earn up to the equivalent of two minimum wages. Thus, 69.3 million lempiras were provided in direct subsidies, and 362 million lempiras were invested in housing. The programme generated 44,070 direct jobs through 20 housing projects and 11 concentrated housing projects that also lead to the construction of schools, health centres, water systems, sewerage, electrification, sporting facilities and shopping centres, among others. The programme is being implemented in the departments of Choluteca, Valle, Atlántida, El Paraíso, Comayagua, Santa Bárbara, La Paz and Yoro. The intervention in Yoro has made it possible to build dwellings for 72 families with 288 children in the Tolupanés indigenous communities of Plan Grande, El Portillo, Santa Cruz.

PROVIVIENDA Presidential Programme on Coordination of the Housing Sector

388. This programme was created in 2011 to coordinate and contribute to all the efforts underway to formulate and implement the Government's housing strategy. It seeks financial resources for the housing sector so as to provide full or partial subsidies for low-income families, thus helping to reactivate the sector and channel and optimize resources.

389. The programme benefitted the population of 11 municipalities in the country through housing subsidies; 338 new dwellings were built, and 213 were improved, benefitting a total of 551 families. Home improvement and building projects carried out under agreements with municipalities and civil society organizations among the Lencas and Pech indigenous peoples benefitted 13 municipalities in five departments, 423 new dwellings were built, and 568 were improved for a total of 991 families in those areas. By 2011, the programme had implemented 1,759 home improvements and built 1,221 new

⁵⁹ Source: desarrollosocialps.gob.hn/desarrolleemos-honduras.html.

dwellings, for a total of 2,980; in 2012, 2,064 dwellings were improved, and 1,431 new ones were built, for a total of 3,495 dwellings nationwide.

390. Since its creation, the programme has benefitted 6,475 low-income families with approximately 25,900 children.

Project on Microenterprise Development for Poor and Indigenous Persons

391. The objective of this project is to strengthen the entrepreneurial culture and the organizational, administrative, technical and marketing capacities of beneficiary microenterprises in order to turn them into competitive and profitable businesses. The project is financed by the Japan Social Development Fund (JSDF) and administered by the Office of the President. From 2010 to 2012, the training component of the project benefitted seven microenterprises with 853 beneficiaries from the Pech, Tolupán and Lenca communities. The coinvestment component benefitted 22 microenterprises and 979 persons from the Tolupán, Lenca, Pech, Nahua and Afro-Honduran people groups.

392. The State of Honduras, working through the National Agrarian Institute, granted 1,277 land titles to low-income families throughout the country and organized 18 savings and loan banks that work for the benefit of their 265 members. The National Agrarian Institute also provides support for product diversification and infrastructure. With resources from the European Union, it promotes the implementation of diversified production with the aim of improving nutrition with products such as milk, meat, eggs, honey and high-energy biscuits.

393. The Ministry of Agriculture and Livestock helped rehabilitate 13 irrigation systems in Francisco Morazán, provided training in accounting for nine groups in rural savings banks in Francisco Morazán, delivered production solidarity vouchers (for the production cycle) to five rural savings banks in Francisco Morazán and 11 rural savings banks in the department of Lempira. In addition, assistance was provided to 2,044 producers belonging to 22 producer organizations with six grain-processing centres.

394. The Forestry Conservation Institute helped create conditions to provide clean drinking water from six microbasins to remote areas in 14 Lenca communities in three municipalities of the department of Lempira. The project benefitted 1,477 families.

Programme for the Comprehensive Development of Indigenous Peoples

395. This programme operates under the Ministry for the Development of the Indigenous and Afro-Honduran Peoples. The objective is to help improve the living conditions and promote the comprehensive and sustainable development of the indigenous peoples of Honduras in the economic, social, cultural and environmental spheres. It is also designed to strengthen the Ministry in its role as lead agency for indigenous and Afro-Honduran peoples; to strengthen the self-management capacities of the organizations representing these peoples at the community, local and regional levels, as well as the public institutions that interact with them; and to improve the capacities and opportunities of indigenous and Afro-Honduran communities in the spheres of production and human development.⁶⁰ In 2012, 27 projects were concluded in the nine indigenous and Afro-Honduran communities, providing support for women as an important pillar in the family, and mitigating extreme poverty and poverty.

⁶⁰ http://sedinafroh.gob.hn/images/stories/fp/2012/Agosto/09/TdR_sistematizacin_DIPA_SEDINAFROH.pdf.

Procorridor Project

396. This project, which is implemented by the Ministry of Natural Resources and the Environment (SERNA) promoted the construction of 34 potable water systems in 31 communities for 2,753 families. Fifty-nine microbasins that serve as sources of water were declared protected forest areas for the benefit of 101 communities in 14 municipalities; 64 production initiatives directly supported by the project benefit over 2,720 families in 66 communities of the eight municipalities in the department. The Procorridor Project also helped 32 microenterprises by providing training in processing and quality improvement of products,⁶¹ as well as marketing; the project generated 10,671 jobs, including 7,825 permanent jobs and 2,846 temporary jobs, thus benefitting the families and children of the workers concerned.

Nacaome-SERNA Project

397. Seventy-six communities in the south of the country (departments of Choluteca and Valle) received treated water for distribution. The Nacaome Project sponsored the construction of a new elevated concrete water storage tank with a capacity of 10,000 gallons which benefits 600 inhabitants of the community of Llano de Jesús in the municipality of Goascorán, Valle, and an environmental education centre located on the premises of the Nacaome dam, providing an ample and pleasant space for promoting a new green culture, especially for children and young people, in the south of the country.

398. The Ministry of Natural Resources and the Environment also operates a system for water harvesting, purification, storage and primary distribution to the municipalities of Nacaome and San Lorenzo, Valle, and the municipalities of Pespire and San Antonio Flores in Choluteca, benefitting four municipalities and 78 communities. This intervention has benefitted a total of 93,318 persons living in 15,367 dwellings; approximately 28,715 children are also benefitted by the project.

399. The issue of access to water has also been dealt with by the Ministry of Natural Resources and the Environment, which provides irrigation services in the Central District and nearby communities through the irrigation association. The water is used not only for irrigating crops but also for human consumption; in 2012, 2,932 families, including 8,796 children, were benefitted by this intervention.

400. Clearly, even though the State has done everything it can to create conditions to enable poor, vulnerable and excluded families to have an acceptable standard of living, much remains to be done in terms of integrating public social services to maximize the efficiency of resources and target the beneficiaries of interventions while eliminating overlapping of interventions or the exclusion of populations that should be protected by the State. The current administration's social policies, such as the Social Protection Policy, focus on rights and the life cycle and are based on the objectives of the Vision for the Country and Plan for the Nation, bearing in mind the Committee's recommendation that in poverty-reduction strategies, special attention should be paid to children's rights.

401. The intersectoral, inclusive approach outlined above guided the adoption and launching of the Social Protection Policy that was approved in March 2012; the relevant implementation plan is in development. The Ministry of Social Development created and began to design and implement strategic tools for reaching the poor and vulnerable population, such as the Single Registry of Beneficiaries of Social Programmes, the Registry of Available Institutional Services and the Single System for Social Policy Evaluation.

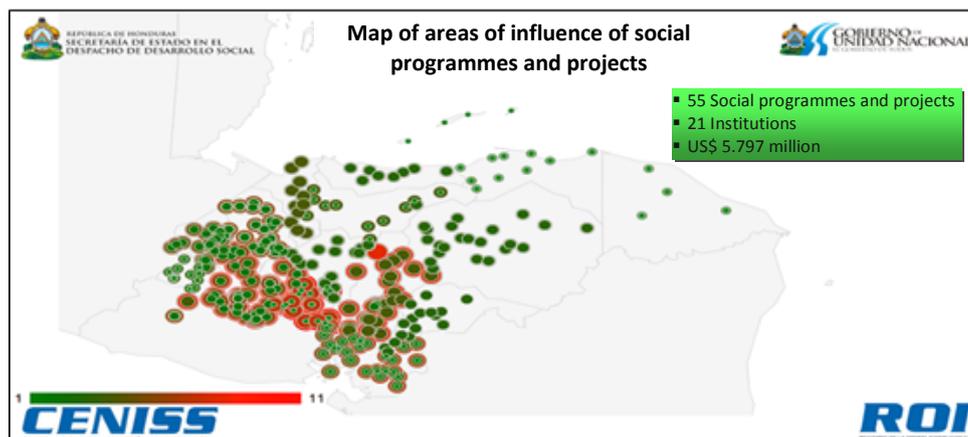
⁶¹ Crafts, manufactured goods, processing of wood and non-wood products, souvenirs and others.

These mechanisms made it possible to map the influence of social programmes in Honduras⁶² and identify the geographic area that has been covered by social interventions.

XXII. Education, leisure and cultural activities

A. Education⁶³

Emphasize the quality of education, including vocational education and training, and in the national budget devote more and better-targeted resources to education.



402. Regarding improvement of the quality of education, in 2011, the National Congress adopted the Fundamental Act on Education by Legislative Decree No. 262-2011, of 19 January 2012. The aim of the Act is to guarantee the human right to education, establishing principles, guarantees, purposes and general guidelines for national education, recognizing that students have this right and are the main actors of the educational system. The Act also ensures equitable access for everyone, without discrimination, to a comprehensive quality education. Among the principles and values it upholds, quality education is defined as the significant and relevant learning in terms of knowledge, values, social practices and requirements of the workplace that are consistent with the students' level of development and with the objectives laid down by the National Education System for becoming the citizens that the country needs.

403. The Fundamental Act on Education stipulates that non-discrimination is an essential aim of education and includes it as a cross-cutting principle of the Act and of all the other tenets embodied therein. The Act also establishes the principle of equity and inclusion, which entails providing for special educational needs and cultural, linguistic, social and individual diversity as central elements of development, guaranteeing universal access to education with the necessary adjustments to ensure equality of opportunities with no discrimination whatsoever.

⁶² <http://desarrollosocialps.gob.hn/mapa-de-programa-sociales.html>.

⁶³ For this section, no reply was received from the Ministry of Education to the questionnaire requested by the Ministry of Justice and Human Rights. The data presented were developed from information provided by the Office of the President and from analyses of the statistics of the Multipurpose Household Surveys and public information supplied by the National Institute of Statistics and the System of Educational Statistics of the Ministry of Education.

404. Honduras has undertaken nationwide educational reform through implementation of the Fundamental Act on Education. Pursuant to article 85 of the Act, the Ad Hoc Commission on Educational Reform was appointed to draw up general and other regulations mandated by the Act (a total of 21), in conjunction with the Ministry of Education, and to prepare a report within a three-month period. In early July 2013, the Ad Hoc Commission submitted to the executive branch the report entitled *Ley Fundamental de Educación y Reglamentos para su Aplicación en el Marco de la Reforma Educativa* (The Fundamental Act on Education and Regulations for Its Application in the Framework of the Educational Reform). These regulations represent a step forward in terms of the reform and quality of the national education system, which is supplemented with administrative changes and the evaluation of curricula, student achievement and teacher performance.

405. The Directorate-General for Evaluation of the Quality of Education was revamped so as to enable it to assess the progress made and difficulties encountered in the teaching and learning process. Over the last two years, it evaluated the national education system by means of standardized tests for Spanish and mathematics used by the educational authorities in schools throughout the country to determine the knowledge levels of students in primary and secondary schools. These tests are given at the beginning of the year and again at the end of the year to nearly 1.7 million students in first and ninth grade of the public education system.

406. To practice the tests, teachers in the different education centres conduct reinforcement activities aimed at ensuring that students perform well. This exercise also serves to evaluate the performance of Spanish and math teachers.

407. Parallel to this, teachers in the national education system received training in the implementation of the basic national curriculum and in areas such as communication, mathematics, community participation, use of ICT, strategic planning and use of methodological guidelines on sexual orientation.

408. In terms of legislation, in 2011, the Strengthening of Public Education and Community Participation Act (Decree No. 35-2011) and the regulations thereto were adopted and put into effect. This Act stipulates that all citizens have the duty to participate in the process of improving the quality of education of each and every educational centre in the country. The purpose of the Act is to strengthen public education by encouraging participation by parents and the community in efforts to improve the quality of education.

409. In 2012, bearing in mind the importance of working to guarantee the right to education, the right to a free preschool, primary and secondary education was elevated to constitutional status by means of an amendment to article 171 of the Constitution that was passed by Legislative Decree No. 233-2012, of 23 January 2013. The article, as amended, reads as follows:

“Article 171

Education offered through the official system shall be free and compulsory. For one year at the preschool level and throughout the primary and secondary levels, the cost shall be borne by the State, which shall establish enforcement mechanisms to ensure compliance.”

410. The Government is taking steps to improve the quality of education and children’s access to it. From January 2012 to December 2013, the Office of the President and the Ministry of Education implemented the Primary Education and Technological Integration Programme (EDUCATRACHOS) with funding from national resources, financial support from the Republic of China in Taiwan and a loan from the Inter-American Development Bank (IDB). The Programme’s objective is to improve students’ learning in primary

schools that serve the poorest population of the country, through the following three components:

(a) Expansion of preschool coverage with the aim of extending access to preschool education for children from the poorest families in the country through training and support for volunteer educators in Community Preschool Education Centres. There are also plans for setting up 645 Preschool Education Centres and reinforcing 1,500 such centres that have been in operation since 2009. In addition, 6,500 new spaces will be made available for preschool students, and the accessibility of the existing 15,000 spaces will be improved. This component will be implemented under a cooperation agreement with the Ricardo Ernesto Maduro Foundation.

(b) Improvement of the quality of educational opportunities, under the responsibility of the Ministry of Education, in the first two cycles of primary education in order to improve the quality of the education offered, with special emphasis on the development of basic reading, writing and math skills among children in first to sixth grades. This component will focus on 545 schools and will improve the learning environment of around 100,000 children and young people in these grades.

(c) Introduction to technology for the improvement of primary education, under the leadership of the Office of the President, for which financing in the amount of US\$ 18,457,428 is available. This component is related to component 2 and will provide computers, Internet connectivity and digital teaching resources for 545 beneficiary schools, to support curriculum implementation. A total of 54,500 personal computers will be provided for students between third and sixth grades in the 545 schools, as well as 545 servers, network and local connectivity equipment, and Internet access for the 545 participating schools.

411. In 2012, this programme also carried out actions among Lenca indigenous and Afro-Honduran groups, benefitting 15 educational centres and delivering 2,035 computers, at a cost of approximately 15 million lempiras (1 million lempiras per school for computer equipment, teacher training, teaching resources, electrical wiring, technical support, etc.).

412. As regards school attendance rates, the Multipurpose Household Survey conducted in May 2010 shows that attendance levels improved at primary schools, but remained low at the other levels. In 2010, net attendance at the preschool level was 44.5 per cent; it was 89.6 per cent in primary schools (first through sixth grades), 39.5 per cent in the common cycle (lower level of secondary education) and 27.6 per cent in the diversified cycle (upper level of secondary education).

413. In 2011, attendance rates improved slightly at the preschool and diversified levels, dropped in primary school and remained stable in the common cycle, according to the 1990–2011 comparative series, from which the following figures, for the period of this report, are taken.

Table 19
School attendance rates, 2007–2011

| <i>Year</i> | <i>Preschool</i> | <i>Primary</i> | <i>Common cycle</i> | <i>Diversified</i> |
|-------------|------------------|----------------|---------------------|--------------------|
| 2007 | 40.0 | 88.8 | 39.2 | 25.9 |
| 2008 | 43.5 | 89.5 | 39.0 | 25.7 |
| 2009 | 44.5 | 89.5 | 38.4 | 26.2 |
| 2010 | 44.5 | 89.6 | 39.5 | 27.6 |
| 2011 | 45.7 | 88.1 | 39.2 | 27.8 |

Source: National Institute of Statistics. School Attendance Series 1990–2011.
<http://www.ine.gob.hn/drupal/node/200>.

414. The National Institute of Statistics provides another indicator for measuring the progress of the Honduran education system in 2011. The following tables show that there were substantial differences in coverage in urban and rural areas and for boys and girls, in terms of school attendance by children between the ages of 3 and 17.

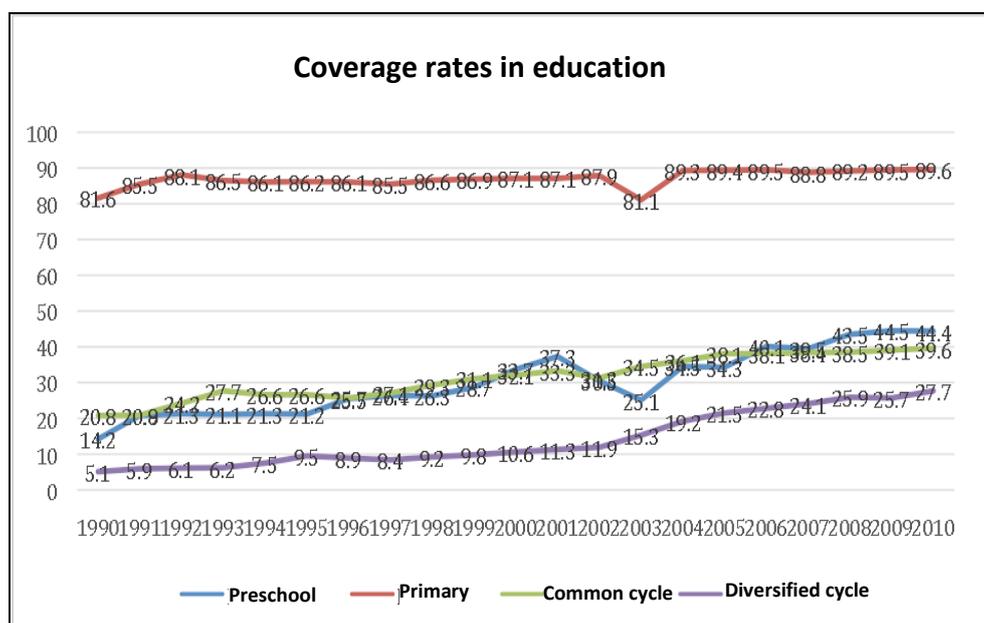
Table 20
National education coverage rates, 2011. Children aged 3–17 years

| <i>Ages</i> | <i>National rate</i> | <i>Area</i> | |
|-------------|----------------------|--------------|--------------|
| | | <i>Urban</i> | <i>Rural</i> |
| 3–5 years | 29.7 | 32.5 | 27.7 |
| 6–11 years | 91.5 | 92.4 | 90.9 |
| 12–14 years | 43.3 | 61.3 | 31.5 |
| 15–17 years | 28.5 | 44.4 | 16.5 |

Table 21
Education coverage rates by sex and area, 2011. Children aged 3–17 years

| <i>Ages</i> | <i>National</i> | | <i>Urban</i> | | <i>Rural</i> | |
|-------------|-----------------|--------------|--------------|--------------|--------------|--------------|
| | <i>Boys</i> | <i>Girls</i> | <i>Boys</i> | <i>Girls</i> | <i>Boys</i> | <i>Girls</i> |
| 3–5 years | 28.0 | 31.6 | 32.5 | 32.5 | 24.6 | 31.0 |
| 6–11 years | 90.5 | 92.5 | 92.6 | 92.1 | 89.2 | 92.7 |
| 12–14 years | 40.3 | 46.5 | 57.9 | 65 | 29.0 | 34.2 |
| 15–17 years | 24.1 | 33.5 | 38.8 | 50 | 13.7 | 19.8 |

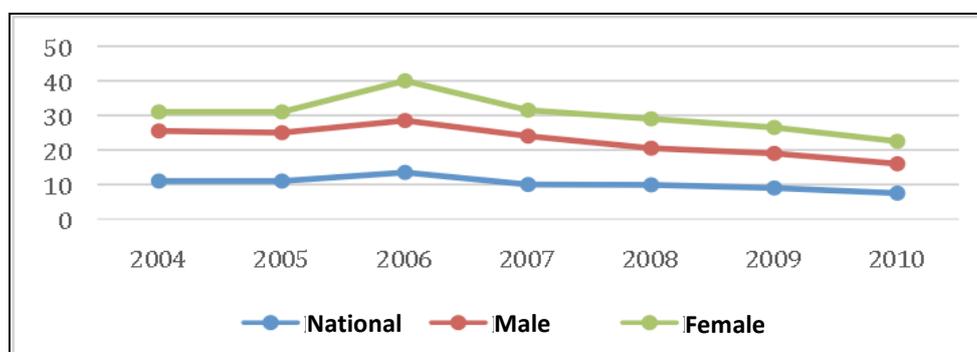
Figure 3
Trends in education coverage rates (1990–2011)



Source: National Institute of Statistics, Honduras.

415. The National Institute of Statistics also points out that the national repetition rate for the primary level (first to sixth grades) in May 2010 was 7.7 per cent. The indicator was higher for boys (9.1 per cent) than for girls (6.1 per cent). The downward trend between 2004 and 2010 is shown in the following figure.

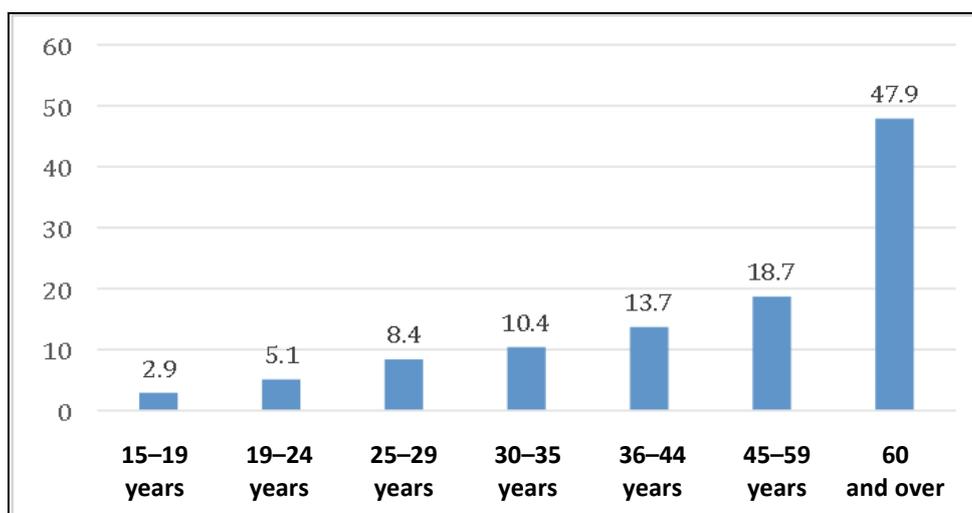
Figure 4
National repetition rate by sex (2004–2010)



Source: National Institute of Statistics, 2012. <http://www.ine.gob.hn/drupal/node/109>.

416. With regard to illiteracy, according to data from the National Institute of Statistics, in May 2011, 14.9 per cent of persons over 15 years old did not know how to read or write. The data show that the illiteracy rate is still higher among the rural population, at 22 per cent compared with 7.3 per cent in the urban areas. Rates are higher among older persons, as shown in the following figure.

Figure 5
Illiteracy rates by age groups



Source: National Institute of Statistics. Forty-first Continuous Multipurpose Household Survey, May 2011.

417. Notwithstanding the above, the illiteracy rate has fallen over the last few years, especially during the period covered by this report, as shown in the following table.

Table 22
Population aged 15 and over, illiteracy rate, by year. National total, 2007–2011

| Year | Illiteracy rate (percentages) |
|------|-------------------------------|
| 2007 | 17.5 |
| 2008 | 16.6 |
| 2009 | 15.6 |
| 2010 | 15.8 |
| 2011 | 14.9 |

Source: National Institute of Statistics. Multipurpose Household Surveys, 1990–2011.
<http://www.ine.gob.hn/drupal/node/107>.

418. With regard to the Committee's recommendation that the State should increase its efforts to improve school conditions in remote and rural areas and eliminate discrepancies in access to education between urban and rural areas, as of May 2012, the Primary Education and Technological Integration Programme, mentioned earlier, had achieved the following:

- 438 Community Preschool Education Centres were opened, providing spaces for 3,492 more children, which represents 61 per cent compliance with the execution plan;
- Another 1,457 Community Preschool Education Centres were improved, representing 97 per cent of the goal;
- Sets of furniture were provided for the 645 new Community Preschool Education Centres, or 68 per cent of all centres;

- 100 per cent of the *Juego y Aprendo* (I play and learn) methodology packets were purchased and delivered to 1,895 centres, representing 88 per cent of the goal. 1,895 teachers were trained in 16 departments of the country;
- In 2011, 453 computers were delivered to four schools in Francisco Morazán and Olancho, and in 2012, 8,185 computers were delivered to 41 educational centres in 17 departments of the country.

419. The UNICEF-Ministry of Education project entitled *Escuela Nueva Amiga de la Niñez* (Child-Friendly Schools) was implemented. This project seeks to improve the quality of life and the environmental health of Honduran children by incorporating into primary education programmes components on hygiene and efficient use of water. It also stresses play as a motivational mechanism to encourage learning.

420. At present, more and more schools in rural and peri-urban areas are adjusting their curricular content to fit the characteristics and needs of their communities, including by teaching hygiene and environmental health and appreciation for and rational use of water. They are also improving their infrastructure and sanitary facilities, promoting the wellbeing of students and teachers and improving the quality of learning and school performance.

421. Schools in rural areas are working with community projects on reforestation of timber and fruit species that are important to conservation of the watershed and generation of income as part of the conservation process. The school communities are improving the quality of education and of life. All this is being promoted through partnerships with local governments, private enterprise, the Ministry of Education and UNICEF.

422. In 2010, this project trained 675 teachers in the departments of Ocotepeque, Colón, Gracias a Dios, Intibucá, Atlántida, Comayagua, Copán, La Paz, Santa Bárbara, Lempira, Francisco Morazán, Choluteca and Valle, so as to expand the experiment with this pedagogical model.⁶⁴

Strengthen measures aimed at increasing enrolment and completion rates, as well as reducing dropout rates.

423. To prevent dropouts, reduce illiteracy and improve enrolment and school completion rates, incentives such as the following were implemented.

424. The *Bono 10,000* Presidential Programme on Health, Education and Nutrition, described earlier in this report, helped increase enrolment and reduce dropout rates, given that the cash transfer is conditional upon beneficiary families fulfilling their shared responsibility in regard to primary education, i.e., to enrol their children in school and guarantee their attendance.

425. The school lunch programme was expanded by the Office of the President. The idea is to improve the quality of life and the nutrition of preschool and primary school children by reducing malnutrition rates with well-balanced school lunches; this is one of the social programmes with the broadest coverage in the country.

426. The *Calzado y Uniforme Escolar* (Shoes and School Uniforms) Programme was implemented by the Office of the First Lady, with a view to ensuring that no child goes to school without shoes or a uniform. The programme is directed at children in poor homes so as to enable them to meet school requirements.

⁶⁴ República de Honduras. Secretaría de Educación. Plan de Educación 2010–2014. Informe de Logros 2010, p. 18.

427. The *Bolsón Escolar* (School Bag) Programme carried out by the Family Allowance Programme consists of a transfer in kind (a school bag packed with basic school supplies) to children enrolled in public schools in first, second and third grades. The programme targets families living in extreme poverty who meet their shared responsibility in regard to pre-enrolment, enrolment and attendance.

428. The Ministry of Education is conducting radio and television campaigns to raise awareness of parents and the community about the importance of school enrolment and attendance. It also campaigns against child labour, which plays an important role in the dropout rate.

Increase educational opportunities for indigenous children, *inter alia* by continuing to provide bilingual education, where necessary.

429. Since its inception in 1997, the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups has served as a technical unit in the Ministry of Education, directing all educational initiatives set up under the Bilingual Intercultural Education Policy specifically for indigenous and Afro-Honduran peoples and for the general population. Attesting to its success, in April 2012, it was elevated to the rank of Directorate-General for Multilingual Intercultural Education within the Ministry of Education. Its mandate is to provide expertise for the initiatives of the indigenous and Afro-Honduran peoples and, in general, for the Bilingual Intercultural Education Policy.

430. Among other achievements, the National Programme of Education for Indigenous Ethnic and Afro-Antillean Groups, now the Directorate-General for Multilingual Intercultural Education, has adapted the basic national curriculum to meet the needs of ethnic groups at the primary and preschool levels; it has designed and implemented a model for bilingual intercultural education that is tailored to the needs of these peoples, and it has developed textbooks and teaching materials in the languages of the indigenous and Afro-Honduran peoples. It has also provided vocational training at the secondary level for these groups, designed and implemented training workshops on the use of textbooks in the indigenous languages for teachers and education authorities, offered training in bilingual intercultural education for teachers and developed diplomate courses on management and promotion of bilingual intercultural education.

Increase the number of days of school and effective school hours for all children.

431. During the past decade, for a variety of reasons, children in the educational system were affected in terms of the number of days of school. In its effort to increase both the number of days of school and effective school hours, the State can count on the cooperation and oversight of civil society. In September 2012, the *Transformemos Honduras* (Let's Change Honduras) coalition of non-governmental organizations signed an agreement with the Ministry of Education on inter-agency cooperation with the aim of ensuring that children receive at least 200 days of classes per year. The Ministry of Education undertook to carry out the following actions:

- To monitor classes on days when there is a strike in the schools, because teachers who choose to participate in demonstrations or other union activities can perfectly well do so in non-working hours;
- To take the necessary administrative measures when teachers, without justification, suspend classes to the detriment of students;
- To extend the school year to make up for missed days;
- To take steps to prohibit the closing and occupation of schools to the detriment of class days.

432. For its part, the *Transformemos Honduras* coalition assumed responsibility for supporting initiatives aimed at ensuring that Honduran children receive 200 days of class per year, by carrying out the following activities:

- To promote the process of monitoring school operations, as regards days of class, throughout the country;
- To monitor compliance with the commitments undertaken by the Ministry of Education and to publish results;
- To support processes aimed at promoting compliance with the number of class days established by law;
- To promote transparency and accountability in regard to competitive exams and hiring of teachers;
- To compare the list of classroom teachers with payroll records;
- To verify the process of competitive bidding, distribution and use of textbooks;
- To draw up rules and regulations for the Education Act.

433. Substantial improvements are being achieved in terms of increasing days of school and effective school hours, bearing in mind the State's obligation to ensure a minimum number of days of school and the number of hours needed to guarantee a quality education for the children.

Provide opportunities for children outside schools so that they can get as much education as possible through specific programmes tailored to their life conditions.

434. The Ministry of Education offers alternative educational programmes to meet the needs of children, young people and adults who for different reasons have not been able to pursue their studies under the regular system. The main alternative educational projects are the Honduran Community Education Programme, Education through Night Schools, the Institute for the Distance Secondary Education System, the Honduran Institute of Radio Education and the Comprehensive Project on Literacy and Basic Education for Young People and Adults.

435. The Honduran Community Education Programme is a strategy for supporting preschool and primary education in rural communities. It encourages organized communities to participate in efforts to improve internal efficiency in the management of resources and provision of educational services through coordination, promotion, organization, training, communication and legal advice. It is implemented under the responsibility of the Honduran Institute for Children and the Family.

436. The Education through Night Schools programme offers learning opportunities for young people and adults in low-income families who were not able to study in school. This system enables them to complete their primary education.

437. The beneficiaries of night schools are usually people who were not able to attend school when they were at the right age for day school, and who are now either too old to enter such institutions, or they have to work during the day. Night schools have become their only option for attaining a higher level of education. In other cases, night school students are at-risk youth who have been marginalized from those centres because of poverty, often by the teachers themselves. Night schools provide a primary education in just three years, at two courses per year.

438. The Institute for the Distance Secondary Education System is a public educational centre that offers courses covering the third cycle of primary education and the different levels of secondary education. Its purpose is to provide educational solutions that are

relevant to the needs of young people and adults by offering different types of distance education to enable beneficiaries to fulfil their expectations within a competitive work and professional environment.

439. The Honduran Institute of Radio Education and its *Maestro en Casa* (Teacher at Home) educational programme originated in Tegucigalpa. Its goal is to offer opportunities for quality distance education to people who cannot afford to attend classes in person, or who live too far away, do not have time or are not the right age, so as to raise their self-esteem and give them an awareness of their surroundings and their social responsibility.

440. Finally, in terms of education for children who are not in the school system, the Comprehensive Project on Literacy and Basic Education for Young People and Adults is carried out in areas near the sugar mills. It offers literacy programmes and/or education for persons who are behind in school, using the organizational structure, curriculum design and teaching materials of the Literacy and Basic Education Programme for Young People and Adults of Honduras.

B. Leisure and cultural activities⁶⁵

The State should increase its efforts to promote and protect the right to rest, leisure and play of children in conformity with article 31 of the Convention, for example, by establishing safe and accessible recreational areas for children.

441. In August 2010, the Honduran Institute for Children and the Family created the Office of Arts and Culture in Tegucigalpa. Its mission is to manage non-formal education in order to encourage children and adolescents to be creative in their free time through art, literature, education and sports, and to promote culture, ecotourism, the national identity and family recreation. The Office of Arts and Culture provides assistance and cultural, sporting and occupational resources for the Honduran Institute for Children and the Family and for educational centres around the country in connection with non-formal education and the creative and educational use of leisure time. The goal is to advocate and offer a model for intervention and redistribution of sociocultural agents who will promote activities that supplement education by orienting and establishing guidelines for the design of programmes that meet the needs of children and young people.

442. Meetings were held with volunteer artists who support this initiative, and among other activities, visits were made to museums, galleries, the National School of Fine Arts, the National Theatre School, theatres/cinemas and art schools with children and adolescents who are under the protection of the Honduran Institute for Children and the Family. Also, lessons were given under an agreement with the Francisco Morazán National Pedagogical University and the Ministry of Culture, Arts and Sports. During the last three years, the initiative benefitted around 5,000 children and adolescents, 1,000 children in the centres operated by the Honduran Institute for Children and the Family and over 2,000 children in nearby communities, in morning and evening sessions, as well as another 2,200 at the national level.

443. The Innovation Fund for Development and Social Assistance Programme⁶⁶ of the Honduran Social Investment Fund worked through the social action project for at-risk

⁶⁵ Data from the National Commission for Sports Facilities and Improvement of Sports and the Ministry of Culture were obtained from the websites of the two institutions; no reply was received to the questionnaire sent by the Ministry of Justice and Human Rights.

children and adolescents that was carried out by the Hibueras Cultural Centre. This initiative made it possible to provide educational support by applying the education for peace methodology, which promotes moral, ethical and cultural values to develop a more just and equitable society. In addition, two Peace and Coexistence Fairs⁶⁷ were held, focusing on multiplying and intensifying the impact of those principles for peace in communities.

444. In order to enhance the creativity, resourcefulness and artistic knowledge of beneficiary children and adolescents, a “learn through playing” educational process was implemented, through theatre, folk dance and sports, creating opportunities for children to be actively involved in the activities and strengthening their sense of identity and belonging.

445. The Ministry of Culture, Art and Sports carries out a number of actions relating to the right to rest, play and leisure through play-based and cultural non-formal educational activities.

446. One of these activities is called *Caja Viajera y Bibliobús*⁶⁸ (Traveling Box and Library-bus). It is designed to encourage children to acquire the habit of reading through activities and strategies called *lecto-juegos* (read and play). The *Caja Viajera* consists of a mobile collection of reading and informational materials that are packed and transported in plastic boxes so that they can be stored and distributed. This is an easy and convenient way to promote reading from the public library. It is a mobile information service that the Ministry of Culture, Art and Sports makes available to communities that do not have a public library.

447. The Ministry of Culture, Art and Sports is implementing the Educational Programme to Disseminate Art and Culture⁶⁹ in coordination with the Ministry of Education. The objective of this programme is to encourage the creative development of culture and individual and organized art through research on and the practice of different types of artistic expression in educational centres. It also seeks to develop skills through workshops with students on music, theatre, dance, literature and the folklore of specific regions and ethnic groups. It aims to strengthen student relations through exchanges and visits to different indigenous and Afro-Honduran communities in order to promote values and rights (cultural diversity) and reinforce knowledge through seminars for teachers of music, theatre, literature and folk dance of specific regions and ethnic groups.

448. The National Commission for Sports Facilities and Improvement of Sports is implementing the project *Semilleros del Futuro* (Seedbeds of the Future) Project. The objective of the project is to contribute to the comprehensive development of young people by facilitating conditions for teaching and practicing football. The aim is to promote the full development of young people between the ages of 5 and 18 by providing beneficiary communities with basic infrastructure for creating opportunities for leisure and play, so as to keep them away from antisocial activities such as joining *maras* or gangs.

⁶⁶ During its implementation cycle and until its termination in 2010, the Honduran Social Investment Fund/Innovation Fund for Development and Social Assistance Programme benefitted 17,037 children between the ages of 0 and 18 years who had disabilities, were at social risk or had HIV, through its support for 64 local organizations concerned with these problems.

⁶⁷ Reply to the questionnaire relating to preparation of the fourth and fifth reports to the Committee on the Rights of the Child.

⁶⁸ http://www.scad.gob.hn/index.php?option=com_content&task=view&id=187&Itemid=263.

⁶⁹ http://www.scad.gob.hn/index.php?option=com_content&task=view&id=188&Itemid=263.

449. To date, this initiative has implemented projects for the improvement, lighting and construction of sporting facilities in three departments: Yoro, Lempira and Francisco Morazán. Five similar projects are currently underway in four departments: Choluteca, Atlántida, Olancho and Lempira.⁷⁰

450. While the State recognizes the work that is being done, it also realizes that these actions only reach a certain group of children, whether through public institutions or non-governmental organizations. More inter-agency and intersectoral coordination is needed in order to highlight the importance of guaranteeing this right, especially in national public policies and through the allocation of more economic and human resources. These programmes need to reach communities and children throughout the country, especially in the rural areas.

XXIII. Special protection measures

A. Migrant children

451. Since the 1990s, more people have emigrated from Honduras than from any of the other Central American countries. Every year between 80,000 and 100,000 Hondurans leave the country to go to the United States and, to a lesser extent — although in recent years the numbers have increased — to Spain and Canada.

452. Factors such as insecurity, lack of jobs and low wages have been the main reasons why Hondurans emigrate under irregular circumstances, especially to the United States, making them easy targets of organized crime. Honduran migrants endure violations to their human rights, including the right to life and to physical and psychological integrity, and they have suffered kidnapping, rape, disappearance and lack of access to the courts.

453. Migration is a growing phenomenon in Honduras. Undocumented migration of Hondurans to countries in the north is a problem that affects families and the quality of life of children, adolescents and young people, who become vulnerable to sexual and commercial exploitation, drug trafficking, abuse and maltreatment and the worst forms of child labour. Families are torn apart, and child rearing is inadequate, as grandparents or other relatives become the authority figures, and children grow up feeling abandoned and unloved. These are some of the characteristics of households in which emigration has left an indelible mark.

454. Children, adolescents and young people who emigrate are the most vulnerable group in the migration process. For several decades, this sector of the population has been part of this illegal process, and many of them have been abandoned so that they have to fend for themselves. Children emigrate, basically, for the purpose of family reunification, or to help support the family financially or to escape from abuse and problems at home.

455. Independently of how they leave, children and young people are in fact the most vulnerable group in the complicated scenario of undocumented migration, not only because they can easily become prey to networks of human traffickers, but also because they are vulnerable to physical abuse, psychological abuse, drug trafficking, child abuse, trafficking and commercial exploitation for sex or labour. They are used by traffickers, intermediaries or unscrupulous individuals, in clear violation of their fundamental human rights.

456. In response to the problems recently experienced in Honduras by migrant children, and in response to the Committee's recommendation, the State of Honduras recently

⁷⁰ <http://www.conapid.gob.hn/index.php/2011-09-02-11-09-21/semilleros-del-futuro>.

adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, by Legislative Decree No. 92-2008 of 20 August 2008. The instrument of accession was signed on 23 October 2008 and deposited with the United Nations on 18 November 2008.

457. In coordination with IOM, an investigation was conducted on violations of the rights of minors, unaccompanied migrants in transit, and their reception and repatriation to Honduras. The investigation found that the phenomenon of international migration had been a predominant trend for over 40 years, and that migrants had been undocumented. This south-to-north movement of persons, with migrants being unable to return quickly, involved men and women whose decisions affected the family dynamics, especially among children who grew up or spent several years without one or both parents.⁷¹

458. The Directorate-General for Migration and Foreign Nationals of the Ministry of the Interior and Population reports that 14,727 Honduran adults and 800 Honduran minors were repatriated from Mexico by land during 2011. The Ministry also reports that 17,838 Honduran adults and 134 Honduran minors were deported by air from the United States in 2011. This means that 934 Honduran children were repatriated to Honduras in a single year, corresponding to 3 per cent of the total number of migrants returned by land and by air during 2011.⁷² In 2011, the Honduran Institute for Children and the Family in San Pedro Sula took in 1,062 Honduran children, including minors who had arrived by land across the border at Corinto and those who had entered by air through the Ramón Villeda Morales airport in San Pedro Sula.⁷³

Table 23

Number of returned children taken in by the Honduran Institute for Children and the Family

| <i>Year</i> | <i>Boys</i> | <i>Girls</i> | <i>Total</i> |
|------------------|--------------|--------------|--------------|
| 2009 | 742 | 72 | 814 |
| 2010 | 886 | 116 | 1 002 |
| 2011 | 905 | 251 | 1 066 |
| 2012 | 1 307 | 336 | 1 878 |
| 2013 (until May) | 1 028 | 312 | 1 340 |
| Total | 4 868 | 1 087 | 6 106 |

Source: Honduran Institute for Children and the Family.

⁷¹ The same study found that children and young people were also migrating, often with their relatives, mother, father, siblings, uncles and aunts, but there were also some who had been entrusted to a trafficker and some who travelled on their own and were exposed to trafficking, child abuse, violence, etc. Being a migrant under such conditions was not easy because of all the implications in terms of human cost and the vicissitudes which often were not compensated. The migration of children took different forms; on the one hand, there were children of migrants whose families were not separated but all moved together to a developed country; there were also children whose families had to separate because the father or the mother migrated to another country; or there were adolescents who travelled alone to another country in the hope of finding a job. The records of services provided by public institutions concerned with the issue showed that since the second half of the 1990s, the State of Honduras had experienced a critical volume of undocumented migration of children and adolescents.

⁷² Casa Alianza Honduras. Observatorio de los Derechos de Los Niños, Niñas y Jóvenes en Honduras. Análisis de la situación de Derechos de la Infancia Migrante No Acompañada en el marco de los procedimientos de deportación y retorno a Honduras. Junio, 2012, p. 9.

⁷³ *Op. cit.*, p. 51.

459. As the State institution that is responsible for protecting the children of Honduras, the Honduran Institute for Children and the Family is in charge of taking in migrant children who have been repatriated by land and by air. In that regard, it prepared a Protocol for repatriation of children and adolescent victims of or vulnerable to trafficking in persons. Beginning in 2011, efforts were made to improve the care and protection of minors who are migrants by strengthening the Migrant Children Unit with the recruitment of technical personnel such as educators, psychologists, social workers and doctors to conduct evaluations in their particular fields of expertise. An area was set aside and fitted for the immediate reception of children who had been returned by land in Corinto, on the border between Honduras and Guatemala. In addition, a component on migrant children was organized in the Regional Offices for the east central region (Tegucigalpa) and the northern region (San Pedro Sula), to care for children who had been repatriated by air and land.

460. In coordination with the Ministry of Foreign Affairs, Honduran consulates and international agencies work to ensure that migrant children who have been repatriated, returned or deported to Honduras are safe and that they are treated with dignity. These consulates and agencies also coordinate efforts with the national institutions that are responsible for the reinsertion of adolescent minors. The Solidarity Fund for Honduran Migrants in Vulnerable Situations was created by Decree No. 179-2007, of 18 December 2007 in order to provide assistance to repatriated, returned or deported children and adolescents during their travel by air and land, offering them a dignified, expeditious and safe return. This initiative also provides support for other programmes offering assistance to returned migrants, including minors, which are implemented by the Government and the Association of Missionary Sisters of St. Charles Borromeo – Scalabrinians, in coordination with volunteers from the Pastoral de Movilidad Humana (ministry for the pastoral care of migrants) and the Centre for the Care of Returned Migrants.

461. To raise awareness and answer questions from the public, time was set aside on radio stations, especially for the benefit of families of migrants, given their concern with the phenomenon of migration.

462. A handbook was designed which is entitled *Manual de procedimientos para la atención y repatriación de las niñas, niños y adolescentes con base en el Memorandum de Entendimiento para la Repatriación Digna, Ordenada, Ágil y Segura con los Estados Unidos Mexicanos* (Manual of procedures for the care and repatriation of children and adolescents based on the Memorandum of Understanding with the United Mexican States for Dignified, Orderly, Expeditious and Safe Repatriation).⁷⁴ This handbook is reviewed and updated every year by the States parties.

463. In 2010, with the support of the Government of Mexico, Honduras adopted the Child Protection Officers Programme, which operates under the Office of the First Lady, in coordination with the Ministry of Foreign Affairs, as a mechanism for safeguarding the physical and emotional integrity of unaccompanied migrant children, bearing in mind the dangers that children face during their travel. Seventy officials of the institutions and organizations concerned with children's issues receive training based on the Convention on the Rights of the Child and other treaties to which Honduras is a party. The programme is designed to safeguard the physical and emotional integrity of minors in order to ensure full protection for both Honduran and foreign children who migrate without the company of an adult.

⁷⁴ The purpose of the Memorandum is to provide special care for Hondurans in Mexico whose status is irregular and who are returned to Honduras.

464. In the context of the inter-American human rights protection system, the member countries of Mercosur asked the Inter-American Court of Human Rights for an advisory opinion on the rights of migrant children. The Ministry of Justice and Human Rights submitted its observations to the regional court on this issue, which is of the utmost importance to the State of Honduras.

465. The adoption of the Social Protection Policy in March 2012 highlighted the effect of migration on children, since children are included as subjects of this comprehensive public policy and hence, of the comprehensive and targeted social safety nets to which the State attaches priority in its effort to address the factors associated with poverty, vulnerability and exclusion affecting the Honduran population. The issue was also dealt with in depth under the Public Policy and National Plan of Action on Human Rights.

466. Despite the actions that the State has already undertaken, important challenges remain in the effort to provide care for migrant children or children of migrants. More information on these children and their families is needed. They also need to be included in the records of beneficiaries of social programmes, especially to prevent the risks involved in migration and provide assistance and protection for families. Priority should be given to these families in efforts to generate opportunities and/or enable working-age persons to earn a decent income.

467. At the institutional level, it is important to avoid turnover or the loss of skilled personnel to other entities. Adequate human and financial resources should be assigned in order to ensure continuity and to implement, at the local level, social policies that translate into sustainable programmes for preventing migration and helping families that have already been affected by that phenomenon.

B. Economic exploitation, including child labour

Undertake a survey of the number of children working, including as domestic workers and in the agricultural sector, in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation.

468. Since the last decade of the twentieth century and into first decade of the twenty-first century, the phenomenon of child labour was front and centre in public policies and national plans. The State of Honduras has ratified the main international instruments on prevention of child labour, its worst forms and the protection of working children. Many of these international provisions have been taken up in national legislation, such as chapter V, on protection of children from economic exploitation, of the Code on Children and Adolescents, and the Regulations on Child Labour, which entered into force in 2001.

469. Beginning in the period 2001–2002, the Ministry of Labour and Social Security and the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) of ILO, working in collaboration with the National Institute of Statistics, conducted a survey on child labour that enabled them to compile quantitative and qualitative data on work performed by children in Honduras. These data laid the foundation for an in-depth analysis of child labour and poverty in Honduras.

470. With the aforementioned study, there is now abundant statistical information on the scope, characteristics and determinants of child labour. SIMPOC is the statistical arm of the International Programme on the Elimination of Child Labour (IPEC) of ILO, which helps member countries collect, document, process and analyse information on child labour.

471. Thus, Honduras now has reliable preliminary estimates on the situation of child labour in the country. As a result of this experience, a module on child labour was included in the Multipurpose Household Survey and has been kept up-to-date since 2003.

472. With child labour included in the Multipurpose Household Survey, it is now possible to know which are the main jobs performed by children in Honduras, as well as the evolution of this problem between 2007 and 2011, as follows:

Table 24

Percentage of population aged 5–17 years by type of activity

| <i>Type of activity</i> | <i>Percentage</i> |
|--|-------------------|
| Agriculture, forestry, hunting and fishing | 62.30 |
| Wholesale/retail commerce, hotels/restaurants | 15.90 |
| Manufacturing industry | 9.50 |
| Construction and community, social and personal services | 10.00 |

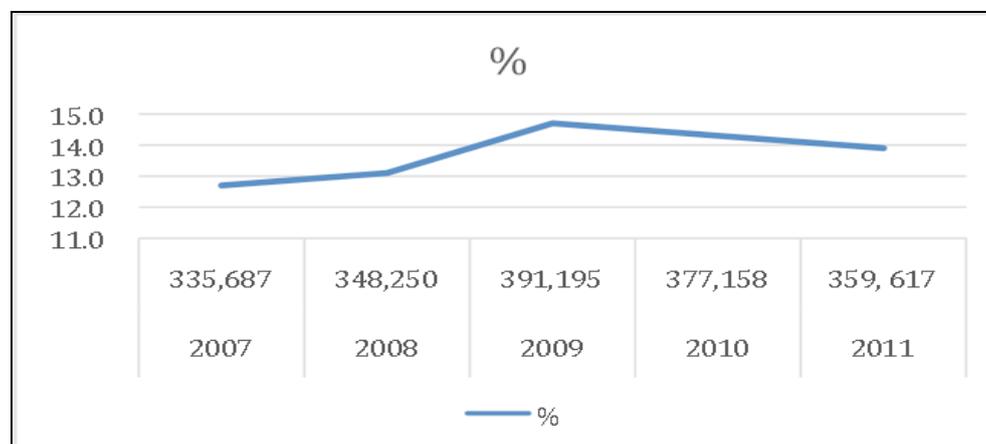
Source: Based on the Multipurpose Household Survey, May 2012, National Institute of Statistics.

Table 25

Child labour among the population aged 5–17 years, 2007–2011

| <i>Year</i> | <i>National total</i> | <i>Percentage</i> |
|-------------|-----------------------|-------------------|
| 2007 | 335 687 | 12.7 |
| 2008 | 348 250 | 13.1 |
| 2009 | 391 195 | 14.7 |
| 2010 | 377 158 | 14.3 |
| 2011 | 359 617 | 13.9 |

Figure 6

Child labour among the population aged 5–17 years (2007–2011)

Source: Based on the Historical Series on Child Labour 1990–2011, National Institute of Statistics.

473. The information provided by the National Institute of Statistics also brings to light the magnitude of rural child labour compared with child labour in urban areas. The percentages of children working in rural areas are almost double those of children working in urban areas. This trend remained steady throughout the five-year period 2007–2011, as shown in the following table:

Table 26
Child labour among the population aged 5–17 years, by area, 2007–2011

| <i>Year</i> | <i>Urban</i> | <i>Percentage</i> | <i>Rural</i> | <i>Percentage</i> |
|-------------|--------------|-------------------|--------------|-------------------|
| 2007 | 82 559 | 7.8 | 276 199 | 17.7 |
| 2008 | 89 580 | 8.4 | 283 927 | 18.0 |
| 2009 | 95 578 | 8.8 | 295 617 | 18.7 |
| 2010 | 93 232 | 8.8 | 258 670 | 16.3 |
| 2011 | 83 418 | 8.1 | 253 128 | 15.9 |

Source: Based on the Historical Series on Child Labour 1990–2011, National Institute of Statistics.

474. The issue of child labour affects more boys than girls, in both urban and rural areas. There is a significant difference in boys' labour in rural areas compared with urban areas, as noted in the following table:

Table 27
Child labour among the population aged 5–17 years by area and by sex, 2007–2011

| <i>Year</i> | <i>Area</i> | | | |
|-------------|--------------|----------|--------------|----------|
| | <i>Urban</i> | | <i>Rural</i> | |
| | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> |
| 2007 | 29 899 | 52 660 | 39 080 | 214 048 |
| 2008 | 36 609 | 52 972 | 48 828 | 209 842 |
| 2009 | 37 416 | 58 162 | 46 093 | 249 524 |
| 2010 | 33 014 | 60 218 | 46 132 | 237 794 |
| 2011 | 31 814 | 51 604 | 40 586 | 235 613 |

Source: Based on the Historical Series on Child Labour 1990–2011, National Institute of Statistics.

The State should undertake awareness-raising campaigns to prevent and combat the economic exploitation of children.

475. Since 2002, the Ministry of Labour and Social Security has conducted several awareness-raising campaigns among local and regional populations. These campaigns are carried out jointly with the public sector, labour, employers and civil society. The objective is to disseminate information on the rights of children through different awareness-raising mechanisms and their multiplier effect in society, such as the communications media, informational brochures, direct and friendly appeals to individuals, exhibition of banners and so on.⁷⁵

476. As regards preventing and combating the economic exploitation of children, it is worth mentioning the ongoing cooperation of international agencies, intersectoral efforts of the National Commission on the Elimination of Child Labour and the annual celebration of World Day Against Child Labour, which facilitates advocacy in and through the communications media.

477. Regarding the recommendation that the State should *improve the labour inspection system in order to ensure that the work performed by children is light work and not exploitative and/or hazardous*, in 2008, the manual entitled *Manual Básico para la*

⁷⁵ Reply to the questionnaire sent in preparing the fourth and fifth reports of Honduras to the Committee on the Rights of the Child, Ministry of Labour and Social Security.

Incorporación Plena de la Inspección del Trabajo Infantil en la Función Propia de la Inspección General del Trabajo de la Secretaría del Trabajo y Seguridad Social (Basic Manual on the full incorporation of the child labour inspectorate in the duties of the Labour Inspectorate of the Ministry of Labour and Social Security) was drafted with the technical and financial assistance of IPEC/ILO. This has led to specialized training of labour inspectors so that they will be qualified to understand and act in every area of concern to the Ministry of Labour and Social Security, in particular, the system for providing special protection to children who work and the applicability of existing legislation to this working population.

478. In 2007, a research study was conducted with IPEC/ILO entitled *Trabajo Infantil y Pueblos Indígenas. El caso Honduras* (Child Labour and Indigenous Peoples. The case of Honduras). The objective of the study was to estimate at the national level how many indigenous children and adolescents were working; to determine what types of work they performed and whether there was sectorization; to determine which areas had a higher level of child labour and in what types of economic activity the children worked; to find out, in general, the position of indigenous children, parents and organizations on this issue and, in conjunction with government institutions, to try to develop strategies for addressing it. Case studies were carried out among three people groups: the Lenca, the Garifuna and the Miskito. The study also made it possible to characterize the participation of indigenous children in activities that are considered child labour.

479. The research study and its findings led the State of Honduras to comply with the provisions of article 3(d) of ILO Convention 182 on the Worst Forms of Child Labour. Also, the National Commission for the Gradual Elimination of Child Labour conducted a nationwide study which led to the drafting of a proposed amendment to the Regulations on Child Labour and the inclusion of the list of jobs which by their nature or the circumstances in which they are carried out, are dangerous. The amendment by addendum was adopted by Decision No. STSS-097, of 12 May 2008, and published in *La Gaceta* on 10 October of the same year. This was done in response to the Committee's recommendation that the State should *ensure the implementation of legislation fully covering article 32 of the Convention, and ILO Conventions No. 138 and No. 182, including, in particular, identification of hazardous forms of work at the national level, and ensure adequate budget allocation for the implementation of the National Plan of Action for the Gradual and Progressive Eradication of Child Labour.*

480. In 2008, work began on drafting of the second National Plan of Action for the Prevention and Elimination of Child Labour in Honduras 2008–2015. This Plan is designed to provide a response to the problem of child labour in Honduras and the policy and technical guidelines laid down by the Ministry of Labour and Social Security and the institutions belonging to the National Commission for the Gradual Elimination of Child Labour, setting partial goals for 2009 and 2013. Although there is no specific earmark for the Plan, it will be implemented by means of actions in the different components, through the practical application of measures in different public institutions.

481. In 2010, the Ministry of Labour and Social Security, working in conjunction with public institutions, worker organizations, employers and civil society, drew up the strategy set forth in the Road Map to Make Honduras a Country Free of Child Labour, Including Its Worst Forms. The strategy was adopted as public policy by Executive Decree PCM-011-2011. The objective of the policy is to eliminate the participation of 5-to-17-year-olds in jobs that are detrimental to their education and their physical and mental development, while increasing guarantees to ensure that they enjoy all their rights, especially the right to protection, health and education.

482. In 2011, the public sector, worker organizations, employers and civil society worked together to draw up an agenda for the Road Map, outlining the competencies of different

institutions and the linkages among different public policies relating to anti-poverty measures, education, health, regulations, institutional framework, social mobilization, knowledge generation and follow up, as well as objectives, results, indicators, goals and fundamental strategies. Some of the actions identified in the agenda for the national policy fall directly under the competence of institutions and organizations, while in other cases, it will be necessary to coordinate and establish partnerships with cooperating agencies.

483. Bearing in mind the current situation and the need to coordinate social policies on child labour, it is important to implement measures to ensure compliance with the recently adopted Road Map. As the lead agency for coordinating public policies on social issues, including anti-poverty policies, the Ministry of Social Development is conducting a survey to develop a baseline for measuring the impact of the *Bono 10,000* conditional cash transfer programme on the reduction of child labour and its worst forms by using the Early Childhood Registry and the Single Registry of Beneficiaries and setting up mechanisms for selecting beneficiaries who should be given priority in the allocation of resources for the inclusion of the traditionally poor and vulnerable populations within the sphere of competence of social institutions.

C. Street children

484. During preparation of this report, it was difficult to obtain information on the problems of street children in Honduras. This may be because the State has not yet undertaken studies that would make it possible to determine more accurately the magnitude of the phenomenon, so there is a lack of official information. It should be noted that the issue has mostly been addressed by civil society organizations that have provided support for social institutions in providing protection for this vulnerable population.

485. As the lead agency for policies on children and the family, the Honduran Institute for Children and the Family provides care for street children through the Subprogramme on Restoration and Protection of Rights, which was created in 2006 to address the problems of street children. The subprogramme focuses on four basic areas of rights: (a) Work in the street; (b) protection of children; (c) life skills; and (d) family reintegration.

486. As noted above, there is no up-to-date information on the number of children who live on the street. A census of street children undertaken in 2003 by UNICEF and other organizations concerned with the issue found that 302 children and teenagers were living on the streets of Tegucigalpa and Comayagüela. Of these, 242 were male, and 60 were female. With four times as many boys as girls, male children were clearly in the majority.⁷⁶

487. According to data supplied by the Honduran Institute for Children and the Family, approximately 1,200 children live and work on the street in San Pedro Sula, and approximately 1,000 children do so in Tegucigalpa. Other sources indicate that in May 2003, a census of street children conducted by the Coordinating Office for Children's Services in San Pedro Sula identified 806 children who lived on the street; of these, 706 had family ties, and only 100 had no family support.

488. Although the phenomenon of children living on the street is a matter of concern to the State of Honduras, a greater effort is needed to bring this issue into the spotlight, to research it, systematize it and take urgent measures to prevent and eradicate the problem.

⁷⁶ Report of Honduras to the Committee on the Rights of the Child, submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, p. 19, paras. 56 and 57.

D. *Maras/pandillas*

Pay more attention to the social factors and causes at the root of the problem of *maras/pandillas*.

489. The social phenomenon of *maras* and *pandillas* (gangs) in Honduras has been growing over a period of nearly two decades. During this time, according to the *Estudio de Actualización de Maras y Pandillas en Honduras* (Update on the Situation of *Maras* and Gangs in Honduras), these groups of young people have evolved into organized criminal structures at both the national and the international levels.

490. To deal with the phenomenon, in 2001, the Prevention, Rehabilitation and Social Reintegration Act was adopted by Legislative Decree No. 141-2001, of 2 October 2001, with a view to preventing the causes that lead individuals to join gangs (*maras*), and to rehabilitate and reintegrate them into society. The Act also created the National Prevention, Rehabilitation and Social Reintegration Programme as the Government entity responsible for this issue.

491. In 2010, the programme conducted the aforementioned study on the situation of *maras* and gangs in Honduras, with the technical and financial support of UNICEF. The study was carried out in the areas that were most affected by the gangs (*maras*) and involved visiting detention centres, juvenile detention centres and schools, as well as neighbourhoods and residential developments that have a high level of gang activity.

492. It is difficult to determine exactly how many members of *maras* and gangs there are, but it is estimated that in 2010, at least 5,075 children, adolescents and young people belonged to *maras* and gangs. Most of these 5,075 gang members in the country belonged to *Mara 18* and *Mara Salvatrucha* (45 per cent and 46 per cent, in that order). According to one of the most recent studies on the subject, conducted in 2011 by UNICEF and the National Prevention, Rehabilitation and Social Reintegration Programme, there are approximately 4,728 active members of *maras* and gangs in Honduras. It has not been possible to determine how many of them are under 18, because the members of these groups are very secretive and keep their movements clandestine.

493. In the context of the policies aimed at containing this phenomenon, an amendment to article 332 of the Criminal Code was adopted in 2003 to criminalize illicit association. This led members of the *maras* and gangs to emigrate to rural areas, and their presence has now been detected in the interior of the country, in cities such as Tocoa, Yoro, Danli, Juticalpa and, to a lesser extent, in certain tourism areas such as Roatán.

494. One of the most significant findings of the aforementioned study was the fact that there are differences in gender roles in the gangs, in which there is strong discrimination against women, who are relegated, basically, to the role of sexual slaves, since the majority of gang members are males.

495. At the national level, it is estimated that approximately 875 girls and young women belong to *maras* and gangs, representing 17 per cent of total membership; of these 453 (52 per cent) belong to *Mara Salvatrucha* and 395 (45 per cent) belong to *Pandilla 18*, while the remaining 27 (3 per cent) belong to other gangs. San Pedro Sula is the city with the highest percentage of female gang members, since it accounts for 68 per cent of the total population; it is followed by Tegucigalpa, with 20 per cent, and the remaining 12 per cent are distributed among other, smaller cities in the country.

Invest in financial and human resources for activities of prevention, rehabilitation and reintegration for members of *maras/pandillas*.

496. As noted earlier in this report,⁷⁷ a budget of 22,239,972.96 million lempiras was allocated for the National Prevention, Rehabilitation and Social Reintegration Programme to fulfil its mandate. This falls within the total allocation of 18,347,756,814.08 lempiras for crime prevention and research at the national level.

497. Following is a breakdown of the resources allocated during the period for the National Prevention, Rehabilitation and Social Reintegration Programme:

Table 28

Budget earmarked for the National Prevention, Rehabilitation and Social Reintegration Programme during the period 2008–2012

| <i>Year</i> | <i>Amount</i> |
|--------------|----------------------|
| 2008 | 6 251 077.53 |
| 2009 | 5 889 312.90 |
| 2010 | 5 573 918.03 |
| 2011 | 5 876 061.34 |
| 2012 | 4 900 680.69 |
| Total | 22 239 972.96 |

Source: Based on information supplied by the Ministry of Finance.

Focus on preventive measures while refraining from treating this issue exclusively in a punitive and repressive way.

498. To achieve social reintegration of young people belonging to *maras* or gangs, the National Prevention, Rehabilitation and Social Reintegration Programme carries out the *Borrón y Vida Nueva* (Starting Over) project, which helps over 600 children, adolescents and young people who are in the process of leaving the *maras* and gangs and want to get rid of the tattoos that identify and stigmatize them as gang members.

499. The project is being carried out in the cities of Tegucigalpa, San Pedro Sula and La Ceiba. During 2010, workshops on tattoo removal were held in the cities with the highest number of gang members and sympathizers. In Tegucigalpa, the project reached 303 young people; in San Pedro Sula, 234, and in La Ceiba, 119.

500. In order to extend the coverage and improve the quality of services offered, in 2010, with assistance from UNICEF, the project purchased a new tattoo-removal machine, with which it has increased its coverage, working in other parts of the country that have *maras* and gangs. This project plays a vital role in changing the lives of its beneficiaries because over the last two decades, the general public has come to associate the use of tattoos with gang membership, which therefore stigmatize anyone who wears them.

501. The study on the situation of *maras* and gangs in 2012⁷⁸ shows that although the National Prevention, Rehabilitation and Social Reintegration Programme, the lead agency for this issue, is underfunded, it does contribute to and support several organizations that

⁷⁷ See paragraph 92.

⁷⁸ Programa Nacional de Prevención, Rehabilitación y Reinserción Social. Situación de Maras y Pandillas en Honduras, pp. 82–84.

work with at-risk or socially vulnerable youth. These organizations focus on aspects such as technical and vocational programmes, entrepreneurship, values or religious activities. The study also shows that most non-governmental organizations have serious budgetary limitations, and this affects their coverage, given that rehabilitation and social reintegration programmes are very costly owing to their complexity.

502. The following organizations are working in this area: Proyecto Victoria, Hogares Crea, Sociedad Amigos de los Niños, Remar Internacional Honduras, Teen Challenge, Orphan Helpers, JHA-JA, Evangelism Explosion, Generation X, Fundación Unidos por la Vida, Casa Alianza, Manos Extendidas, Free the Oppressed, Ministerio Jehová Nissi, Misioneras Scalabrinianas and the Centre for Prevention, Treatment and Rehabilitation of Victims of Torture and their Relatives. Other civil society organizations have also contributed for years to prevention efforts, including: ACJ/YMCA Honduras, Arte y Acción, Comité de Familiares de Detenidos Desaparecidos de Honduras (Committee of Families of Detained and Disappeared Persons in Honduras), Cámara Junior de Honduras, COIPRODEN Network (Network of Children's Rights Institutions), Pastoral Social Juvenil and other churches that work with young people who are receiving training.

503. Municipal prevention programmes include the *Fútbol para la Vida* (Football for Life) Programme, which was designed to promote sports as part of a positive lifestyle and a means for improving the living conditions of children and adolescents, to promote their rights and guarantee their wellbeing. The direct beneficiaries of the programme are children and young people between the ages of 7 and 21 who live in socially vulnerable areas. A prerequisite for being included in a team is regular attendance at a formal education centre. At the end of 2011, the programme reached children and young people from 160 neighbourhoods and residential communities in Tegucigalpa M.D.C.⁷⁹

504. In 2008, UNICEF financed the model community project on Prevention, Care and Comprehensive Reintegration of Adolescents and Young People who participate in or sympathize with *maras* or gangs, which is implemented by Asociación COMPARTIR. The aim is to replicate in other cities a tested and proven model of prevention, care and reintegration of adolescents and young people who are involved with *maras* and gangs. The basic principles of the project are protection of rights, promotion of opportunities and strengthening of community values. The target population is:⁸⁰

(a) 10 percent of the 12,142 members of 141 *maras* and gangs in the metropolitan region of Valle de Sula, comprised of 76.5 per cent boys and 23.5 per cent girls;

(b) 10 per cent of the 8,858 members of the 103 *maras* and gangs that operate in the Metropolitan Region of the Central District (Tegucigalpa and Comayagüela);

(c) Children, adolescents and young sympathizers who voluntarily agree to participate in preventive programmes and project;

(d) Approximately 300 children, adolescents and young people who are addicted to narcotic substances;

(e) The families and communities of the children, adolescents and young people who are in the programme.

⁷⁹ <http://www.futbolparalavida.hn/vamos.php>.

⁸⁰ In a universe of 34,202 adolescents and young people who currently belong to 475 *maras* and gangs in Honduras. www.compartirhonduras.org/index.php?option=com_content&view=article&id=56&Itemid=72&lang=es&121377ef340e9cec1ee177f9f78d4ed1=3cbb84fc504d909c887afacc9f9dbd14.

E. Sexual exploitation and trafficking

505. The State of Honduras acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (hereinafter referred to as the Protocol or Optional Protocol) by Legislative Decree No. 62-2002, of 2 April 2002, which was published in *La Gaceta* No. 28,777 on 3 May 2002. The instrument of accession was deposited with the Secretary-General of the United Nations on 7 May 2002.

506. Since 2002, when Honduras acceded to the Optional Protocol, it has taken a number of important steps and implemented several legislative measures, programmes and plans designed to prevent and combat sexual exploitation and trafficking.

507. As far as legislation is concerned, the laws formerly covered only the offences of sexual tourism, procuring, human trafficking and pornography; these offences were originally governed by the Criminal Code before it was amended by Legislative Decree No. 234-2005. The amendment added a new chapter on commercial sexual exploitation offences, which includes the offences of rape, *lujuria* (immoral conduct), *estupro* (statutory rape), incest, abduction or retention of children and adolescents, procuring, trafficking in persons, commercial sexual exploitation, pornography and sex tourism.

508. The Ministry of Justice and Human Rights, the Office of the First Lady and the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons drew up the draft bill against human trafficking, which was adopted by Legislative Decree No. 59-2012, of 25 April 2012. This act, which is based on key international legislation on the subject, provides a legal strategy and a basis for inter-agency coordination in combating these problems. In this Act, the criminal offence of trafficking introduced by the amendment in Legislative Decree No. 234-2005 is substituted to reflect the different descriptions of the offence of trafficking adopted in international law.

509. The Act makes it possible to take the necessary measures to develop public policies on the prevention and punishment of trafficking in persons, to produce the necessary regulations to strengthen penalties for trafficking in persons, to define a specific supplementary framework for protection and assistance of victims of commercial sexual exploitation and trafficking, to foster restitution and promotion of the rights of victims, and to organize, promote and facilitate national and international cooperation on the issue of human trafficking, among others.

510. The Act provides that the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons shall be a deconcentrated entity with technical, functional and budgetary autonomy, working under the Ministry of Justice and Human Rights. Its purpose shall be to promote, coordinate, monitor and evaluate actions aimed at preventing and eliminating this phenomenon in its different manifestations by managing and implementing specific public policies in this area.

Public policies and effective implementation of the Action Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents

511. The initial report of the State of Honduras on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography describes in full the legislative, administrative, judicial and other measures that the State has implemented to combat commercial sexual exploitation and trafficking. Implementation of the Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents 2006–2011, which is described in that report, has been followed up, in particular, through the well-coordinated work of the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons.

512. This coordinated effort, carried out in the context of the Plan, enabled the Inter-Agency Commission, in partnership with the Children and Adolescents Committee of the National Congress and UNICEF, to launch the strategy on communication and social mobilization to combat maltreatment, abuse, sexual exploitation and trafficking in children and adolescents. In follow-up to this strategy, the television programme *Rompiendo el silencio* (Breaking the silence) was created to raise public awareness on the importance of providing full protection for children. Government officials, representatives of non-governmental organization and other experts in the field took part in the television programme.

513. In 2010, Government authorities set up a *Rompiendo el silencio* hotline with telephone number 111. This programme is promoted by the Office of the First Lady in collaboration with the Honduran Telecommunications Company (HONDUTEL), the Honduran Institute for Children and the Family and the Office of the Special Prosecutor for Children. The hotline takes complaints about abuses or violations of the rights of children and adolescents throughout the country.

514. In addition to the National Plan to Combat Commercial Sexual Exploitation and Trafficking of Children and Adolescents, in 2011, the State adopted the Road Map to Make Honduras a Country Free of Child Labour, which lays down the national policy on child labour. The Road Map provides the basis for strategic programming and linkage among different public policies and supplementary interventions that directly and indirectly affect efforts to prevent and eradicate child labour and its worst forms and to protect adolescent workers. Another timely measure was the inclusion of child victims of sexual exploitation and trafficking as subjects who are entitled to the services provided under the Social Protection Policy adopted in March 2012.

515. In this regard, a number of actions were taken to combat commercial sexual exploitation, including the creation of specialized units in the National Police and the Public Prosecution Service to prevent and prosecute commercial sexual exploitation and trafficking in persons.

Undertake a study on the sexual exploitation of children in order to assess its scope and causes, enable effective monitoring of the problem and develop measures and programmes to prevent, combat and eliminate it.

516. The Inter-Agency Commission developed five social geography maps in connection with the investigation and prevention of commercial sexual exploitation and trafficking in persons. These maps are helpful in using tools such as the *Guía práctica para la eficaz atención de víctimas de delitos sexuales, explotación sexual comercial y su investigación* (Practical guidebook for effective care of victims of sexual offences, commercial sexual exploitation and investigation of those offences), *Protocolo para la Repatriación de Niños y Niñas víctimas y vulnerables a la trata* (Protocol for the repatriation of child victims and children who are vulnerable to trafficking), and *Manual de procedimientos legales e investigativos sobre casos de abuso sexual infantil y explotación sexual comercial* (Manual of legal and investigative procedures in cases of child sexual abuse and commercial sexual exploitation).

Provide adequate programmes of assistance and reintegration for sexually exploited or trafficked children, who should be treated as victims and not criminalized.

517. In Honduras, the existing institutions that provide protection and care are classified as follows.

518. There are eight national therapy centres that belong to the State and are administered by the Honduran Institute for Children and the Family. Four of these are shelters that are

directly managed by the Institute, including the Hogar de Protección Casitas Kennedy, which currently provides care for 90 children under age 18; the Hogar de Protección Casitas 21 de Octubre, with 65 children between the ages of 12 and 18; Casitas Adolescentes, with 70 children between the ages of 12 and 18, and the Hogar Nueva Esperanza, with 125 children between the ages of 0 and 12. These temporary shelters are residential centres run by an interdisciplinary team so as to guarantee full protection for the rights of the children and adolescents under their protection. The first two centres are in the city of Tegucigalpa, municipality of the Central District, department of Francisco Morazán, and the other two are in the city of San Pedro Sula, department of Cortés.

519. The other four centres are educational in nature and are also operated by the Institute. They are: Renaciendo, Sagrado Corazón de María, Jalteva and El Carmen. As in the case of the shelters, several civil society organizations that are involved in protecting children claim that conditions in the centres need to be improved in terms of residential arrangements, food and in general, treatment of children and adolescents.

520. There is a centre for the care of migrant children, namely, El Edén, in San Pedro Sula, in the north of the country. The Hogar de Protección Casitas Kennedy in Tegucigalpa has modules for migrant children; however, some civil society organizations argue that a greater presence of State institutions and increased economic resources are needed in order to improve the operation of this centre.

521. Programmes carried out by civil society organizations supplement the work done by the State by setting up residential centres staffed with specialists to guarantee observance of the rights of the children and adolescents placed under protection. A typical case is that of the participation of civil society organizations in the Querubines (Cherub Angels) project of Casa Alianza, which over the last few years has set the standard for direct care of children and adolescents who are victims of sexual exploitation and trafficking.

522. During its first five years (2005–2010), the Querubines Home provided protection and comprehensive care for more than 318 girls; 63 per cent were survivors of domestic and international trafficking, and 37 per cent were victims of commercial sexual exploitation of different types.

523. In 2007, the Government and civil society worked together on the Subprogramme on Restoration and Protection of Rights, of the Honduran Institute for Children and the Family. This effort was carried out in coordination with Casa ASTI, Médicos sin Fronteras (Doctors Without Borders), Casa Alianza, Proyecto Manuelito, COMPARTIR and the offices of municipal mayors, among others, which developed a suitable methodology for helping street children and prepared the *Manual para el Educador de Calle como agente de cambio* (Manual for Street Educators as Agents of Change).

524. Another example of intersectoral coordination between the Government and civil society organizations is the implementation, beginning on 15 June 2011, of the Pilot Project on Social Reintegration of Victims of Commercial Sexual Exploitation and Trafficking in Persons. This project is carried out in the southern region of the country, in the context of an agreement between the Inter-Agency Commission, IOM, the Ministry of Justice and Human Rights, the office of the mayor of Choluteca and the National Institute for Women.

Increase its efforts to combat crimes related to child prostitution and sex tourism; for instance, by developing a specific strategy targeting the tourist industry, including clear and specific messages on child rights and on the existing sanctions against child abusers.

525. To combat child prostitution and sex tourism, the Ministry of Tourism and the National Tourism Chamber of Honduras signed the *Código de conducta para la protección de niñas, niños y adolescentes contra la explotación sexual comercial en el turismo* (Code

of Conduct for the protection of children and adolescents from commercial sexual exploitation in tourism). This project involves the private tourism sector, tourism operators and travel agencies in efforts to prevent and combat sexual exploitation of children and adolescents in connection with travel and tourism.

526. The initiative is designed to encourage the tourism sector to report and denounce anyone who takes advantage of tourism-related activities, facilities or services to promote, facilitate or tolerate sexual and commercial exploitation of children and adolescents. Such behaviours in connection with travel and tourism are discouraged and punished. This good practice was adopted by a substantial number of operators in the national tourism sector, including 288 hotels in 35 cities.⁸¹

527. The National Tourism Chamber, a network of hotel and tourism companies, is implementing a number of initiatives in conjunction with UNICEF. All the hotel chains in the country placed signs describing the legal consequences of commercial sexual exploitation of children and adolescents in visible locations.

528. The National Tourism Chamber launched an awareness and training programme for entrepreneurs and workers in the travel and tourism sector to help prevent commercial sexual exploitation of children and adolescents in the industry.

529. The Chamber is also implementing the Programme on the Prevention of Commercial Sexual Exploitation of Children and Adolescents in the Travel and Tourism Sector; in that context, it issued the *Manual para la Prevención y Protección de Niñas, Niños y Adolescentes en Turismo Sexual* (Manual on the Prevention and Protection of Children and Adolescents in Sexual Tourism). The tourism sector, which is comprised of companies and agencies working in that area, as well as beneficiaries and clients, has direct and indirect relationships with persons who might be sexually exploiting children and adolescents and who take advantage of existing structures and networks in the tourism industry.

530. The main purpose of the Manual is to provide entrepreneurs and workers in the tourism sector with the necessary information to enable them to prevent and combat these problems, detect indicators of risk and report suspicious behaviours. The Manual is supplemented with the Code of Conduct for the protection of children and adolescents from commercial sexual exploitation in tourism. As noted in chapter III, on Prevention, it has already been adopted by a substantial number of operators in the national tourism sector.

531. The Directorate-General for Migration and Foreign Nationals of the Ministry of the Interior and Population is responsible for enforcing the existing regulations on migration and foreign nationals. Staff members who are responsible for all matters pertaining to migration use the *Manual de Procedimientos para la prevención de la trata de niñas, niños y adolescentes con fines de explotación sexual comercial* (Manual of Procedures for the prevention of trafficking of children and adolescents for purposes of commercial sexual exploitation). Among the measures implemented by the Directorate is the prohibition against the entry into the country of persons involved in trafficking and sexual exploitation who have been convicted of offences associated with these criminal activities, pursuant to article 81, paragraph 7, of the Migration and Aliens Act. In addition to these measures, the Directorate also monitors migration warnings, immediately rejects persons involved in sexual exploitation and issues warnings to other authorities, both national and international.

⁸¹ Report of the State of Honduras to the Committee on the Rights of the Child under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. August 2012. paras. 176–180.

Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner that respects the privacy of the victim.

532. Regarding the Committee's recommendation that the State should train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute, in a child-sensitive manner that respects the privacy of the victim, the judiciary, the Public Prosecution Service and the National Police conducted awareness-raising and training programmes on the subject of commercial sexual exploitation.

533. With the collaboration of UNICEF, the National Police issued the *Manual de Formación en Derechos de la Niñez, Autoestima, Abuso y Explotación Sexual* (Training Manual on Rights of the Child, Self-esteem, Abuse and Sexual Exploitation). They also carried out training workshops for members of different divisions of the National Police.

534. In 2009, the Office of the Special Prosecutor for Children and Save the Children conducted conceptualization workshops on trafficking in persons for prosecutors, psychologists and social workers.

535. The National Autonomous University of Honduras, Save the Children and Casa Alianza entered into a cooperation agreement under which, in 2010, they organized a diplomate course on violence and trafficking, with emphasis on children and adolescents. Seventy-four participants from public and private institutions, police forces, staff of the Public Prosecution Service, non-governmental organizations and students of psychology, social work and pedagogy, graduated from two consecutive courses.

536. The Violence Prevention Unit of the National Institute for Women teaches seminars on trafficking in persons at different locations in the country. This Unit also provides technical advice to the National Police University in connection with the course on sexual exploitation of children.

Strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving trafficking and sale of children, child prostitution, child pornography and child sex tourism.

537. International cooperation agencies such as IOM, UNICEF, IPEC/ILO, ECPAT, Save the Children and others provide continuing support to the State in its efforts to prevent and combat sexual exploitation and trafficking.

538. In June 2010, a training course on consular protection was offered for Honduran consuls accredited in other countries, with the support of the IOM programme on trafficking in Mexico. This training was offered in order to identify and provide care for victims in their jurisdictions and to familiarize the consuls with the relevant conventions and optional protocols. Between 2011 and 2012, the Directorate-General for Migration and Foreign Nationals trained 208 of their delegates and inspectors on the Manual of Procedures for the prevention of trafficking of children and adolescents for purposes of commercial sexual exploitation and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

539. The Ministry of Foreign Affairs also participates in the working groups on the trafficking of persons and sexual exploitation in the context of the Regional Conference on Migration.

540. The Ministry of Justice and Human Rights issued a legal opinion in favour of signing the Memorandum of Understanding between the Republic of Colombia and the

Republic of Honduras on working together to combat trafficking in persons and provide assistance and protection to victims, bearing in mind the obligation to prevent, punish and eliminate trafficking in persons, especially women, children and adolescents; to investigate and prosecute anyone who engages in that behaviour, and to protect the victims of that crime.

541. It is important to recognize the significant challenges that are involved in the effort to prevent and combat the phenomenon of sexual exploitation and trafficking. Improvements are needed in regard to the investigation of related offences, the monitoring of systems and evaluation of policies on the subject and the collection of data by the agencies concerned. The treatment of the subject in the mass media should focus on rights, a culture of denunciation and social responsibility should be encouraged, and more human and budgetary resources are needed by the institutions responsible for protecting the rights of children.

542. The State also recognizes the need for better coordination among policies on social protection, education, health and income generation and jobs for adults. Such policies must be implemented at the local and community levels in order to achieve better results in preventing this phenomenon, which is often linked to unemployment and migration.

XXIV. Administration of juvenile justice⁸²

The State should ensure that persons below 18 are not deprived of their liberty unlawfully or arbitrarily, in particular as a consequence of the application of anti-*maras* measures. The State should take all necessary legislative and other measures, including the abolition of article 332 of the Criminal Code, to prevent criminalization and/or deprivation of liberty of children merely based on their appearance.

543. The State of Honduras considers valid the Committee's concern, expressed in its concluding observations to the third report, in 2007, regarding the fact that the offence of "illicit association" (article 332 of the Criminal Code) was being interpreted too broadly. Accordingly, the National Police, the Public Prosecution Service and the judiciary now take the opposite approach, so that this article of the Criminal Code is now applied much more restrictively.

544. As a result, since the interpretation of "illicit association", set forth in article 332 of the Criminal Code, changed during the period 2007–2012, there was a notable decline in the number of arrests made under that article, especially between 2007 and 2009, when the rate of arrests fell from 28.89 per cent to 14.19 per cent. Between 2010 and 2011, however, the number of arrests rose from 15.54 per cent to 18.07 per cent. This may be because during the same period, the rate of violent deaths per 100,000 inhabitants rose from 79.5 per cent to 86.5, as shown below:

Table 29

Number of juvenile offenders arrested under article 332 of the Criminal Code (as amended) for the offence of illicit association 2007 to June 2012

| <i>No.</i> | <i>Year</i> | <i>Number of arrests</i> | <i>Percentage</i> |
|------------|-------------|--------------------------|-------------------|
| 1 | 2007 | 171 | 28.89 |

⁸² No information for this section of the report was received from the Public Prosecution Service or the Office of the Special Prosecutor for Children.

| <i>No.</i> | <i>Year</i> | <i>Number of arrests</i> | <i>Percentage</i> |
|--------------|-------------|--------------------------|-------------------|
| 2 | 2008 | 114 | 19.26 |
| 3 | 2009 | 84 | 14.19 |
| 4 | 2010 | 92 | 15.54 |
| 5 | 2011 | 107 | 18.07 |
| 6 | 2012 | 24 | 4.05 |
| Total | | 592 | 100.00 |

Source: Special Programmes Unit of the Judiciary – Ministry of Security and the Public Prosecution Service – Electronic Centre for Judicial Documentation and Information.

545. The same trend is shown in the following table, which reflects the total number of juveniles arrested by the National Police, the total number of persons released by administrative decision, the number of offenders referred by prosecutors to the courts, persons in detention centres, other precautionary measures and persons released by judicial decision (or tried in court because they were adults) during the period 2007–2012.

Table 30
Statistics on activities relating to juveniles under article 332 of the Criminal Code (as amended) for the offence of illicit association 2007 to June 2012

| <i>No.</i> | <i>Description</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>Total</i> |
|------------|---|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| 1 | Total persons arrested by the National Police | 171 | 114 | 84 | 92 | 107 | 24 | 592 |
| 2 | Total persons released by administrative decision | 87 | 55 | 13 | 28 | 13 | 4 | 200 |
| 3 | Offenders referred by prosecutors to the court | 84 | 59 | 71 | 64 | 94 | 20 | 392 |
| 4 | Persons in detention centres | 59 | 42 | 50 | 48 | 63 | 16 | 278 |
| 5 | Other precautionary measures | 25 | 16 | 20 | 10 | 31 | 4 | 106 |
| 6 | Persons released by judicial decision (or referred to court because they were adults) | 0 | 1 | 1 | 6 | 0 | 0 | 8 |

Source: Special Programmes Unit of the Judiciary – Ministry of Security and Public Prosecution Service – Electronic Centre for Judicial Documentation and Information.

546. Despite the decline in arrests and measures of deprivation of liberty for the offence of illicit association, the 2012 study on the situation of *maras* and gangs in Honduras found that on the matter of arrest and imprisonment of young people for illicit association, the response in terms of public policy had been limited, and that the State should give priority to prevention, always encouraging rehabilitation and social reintegration.⁸³ Most court decisions are made with a punishment rationale focusing on deprivation of liberty, without considering alternative measures such as probation, community service and others that have proven to be more appropriate under such circumstances.⁸⁴

547. Appropriate measures are clearly needed to guarantee the right to liberty of children and adolescents by applying the alternatives to deprivation of liberty that are established in

⁸³ Programa Nacional de Prevención, Rehabilitación y Reinserción Social. Situación de Maras y Pandillas en Honduras, p. 82.

⁸⁴ Programa Nacional de Prevención, Rehabilitación y Reinserción Social. Situación de Maras y Pandillas en Honduras, p. 73.

the Code on Children and Adolescents. The comprehensive reform of child and family programmes includes the option of precautionary measures in substitution for deprivation of liberty as provided for in the Code of Criminal Procedures.

548. In the context of the Public Policy and National Plan of Action on Human Rights, the Ministry of Justice and Human Rights, in coordination with the Office of the Counsel-General of the Republic, undertook a review of article 332 of the Criminal Code. The purpose of the review, to be completed within one year, is to provide legal guarantees for all arrestees or detainees, without discrimination. This strategic action will be carried out in response to the Committee's recommendations on this matter.

549. Most of the Committee's concerns and recommendations in regard to the administration of juvenile justice refer to limitations on measures involving deprivation of liberty for children and to alternative measures and minimum conditions for detention. The Honduran Institute for Children and the Family is the lead State agency for matters relating to children; its main objective is to contribute to government policies on children and to coordinate and direct activities designed to provide comprehensive protection and care. Its main duties are to develop a system of measures and services that can be implemented as alternatives to the prosecution and detention of children arising from social problems; to create and maintain detention centres for cases that require such measures and to carry out re-education and reintegration programmes.

550. These are basic duties in the administration of juvenile justice; unfortunately, because the matter has not been given priority, only four centres have been built to house children who have already been sentenced and those for whom precautionary measures have been ordered during investigation. Three of these centres are near Tegucigalpa, and one is near San Pedro Sula.

551. This situation and the Committee's recommendation that the State should *develop and implement a wide variety of extensive measures alternative to the deprivation of liberty and ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time* led to a far-reaching review of the normative and institutional framework for dealing with children. In particular, considering the Committee's constant concerns regarding the administration of juvenile justice, a proposal was drawn up, in conjunction with representatives of civil society and international cooperation agencies, for a bill creating the Office of the Children's Advocate and dealing extensively with the issue of juvenile justice.

552. The Office of the Children's Advocate is conceived, in article 1 of the draft bill, as the public agency responsible for formulating, coordinating, managing, monitoring and evaluating public policies relating to the rights of children, as well as programmes and specialized services in this area, in coordination with the State ministries and institutions concerned and civil society organizations. It works in the context of the provisions of the Constitution of the Republic, the Code on Children and Adolescents and related domestic legislation, as well as the Convention on the Rights of the Child and other international treaties on the subject that the State of Honduras has signed or ratified.

553. Article 7, paragraph 6 of the bill stipulates that among its powers, the new institution shall organize and administer, through the regional children's advocates offices, programmes and specialized services for the care, rehabilitation and social reintegration of child and adolescent offenders, prioritizing non-custodial measures and restorative justice. The children's advocates offices shall be staffed with multidisciplinary technical teams and specialized services so as to ensure that each child offender receives timely and adequate care. The bill includes the requirement that regulations for its implementation must be issued within 60 days from the entry into force of the act. The Ministry of Justice and

Human Rights, UNICEF and civil society organizations are still waiting for the bill to be adopted by the National Congress.

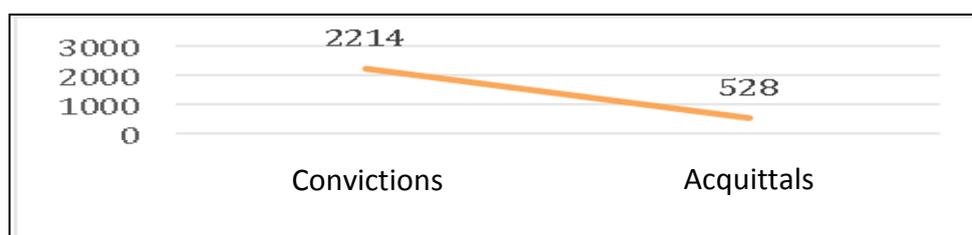
554. One of the reasons why law enforcement officials opt for detention rather than alternative precautionary measures is that the entity responsible for implementing such measures has no presence in most of the country. Hence the proposal to decentralize the body responsible for dealing with children's issues and regionalize its services, thus encouraging the application of non-custodial measures.

555. To give an idea of the situation with regard to cases involving juvenile offenders, the Office of the Prosecutor for Children of the Public Prosecution Service reports that in 2011, there were 437 complaints, of which 278 were prosecuted. Sentences were handed down in 124 cases, including 94 convictions and 30 acquittals.⁸⁵

556. Data provided by the juvenile courts show that nationwide during the period 2007 to 2012, there were 9,183 cases involving juvenile offenders. A breakdown by genders shows that 7,714 cases involved boys and 1,469 involved girls. In 2,742 cases (30 per cent) of all cases filed, the courts handed down convictions in 2,214 cases (81 per cent) and 524 acquittals (19 per cent), as shown in the following figure:

Figure 7

Sentences handed down against juvenile offenders during the period 2007–2012*
Juvenile Courts



Source: Based on information provided by the Electronic Centre for Judicial Documentation and Information.

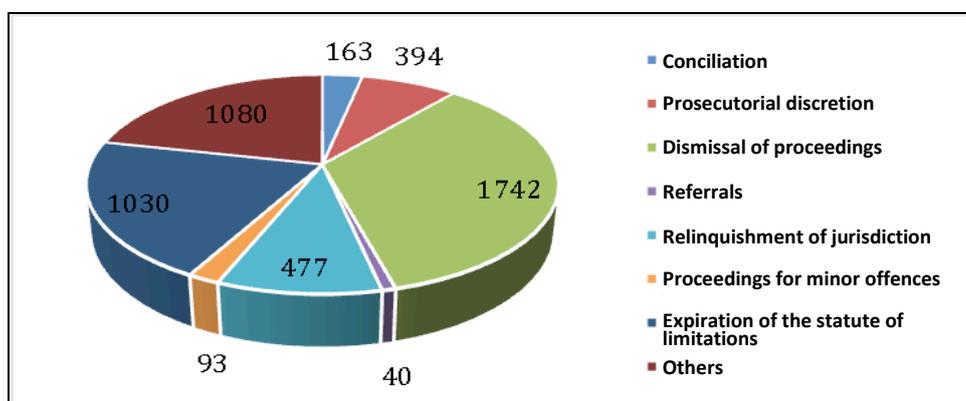
* As of September 2012.

Pretrial detention should be limited only to certain conditions clearly established by the law, in particular to assure the child's appearance at the court proceedings and if the child is in immediate danger to self or others.

557. The following figure shows the type and proportion of non-judicial measures ordered by the juvenile courts during the period 2007 to 2012.

⁸⁵ República de Honduras. Ministerio Público. 2011 Informe Anual de Labores "Por el Respeto a la Vida", p. 106.

Figure 8
Juvenile offenders cases and non-judicial decisions during the period 2007–2012*
Juvenile Courts



Source: Based on information provided by the Electronic Centre for Judicial Documentation and Information.

* As of September 2012.

558. According to the 2012 Annual Report of the Judiciary, precautionary measures were applied in 1,950 cases, including guidance and family support in 37 cases, imposition of rules of conduct in 1,024, residence requirements in 194, probation in 122, semi-open regime in 7 and detention in 565 cases.

559. The judiciary's re-education programme reports that as of August 2012, the two main detention centres had a population of 167 boys and 167 girls.⁸⁶

560. An innovation in the re-education process is the implementation by the Institute's subprogramme on non-custodial measures of restorative justice mechanisms in less serious cases in Tegucigalpa. The plan is to extend these measures to the rest of the country. Probation is a non-custodial measure that is frequently applied by judges as both a socioeducational and a precautionary measure for juvenile offenders.

561. In an effort to reduce the rate of admissions to educational detention centres, judicial personnel were trained and made aware of the need to increase the use of the alternative non-custodial measures envisioned in article 188 of the Code on Children and Adolescents, in particular: (a) guidance and family support; (b) imposition of rules of conduct; (c) community service; (d) requirement to live in a specified location; and (e) probation. The Honduran Institute for Children and the Family considers that this process has proven useful in view of the fact that the population in educational complexes has decreased and admissions to non-custodial measures⁸⁷ have increased.

The duration of pretrial detention should be limited by law and be subject to regular review, e.g., every month.

562. In this regard, given the importance of periodically reviewing the measures imposed by a competent authority, the comprehensive reform of child and family programmes

⁸⁶ Reply to the questionnaire sent by the Honduran Institute on Children and the Family in preparing the fourth and fifth reports to the Committee on the Rights of the Child, p. 61.

⁸⁷ *Op. cit.*, p. 47.

includes an amendment to article 260 of the Code on Children and Adolescents, which now reads as follows:

“Article 260

Juvenile court judges or their substitutes shall strictly enforce the measures they order and ensure that the rights of children are not violated.

In order to ensure compliance with the provisions of this article, *they shall conduct periodic inspections, at least once (1) a month, to individually verify compliance with the measures and take such action as may be necessary* (emphasis added).

The person(s) responsible for detention centres are required to report to the judge any circumstance that affects the psychophysical integrity or the life of inmates.”

Improve the conditions of detention of children when detention is used as a last resort, notably by complying with the international standards as to surface area, ventilation, fresh air, natural and artificial light, proper food, drinking water and hygienic conditions.

563. In view of the frequent crises in juvenile detention centres administered by the Honduran Institute for Children and the Family, the President of the Republic, at a meeting of the Council of Ministers, issued Executive Decree No. PCM-027-2012, declaring a state of emergency in juvenile detention centres throughout the country (Renaciendo, Sagrado Corazón and El Carmen), with a view to improving conditions in those centres, as well as the situation with respect to the rights of juvenile offenders.

564. As mentioned above, a special commission was set up to monitor and provide a response to the state of emergency in the detention centres operated by the Honduran Institute for Children and the Family. The commission has the following terms of reference: (a) to review the increase in the budget approved for the Honduran Institute for Children and the Family for fiscal year 2012 with the authorization of the National Congress; (b) to submit a report on the state of and damage to the detention centres; (c) to draw up a plan for repairing and remodelling the infrastructure, equipment and furnishings of the centres; (d) to ask the courts to conduct immediately a review of the case files with a view to taking steps, as a matter of urgency, to ease overcrowding in the detention centres; (e) to conduct a census of the population in the centres; (f) in coordination with civil society, to review the special re-education and reintegration programmes applied for juvenile residents.

565. The judiciary, for its part, handed down decisions and sentences that reflect these recommendations for improving conditions of detention of children when detention is used as a last resort, and call for compliance with international standards as to surface area, ventilation, fresh air, natural and artificial light, proper food, drinking water and hygienic conditions in two of the closed detention centres, namely, Renaciendo and El Carmen.⁸⁸

Establish an independent child-sensitive and accessible system for the reception and processing of complaints by children and investigate, prosecute and punish any case of mistreatment or abuse committed.

566. Regarding prohibition of torture and other cruel, inhuman or degrading treatment, violence, abuse, neglect and maltreatment, corporal punishment, sexual exploitation and

⁸⁸ Reply by the judiciary to the questionnaire sent in preparing the fourth and fifth reports to the Committee on the Rights of the Child, p. 52.

trafficking and administration of juvenile justice, the judiciary is taking steps to improve the response of law enforcement to complaints of violations of the rights of the child. Increased use has been made of the services of psychologists and social workers, who have made an important contribution in these areas. The Judicial School has provided training for judges and auxiliary staff, a development that is gradually being reflected in the decisions they have issued; however, much remains to be done in order to achieve the desired results. Sentences have also been handed down on matters such as food, restoration of rights, health and others.⁸⁹

Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, notably by informing parents when the child is detained.

567. In the context of the comprehensive reform of child and family programmes, article 180 of the Code on Children and the Family was amended so as to ensure that in most cases, juvenile offenders are not separated from their family and social environment. The article, as amended, reads as follows:

“Article 180

Children are not subject to the ordinary or common criminal courts, and they may only be held liable under the terms of this Code for illicit actions or omissions they commit.

The provisions of this Title shall only apply to children who are over twelve (12) years old who commit an offence or a misdemeanour.

Children under twelve (12) years of age are not delinquents; in the event that they do commit a criminal offence, they shall be afforded, through the Honduran Institute for Children and the Family, only such special protection as is required in their case, and every effort shall be made to ensure that they receive a well-rounded upbringing.

The purpose of the special justice system for adolescent offenders is to ensure that they are fully rehabilitated and reintegrated into their families and the community. Accordingly, the Honduran Institute for Children and the Family shall create a system of specialized care for adolescents in such a situation, with decentralized programme and specialized care, centred on biological, psychological, social and educational aspects. *To that end, every effort shall be made to ensure that adolescents on whom measures have been imposed are not transferred away from their habitual residence by setting up local programmes for both alternative non-custodial measures and custodial measures.* Assistance shall be received from local governments with whom technical and financial cooperation agreements shall be signed, and they shall share responsibility for the administration and supervision of the measures applied.”

⁸⁹ *Op. cit.*, p. 47.

XXV. Indigenous children

The State party should pursue measures to address effectively the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children taking into due account the recommendations adopted by the Committee on its Day of General Discussion on the rights of indigenous children in September 2003.

568. The report on the Status of Indigenous and Afro-Honduran Children was conducted in 2011 with the support of UNICEF. This study was coordinated by the Honduran Institute for Children and the Family and the Ministry for Indigenous and Afro-Honduran Peoples in order to have an accurate diagnosis of the situation with regard to the rights of indigenous children. The study is especially helpful in that it provides evidence for helping indigenous and Afro-Honduran children and measures the extent to which the rights of these children are being fulfilled. It serves as a documentary basis for the development of public policies aimed at improving the living conditions of these vulnerable groups and ensuring that resources are assigned and prioritized according to their needs.

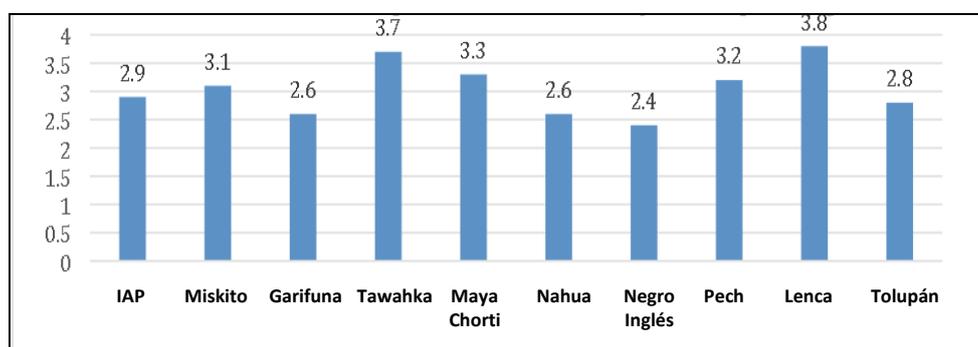
569. The study was conducted among seven indigenous and two Afro-Honduran groups, namely, the Miskito, Garifuna, Tawahka, Maya Chorti, Nahua, Negro Inglés, Pech, Lenca and Tolupán peoples. Twenty-three communities were visited, and 1,167 households were surveyed, covering approximately 15 per cent of the dwellings included in the frame of reference of the Programme for the Comprehensive Development of Indigenous Peoples of the National Institute of Statistics.

570. At present, the indigenous and Afro-Honduran peoples have a young population, with a significant percentage of children and young people. The 2011 Survey of the Status of Indigenous and Afro-Honduran Children shows that 52.6 per cent of that population is under 18 years old; within that range, most are between 6 and 12 years old (41 per cent); they are followed by children under 5 (34 per cent) and those between the ages of 13 and 17 (25 per cent).

571. According to the same source, indigenous and Afro-Honduran households have on average 2.9 children; the Tawahka, Maya Chorti, Miskito and Pech peoples average 3 children per household. These figures, along with the low income levels of these groups, are indicative of the serious inequalities, exclusion and lack of opportunities prevailing among indigenous and Afro-Honduran children.

Figure 9

Average number of children per household



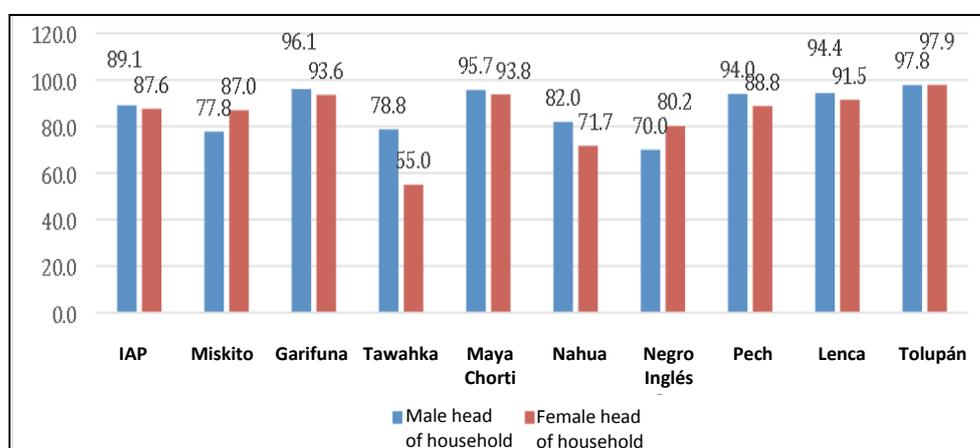
Source: Survey of the Status of Indigenous and Afro-Honduran Children, 2011.

572. Poverty affects 88.7 per cent of indigenous and Afro-Honduran children (relative poverty: 10.4 per cent, extreme poverty: 78.4 per cent). The phenomenon of extreme poverty is especially serious among Toluþán, Lenca and Pech children, with over 88 per cent living in extreme poverty. The remoteness of their territories from the central corridor of the country, the predominance of subsistence farming and the longstanding discrimination against their inhabitants undoubtedly contribute to this situation.

573. The survey data also show that at the aggregate level of the nine people groups, there are no significant differences between poverty levels in households headed by men and those that are headed by women. At the individual level, however, there are fairly significant differences among the Tawahka and Nahua peoples, where poverty is markedly higher in households headed by men; the opposite is the case among the English-speaking Afro-Honduran peoples, where the percentage of poor children in households headed by women is higher than in households headed by men.

Figure 10

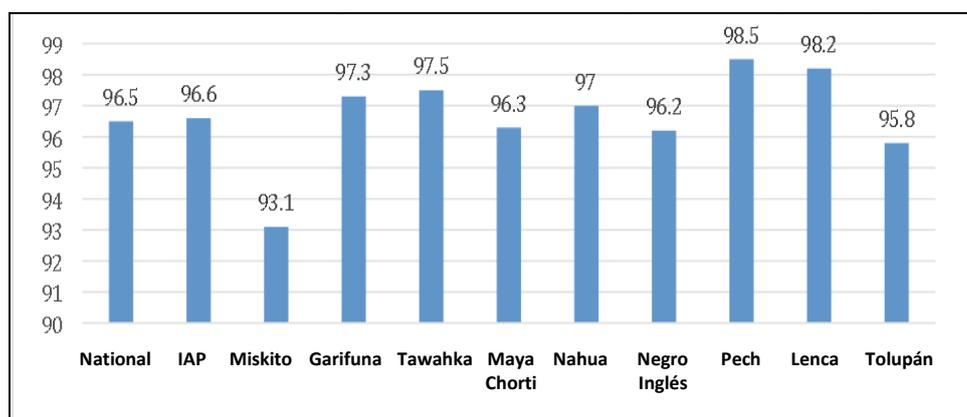
Child poverty, by sex of head of household (percentages)



574. The National Population and Health Survey 2005–2006 shows that 3.5 per cent of children under 5 do not have a birth certificate (3 per cent in urban areas and 4 per cent in rural areas).

575. The lack of birth registrations for children under 5 is no different than in the rest of the country, given that on average, 3.4 per cent of children under 5 do not have birth certificates. This problem is more evident among the Miskito people, where 6.9 per cent do not have birth certificates.

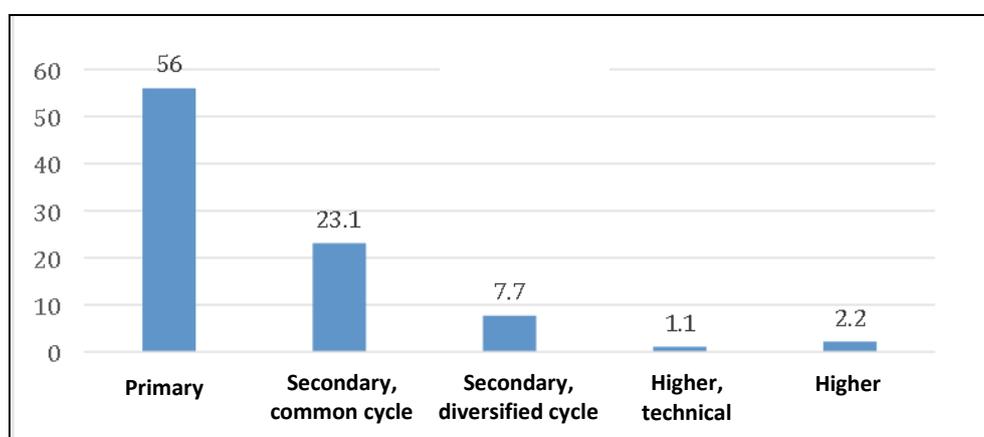
Figure 11
Registration of births (percentage of girls and boys)



Source: Survey of the Status of Indigenous and Afro-Honduran Children 2011. National data: National Population and Health Survey 2005–2006.

576. The survey data also show that the lack of birth registration is lower when the head of household has a higher level of education. In 56 per cent of all cases of non-registration of birth, the parents had only a primary level of education; in 23 per cent, the parents had a secondary education, and in 2 per cent, they had higher education.

Figure 12
Percentage of children without birth registration, by schooling level of head of household



577. The survey shows that according to estimates by the Latin American and Caribbean Demographic Centre (CELADE) and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, in 2008 Honduras had an indigenous population of 855,886, representing 11.2 per cent of the total population of the country in that year; most of that population (84.6 per cent) lived in rural areas.⁹⁰

⁹⁰ UNICEF Honduras. Estado de la Niñez Indígena y Afro Hondureña 2011. Tegucigalpa, December 2011, p. 18.

578. The 2011 Situation Analysis also shows that the indigenous and Afro-Honduran population has an illiteracy level of 14.8 per cent, practically the same as the national average (14.9 per cent) estimated by the May 2011 Household Survey. The illiteracy level is high, however, among the Maya Chorti, Pech and Tolupán peoples, where nearly three of every ten persons aged 15 or older do not know how to read or write. The average level of schooling among indigenous and Afro-Honduran people is 4.8 years. This indicator is especially low among the Maya Chorti, Lenca and Tolupán, where those who do know how to read and write have no more than a third-grade education; by contrast, among the Miskito, Garifuna, Tawahka and Negro Inglés, the population aged 15 or older have completed primary education.

579. With the aim of reversing the vulnerable situation of many indigenous and Afro-Honduran children and affording them equal opportunities to enjoy their rights, more attention is being paid to these children and their families under the Social Protection Policy and the strategic actions undertaken in the context of the Comprehensive Early Childhood Development Policy. The Public Policy and National Plan of Action on Human Rights include important strategic guidelines for protecting the rights of this sector of the population.

580. Through intersectoral actions, the Ministry of Natural Resources and the Environment is implementing the Corazón Transboundary Biosphere Reserve Project in the Mesoamerican Biological Corridor. Between 2010 and 2012, this project implemented management plans that contributed to conservation in high-biodiversity areas in the Corazón Transboundary Biosphere Reserve, while respecting the rights of traditional populations. These high-impact activities included updating the Patuca National Park Management Plan and signing a direct contract with the Alianza Verde indigenous non-governmental association to update the Río Plátano Management Plan. These actions generated jobs in 90 per cent of the indigenous communities in the protected areas of the country; the project's main zone of influence is the Honduran Mosquitia region.

581. On the subject of legal certainty, the Procorridor Project of the Ministry of Natural Resources and the Environment led to the creation of a *catastro* (land registry system) for the department of Atlántida, implementation of a census in three protected areas, granting of 339 usufruct agreements and the issuing of land titles to the State for an area of 34,610 hectares which were registered as part of the patrimony of inalienable public forest. The project was implemented through 130 contracts for subsidies to civil society organizations, municipalities, public institutions and community groups, which were assigned through a competitive process involving broad participation by the populations of the municipalities concerned, as well as the municipal transparency commissions and the monitoring commissions for most municipal subsidies. In the area of influence of the Procorridor Project, which includes the Río Plátano Reserve, Patuca National Park and Tawahka Reserve, 60,000 individuals, 64 indigenous communities, 101 mestizo communities and 6,699 families with 21,000 children, were benefitted.

582. The Ministry of Natural Resources and the Environment granted 23 formal scholarships in 2011 and 65 in 2012 to the same number of children belonging to the Pech people group. The National University of Agriculture granted 16 scholarships to young people of the Tahwakas, Miskito, Pech and Garifuna groups, and in 2012, it granted 37 scholarships.

XXVI. Optional Protocols to the Convention on the Rights of the Child

The Committee reminds the State party that its initial reports under both the Optional Protocols to the Convention have been due since 2004 and encourages their speedy submission, simultaneously if possible, to facilitate the review process.

583. In response to this recommendation, the Ministry of Justice and Human Rights coordinated the preparation, in a participatory process involving public institutions and broad consultations with civil society organizations, of the initial reports on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict. The reports were submitted to the Committee in November 2012, and it is expected that they will be considered jointly with this report at a forthcoming session.

XXVII. Follow-up and dissemination

A. Follow-up

The State party should take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the National Congress, and to provincial or State Governments and Parliament, when applicable, for appropriate consideration and further action.

584. In response to the Committee's recommendations, the State of Honduras has designed a number of key public policies, created social programmes, conducted studies and research and collected data, which have served as a basis for drafting and adopting significant legislation on children and the family.

B. Dissemination

The Committee further recommends that the third periodic report (2006) and written replies submitted by the State party and related recommendations (concluding observations of 2007) that it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

585. In 2007, the Honduran Institute for Children and the Family publicized the concluding observations so that the State could comply with the recommendations, especially in connection with requests for budgetary increases and the need for a realistic budget that will enable the institution to fulfil its mandate. Along with these requests, copies are transmitted to the President of the Republic, the Office of the First Lady, the National Congress and the Ministry of Finance. They are also distributed among the technical staff in order to change working methods, especially in the re-education and social reintegration programme.

586. In addition, the Children's Rights Observatory has participated in dissemination of the *Cartilla de Indicadores Año 2009* (List of Indicators 2009); dissemination of information on the Children's Rights Observatory in 2010 at the Villa Real Convention Centre and the launch of the Children's Rights Observatory in 2011 at the Presidential Palace.

XXVIII. Concluding remarks

587. After receiving the Committee's recommendations on the third periodic report on the Convention on the Rights of the Child, the State of Honduras took a number of administrative, legislative, judicial and other measures aimed at complying with its international obligations in respect of the rights of the child and, in particular, to respond to the aforementioned recommendations.

588. Progress was made in harmonizing legislation on children through the project on consolidation of domestic legislation known as the comprehensive reform of child and family programmes. As indicated above, this was one of the most significant advances in domestic legislation undertaken by the State of Honduras to adjust to international legal standards.

589. The broadening of protection for the rights of the child was supplemented with the ratification of or accession to a number of important international treaties. This legal framework was further substantiated with the design and implementation of key public policies that enable the State to meet its obligation to recognize, respect, protect and guarantee the rights of the child.

590. The main public policies for facilitating compliance with this obligations are the Policy on Accelerated Reduction of Maternal and Infant Mortality, the second Plan of Action for the Prevention and Eradication of Child Labour in Honduras 2008–2015, the National Policy on Women and the Second Gender Equality Plan 2010–2022, the Road Map for the Prevention and Eradication of Child Labour and Its Worst Forms, the National Policy and Strategy on Food and Nutrition Security, the National Climate Change Strategy, the National Youth Policy, the Comprehensive Public Policy on Harmonious Social Relations and Citizen Security 2010–2022, the Social Protection Policy, the Comprehensive Early Childhood Development Policy, the Policy on Decentralization for Development, the first Public Policy and National Plan of Action on Human Rights (the National Plan of Action has a duration of ten years, i.e., from 2013 to 2022), the National Standards for Maternal and Newborn Care, the Solidarity Housing and Solidarity Loan Programme, the *Bono 10,000* Presidential Programme on Health, Education and Nutrition, the Presidential Programme on Coordination of the Housing Sector, the *Desarrollemos Honduras* Supplementary Income Programme, the National Literacy Programme and the National Agreement on Economic Growth with Equity.

591. The State of Honduras considers that this report describes the significant advances that have been made in terms of legislation, institutions and implementation of public policies designed to improve the observance of the rights of the child in Honduras. The State is aware of the serious structural situation that limits the enjoyment of those rights, and realizes that not enough has been done. Nevertheless, a significant effort has been made, and it must be continued by the current and future governments in order to achieve minimum standards for the enjoyment of the rights of the child recognized by the Committee.
