



Convention on the Rights of the Child

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Committee on the Rights of the Child

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

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Honduras (CRC/C/HND/4-5) at its 1994th and 1996th meetings (see CRC/C/SR.1994 and 1996), held on 20 and 21 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

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

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

3. The Committee welcomes the ratification of/accession to:

- (a) Convention on the Rights of Persons with Disabilities, in 2008.
- (b) Convention for the Protection of All Persons from Enforced Disappearance and its Inquiry procedure, in 2008.
- (c) Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2010.
- (d) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2008.
- (e) Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, in 2011.

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

(f) Protocol to the American Convention on Human Rights to Abolish the Death Penalty, in 2011.

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

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

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

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

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

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

(a) The creation of the Directorate of Childhood, Adolescence and Family (Dirección de Niñez, Adolescencia y Familia - DINAF), in 4 June 2014, replacing the Honduran Institute of Childhood and Family (Instituto Hondureño de la Niñez y de la Familia).

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

(c) The Comprehensive Early Childhood Development Policy, of 21 August 2012.

(d) The Social Protection Policy, of 8 March 2012.

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

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

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

(h) The National Youth Policy, of 21 December 2010.

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

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

III. Main areas of concern and recommendations

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

Legislation

7. The Committee notes with appreciation the efforts to harmonize national legislation with the Convention, in particular the reform of the Code for Children and Adolescence, Family Code, Civil Code, Criminal Code, Code for Criminal Procedure and the Law on Domestic Violence. The Committee is however concerned with the limited implementation of child related laws.

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

Comprehensive policy and strategy

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

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

Coordination

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

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

Allocation of resources

13. The Committee is concerned with the steady decrease, as a percentage of the total budget, of direct expenditure on children and its impact on the Social Protection Policy and the Public Policy on Comprehensive Early Childhood Development. The Committee welcomes the steps taken by the State party to institutionalize the measurement of public

investment in childhood and its impact on children but is concerned about the lack of a participatory budgeting process with a child's rights perspective and of taking due consideration of the situation of children in vulnerable situations.

14. In the light of its Day of General Discussion in 2007 on “Resources for the rights of the child – responsibility of States”, the Committee recommends that the State party:

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

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

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

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

Data collection

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

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

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

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

(d) Despite progress in data collection, information not being used by State institutions to support policy formulation.

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

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

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

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

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

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

Independent monitoring

17. While acknowledging the work of the Very Special Defender of Children within the National Human Rights Commission and the creation of the Municipal Child Rights Defenders, the Committee remains concerned that an independent human rights institution focused on children is still lacking and that the municipal defenders do not exist in all municipalities. The Committee is also concerned with the current “B” status of the National Human Rights Commission.

18. **In the light of its General Comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:**

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

(b) Make Municipal Child Rights Defenders available in all municipalities.

(c) Take the necessary measures to ensure compliance of the National Human Rights Commission with the Paris Principles;

Dissemination and awareness-raising

19. While the Committee recognises the different awareness activities conducted by the State party to disseminate information on children’s rights, it remains concerned with the generalised lack of knowledge and compliance with children’s rights and with the continuity of those activities.

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

Training

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

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

(a) Develop systematic and ongoing training programmes on children’s rights for all professionals working with and for children, such as judges, lawyers, law

enforcement officials, but also civil servants, teachers, health personnel, psychologists, social workers and journalists;

(b) Integrate the teaching of human and children's rights to students of all ages, and

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

Cooperation with civil society

23. The Committee welcomes the steps taken by the State party to ensure the systematic coordination between public and civil society institutions which resulted in the adoption of several laws, policies and programmes to implement children's rights. The Committee is however concerned about the lack of involvement of independent civil society in monitoring and evaluation processes of those public measures. The Committee is concerned about restrictions against defenders of children's rights, such as the case of Jose Guadalupe Ruelas, director of Casa Alianza, beaten and jailed by the military police on 8 May 2014.

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

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

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

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

Non-discrimination

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

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

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

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

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

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

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

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

Best interests of the child

27. The Committee welcomes the measures taken by the State party to include the right of the child to have his/her best interests taken into account as a primary consideration in the legal framework, to strengthen the judiciary on the application of this right and to

provide legal aid services to the population. The Committee is however concerned that the right of the child to have his or her best interests taken into account as primary consideration is not applied in practice, namely in the areas of migration, labour, and civil and police matters.

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

(a) Strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;

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

Right to life, survival and development

29. The Committee remains deeply concerned about:

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

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

30. The Committee recommends that the State party:

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

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

(c) Promptly proceed with the adoption of the draft Law on Control of Firearms, explosives and similar.

Respect for the views of the child

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

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

C. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration

33. The Committee welcomes the steps taken by the State party to increase birth registration, including decriminalisation of late registration, public awareness campaigns and the expansion of the National Registry Office, in particular in locations with predominant indigenous or Afro-Honduran communities and in remote areas but remains concerned about the still low levels of registration in border and indigenous areas.

34. The Committee calls on the State party to continue taking all necessary measures to ensure registration of all children, including through the technical assistance of UNICEF and UNDP.

Freedom of association and peaceful assembly

35. The Committee notes the steady decrease of children arrested under article 332 of the Criminal Code, on Illicit Association, however the Committee remains concerned that it still allows the Police and Prosecution to arbitrarily detain children which results in the stigmatization of children belonging to *maras* or due to their appearance.

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

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

Children involved in *Maras*

37. The Committee notes the adoption by the State party of the National Programme for the Prevention, Rehabilitation and Social Reinsertion of members of *maras* and the 2010 Update on the Situation of *Maras* and Gangs in Honduras. However, the Committee is extremely concerned about:

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

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

(c) The prevalence of a repressive approach to youth violence, based inter alia on article 332 of the Criminal Code, the creation of Anti-gangs Units in the National Police and the Armed Forces;

(d) The creation of the “Guardians of the Fatherland” programme aiming at training 25,000 children at social risk yearly, who participate in activities carried out by military units and in installations of the Armed Forces.

38. The Committee recommends that the State party:

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

(b) Provide adequate human, technical and financial resources to the Programme for the Prevention, Rehabilitation and Social Reinsertion of member of *maras* and empower DINAF to fulfil its mandate of coordinating public policies to prevent violence and participation of children and adolescents in *maras*;

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

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

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

Freedom of the child from all forms of violence

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

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

Corporal punishment

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

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

Abuse and neglect

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

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

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

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

Sexual exploitation and abuse

45. The Committee welcomes the establishment of the Inter-Institutional Commission on Sexual Exploitation and Trafficking in Persons and the creation of special units within the Police and the Public Ministry to investigate and prosecute such offenses. However, the Committee remains concerned about

(a) The lack of detailed and concrete information regarding the number of investigations, prosecutions and convictions issued;

(b) The lack of coordination among government mechanisms;

(c) The lack of psychosocial support, rehabilitation and reintegration for child victims;

(d) The lack of preventive and protective measures targeting children at special risk, namely children in street situations, indigenous children, and child domestic workers in particular girls.

46. The Committee recommends that the State party:

(a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of child sexual abuse and exploitation and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;

(b) Effectively investigate and prosecute reported cases of sexual exploitation and abuse against children and issue appropriate sentences, and report on these cases in its next report;

(c) Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse;

(d) Proceed with the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Harmful Practices

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

48. In the light of its General Comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party take all necessary measures to enforce respect for the minimum age of marriage, for both girls and boys, which is

set at 18 years. The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls.

Helplines

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

50. The Committee recommends that the State party:

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

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

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

Family environment

51. The Committee welcomes the adoption of the Responsible Parenting Act, the Comprehensive Early Childhood Development Policy, the Social Protection Policy and the creation of the National System for the Protection of Children with a focus on the special protection of children in a position of vulnerability. However, it is concerned about the ineffective implementation of these plans and in particular the limited impact of social programmes in reducing poverty notably in rural and indigenous areas. The Committee is also concerned that care services for children of working parents remain inadequately available.

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

Children deprived of a family environment

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

54. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009, and in particular:

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

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

(c) Review the locations where children are institutionalised to prevent their uprooting from families and communities, in particular children from indigenous or ethnic groups;

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

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

56. The Committee requests the State party to provide information on the evaluation and reorganization of the Comprehensive Child Care Centres.

Adoption

57. The Committee recommends that the State party expedite the approval of the Special Law on Adoptions and consider ratifying the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

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

59. Taking into account its General Comment No. 9 (2006), the Committee recommends that the State party:

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

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

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

(d) Carry out a review of the situation of children enrolled in the special education system with a view to incorporating them into the mainstream education system as soon as possible;

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

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

Health, health services and breastfeeding

60. The Committee welcomes the decline of infant and under-5 mortality and the adoption of the Breastfeeding Law but is concerned about the delay in adopting a primary health-care strategy and the limitations imposed on the Expanded Programme of Immunization.

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

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

Mental health and drug and substance abuse

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

63. The Committee reiterates its recommendation (CRC/C/HND/CO/3 para. 61 (b)) to the State party to provide adequate access to mental-health services for all children and develop specialized and youth-friendly drug-dependence treatment and harm reduction services for children and young people.

Adolescent health

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

65. In the light of its General Comment No. 4 (2003) on adolescent health, the Committee recommends the State party to:

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

HIV/AIDS

66. The Committee notes the draft of a bill proposing comprehensive amendments to the 1999 Special Law on HIV/AIDS, and welcomes the development of the National AIDS Strategic Plans and the increase in budget allocations to fight HIV/AIDS. However, the Committee remains concerned about the high rate of new cases registered, especially among adolescents, and the still limited availability of services provided, in particular to prevent vertical transmission.

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

- (a) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;
- (b) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a roadmap to ensure the implementation of effective preventive measures;
- (c) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;
- (d) Improve access and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women;
- (e) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

Standard of living

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

69. The Committee recommends that the State party:

- (a) Strengthen the institutional capacities for the implementation, monitoring and evaluation of social-economic measures;
- (b) Increase efficiency of actions to reduce poverty;
- (c) Intensify its efforts to reduce chronic malnutrition;
- (d) Improve access to water and sanitation in rural, indigenous and Afro Honduran areas.

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**Education, including vocational training and guidance**

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

- (a) The decrease of financial allocations to education in relation to the central budget;
- (b) The high dropout rate in particular in rural and indigenous areas;

(c) The low enrolment rate in pre-school and secondary education in particular in rural and indigenous areas.

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

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

(b) Reduce dropout rates in particular in rural, remote and indigenous areas;

(c) Continue to support pre-school education and substantially increase access to secondary education.

Human rights education

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

Rest, leisure, recreation and cultural and artistic activities

73. The Committee notes the inclusion of the right to rest, leisure and play of children in the National Education Curriculum. The Committee is concerned that progress has been limited with no government institution taking the lead in the implementation of this right, with the lack of spaces for recreation, within and outside schools and with the few available not having a gender perspective and often excluding girls.

74. In the light of its General Comment No. 17 (2011) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party identify the governmental institution with the responsibility to take the lead to promote and protect this right, including the mobilization of national and municipal institutions and organizations.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Children in situations of migration

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

(a) The lack of policies or permanent programmes to address the root causes and structural factors that lead to the irregular and unaccompanied migration of children;

(b) The detention in third countries of children waiting to be repatriated for unknown periods of time;

(c) The lack of appropriate mechanisms to monitor and evaluate repatriation processes, including family and social reintegration;

(d) The impact of the migration of adult family members on the security and welfare of children left behind in the State party.

76. In the light of its Day of General Discussion on the Rights of all children in the context of international migration in 2012, the Committee recommends the State party to:

- (a) Develop and implement a comprehensive human rights-based policy and programme to address the root causes of the irregular and unaccompanied migration of children;
- (b) Take all necessary measures to end the administrative detention in third countries of migrant children waiting to be repatriated and ensure that migrant children are informed about their legal status, fully understand their situation and have access to public defence services and/or guardians throughout the process. Children should also be informed about their possibility to contact their Consular Services;
- (c) Collect disaggregated data related to cases of children's repatriation, including their reintegration in their families and communities;
- (d) Collect disaggregated data on the situation of children of migrant family members left behind in the State party.

Indigenous and Afro-Honduran children

77. The Committee welcomes the creation of the Secretary of Indigenous Peoples and Afro descendants and the 2011 study on the Status of Indigenous and Afro-Honduran Children. The Committee is nevertheless still concerned about:

- (a) The extremely high rate of poverty of indigenous and Afro-descent children;
- (b) The enduring practice of child labour, including in its worst forms among indigenous and Afro-descent children;
- (c) The impact of laws and programmes promoting the exploitation of natural resources on the right of indigenous and afro-descent children and their families to ownership of the lands they inhabit.
- (d) The increased militarization and excessive use of force in the context of disputes over land and natural resources, especially in communities where indigenous and afro descendants are settled, and the impact of evictions on children's welfare.

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

- (a) Expeditiously implement measures to decrease the poverty of indigenous and Afro-descent children;
- (b) End the practice of child labour, in particular in its worst forms, among indigenous
- (c) Review and refrain from implementing laws and programmes promoting the exploitation of natural resources that negatively impact children's rights;
- (d) Monitor and review governmental actions in the context of disputes over land and natural resources, and investigate and prosecute cases of excessive use of force.

Economic exploitation, including child labour

79. The Committee welcomes the measures taken to combat child labour, but it remains concerned about the lack of harmonization of the Labour Code with international standards, including the ILO convention no. 138 concerning Minimum Age for Admission to

Employment, the continuing high rates of child labour, and the inability of the labour inspectorate to identify cases of child labour.

80. The Committee recommends that the State party:

- (a) Harmonise the Labour Law with the laws on the rights of children and ensure its effective application;
- (b) Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;
- (c) Harmonise the labour code with ILO convention no. 138 and ratify ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers, and in this regard, seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organisation (ILO).

Children in street situations

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

82. The Committee recommends the State party to:

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

Administration of juvenile justice

83. The Committee welcomes the decline of number of arrests under article 332 of the Criminal Code ("illicit association") and its current review, the amendment of article 260 of the Code on Children and Adolescents to stipulate periodic inspections of pre-trial detentions, the restructuring of the judicial chain and the adoption of a new special criminal system. However, the Committee remains concerned about:

- (a) Court decisions following a punishment rationale with little consideration for alternative measures;
- (b) The disrespect for pre-trial time limits;
- (c) The limited ability of centres for juvenile offenders to provide effective rehabilitation;
- (d) The adoption of new provisions in the constitutional reform of 2012, which extend the detention period from 24 to 48 in "serious cases", without exception criteria for detained children or a clear definition of what "serious cases" means;
- (e) The lack of information on cases of abuse of authority and torture, cruel, inhumane and degrading treatment of adolescent offenders at the hands of authorities responsible for operating centres for the deprivation of liberty;

(f) Instances of gang violence within detention centres that resulted in the deaths of several child detainees;

(g) The recurrent discussions and proposals to decrease the age of criminal responsibility.

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

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

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

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

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

(e) Promptly investigate and prosecute cases of death during detention and the measures taken to address them;

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

I. Ratification of the Optional Protocol on a communications procedure

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

J. Cooperation with regional bodies

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

IV. Implementation and reporting

A. Follow-up and dissemination

87. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues of the State party and

the present concluding observations be made widely available in the languages of the country.

B. Next report

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

89. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).
