



Convention on the Rights of the Child

Distr.: General
28 May 2015

Original: English

Committee on the Rights of the Child Sixty-ninth session

Summary record of the 1994th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 May 2015, at 10 a.m.

Chairperson: Ms. Oviedo Fierro (Vice-Chairperson)

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In the absence of Mr. Mezmur, Ms. Oviedo Fierro (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

*Combined fourth and fifth periodic reports of Honduras (continued)
(CRC/C/HND/4-5; CRC/C/HND/Q/4-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Honduras took places at the Committee table.*
2. **Ms. Winter** (Country Rapporteur) said that the case of a girl who had died because she had been denied an abortion had taken place in Paraguay and not, as she had stated at the previous meeting, in Honduras. She apologized for the error and asked whether her correction was clear. She nonetheless stressed that girls in Honduras often found themselves denied abortions, too, and that there had been reports that Honduras was planning to stiffen the penalties for abortion.
3. **Mr. Rodríguez Reyes** (Country Rapporteur) said that he would welcome a reply to his earlier question, namely, what measures had been taken to prevent violence against children and adolescents, in particular homicide.
4. **Ms. Salas Montes** (Honduras) said that the delegation of Honduras was grateful for Ms. Winter's explanation. With regard to the mock kidnapping about which a question had been asked, the delegation had consulted the relevant authorities in Honduras but had been unable to obtain any information. Additional information, such as names, dates or locations, would make it possible to ascertain whether such an act had indeed taken place in Honduras.
5. **Ms. Urbina Soto** (Honduras) said that no amendment to lower the age of criminal responsibility had been introduced. Special judicial procedures applied to minors between 12 and 18 years of age, and acts committed by children under 12 were not punishable by law. The authorities were well aware that lowering the age of criminal responsibility and lengthening custodial sentences were not the answer to the country's crime problems.
6. Abortion was categorized as a criminal offence under Honduran law. No young women were currently in prison for having had an abortion, but at least two had been prosecuted. The courts had handed down non-custodial sentences in those cases. Lawmakers had taken no steps to stiffen the penalties for abortion.
7. The amendments to the Breastfeeding Promotion Act had entered into force with their recent publication in the Official Gazette. As part of the changes instituted, health professionals associations were assigned seats on the board of the National Council on Breastfeeding. Manufacturers and distributors of infant formula had initially opposed the reforms, as they involved labelling requirements and restrictions on advertising, but a consensus had ultimately been reached.
8. **The Chairperson** said that she welcomed the confirmation that the age of criminal responsibility was not being lowered and that legislative efforts to protect and promote breastfeeding had been intensified.
9. **Ms. Salas Montes** (Honduras) said that the Directorate for Child, Adolescent and Family Affairs had consistently and publicly opposed any proposal to lower the age of criminal responsibility as that would be incompatible with the country's obligations under the international human rights treaties it had ratified.
10. **The Chairperson** asked whether girls whose pregnancies posed a serious risk to their health were allowed to obtain an abortion.

11. **Ms. Batres Cruz** (Honduras) said that all girls and women who were admitted to a hospital or clinic after having had an abortion were given appropriate treatment. Efforts to reduce the rate of teenage pregnancy, which was the second-highest in the world, included a campaign led by the First Lady and the opening of family planning centres exclusively for adolescents at a number of schools.
12. **Ms. Ayoubi Idrissi** asked whether abortion was permitted by law in the case of young girls who had become pregnant as a result of sexual abuse or exploitation. She also wished to ascertain whether abortion was illegal even in the case of a pregnancy resulting from incest.
13. **The Chairperson** said that she welcomed Ms. Batres Cruz's response but wished to know exactly what happened when a girl's pregnancy threatened her life or health. Would an abortion be performed in that case?
14. **Ms. Ponce Aguilera** (Honduras) said that abortion was not permitted by law under any circumstances, including those mentioned by the Committee members. As a rule, however, doctors who performed medically necessary abortions were not prosecuted.
15. **Ms. Alvarenga Castellanos** (Honduras) said that a number of reforms had been implemented recently to safeguard the rights of minors facing criminal prosecution. Restorative justice, which provided an avenue for righting the wrong caused by an offence, was one of the guiding principles of the new criminal justice model; judges, prosecutors and other justice officials had attended a number of courses on the topic. Juvenile courts tended not to give minors custodial sentences but instead gave preference to socio-educational measures.
16. **Ms. López Rivera** (Honduras) said that child labour in Honduras was more prevalent in rural areas, especially in the agricultural, forestry, fisheries, retail and construction sectors. The average monthly wage of child labourers nationwide was estimated at 1,700 lempiras, or around US\$ 75. On average, those children had 5.6 years of schooling.
17. **Ms. Ayoubi Idrissi** enquired about the results of the 2008–2015 action plan that the State party had implemented with the assistance of the International Programme on the Elimination of Child Labour. She asked the delegation to comment on reports that, in 2011, several thousand inspections had turned up not a single violation of child labour laws.
18. **Mr. Ulloa Zelaya** (Honduras), in addressing the questions about education, said that, as the result of a 2013 study conducted by the United Nations Children's Fund (UNICEF) and a Honduran university, the authorities had put in place a policy designed to close the gaps in access to preschool education over the following three years. While access to primary education was nearly universal, access to secondary education was not and there was no clear policy for increasing accessibility. Targeted educational programmes had been in place for Afro-Honduran and indigenous children since 1997. School curricula had been updated to ensure inclusiveness and respect for human rights. Teachers had received specialized training to work with Afro-Honduran and indigenous communities.
19. **Mr. Cardona Llorens** asked whether the State party had specific plans to make secondary education more broadly accessible and to provide increased educational opportunities for children in indigenous communities. If it did not, the Committee could attempt to assist in that area through its recommendations.
20. **Mr. Ulloa Zelaya** (Honduras) said that Honduras would welcome all recommendations for improving access to education. There was a proposal to open secondary schools in 36 currently uncovered municipalities, but that would extend coverage to only about 15,000 young people.

21. **The Chairperson** said she understood that only 42 per cent of children of secondary-school age were in school and asked whether the delegation could indicate how many places still needed to be found for the large percentage of children in that age group who were not in school.

22. **Mr. Ulloa Zelaya** (Honduras) said that he did not have the information on hand but that it could be sent in writing at a later date. In that connection, he said that the Ministry of Education offered a number of programmes for young people as alternatives to secondary education, but the statistics on enrolment in those programmes were not fully reliable. The Ministry's budget — as a share of the gross domestic product — had shrunk in recent years. The social sciences component of the national primary school curriculum included instruction in the rights and responsibilities of children. Teachers' guides to comprehensive sex education had been developed in 2010; and, although many sectors of the population still needed to be convinced of the importance of sex education for young people, progress was certainly being made.

23. **Mr. Rodríguez Reyes** said that he would welcome more specific information about the advances made in sex education.

24. **The Chairperson** said that, according to reports received by the Committee, the teachers' strikes in recent years had resulted in the loss of as much as two to three years of classes. She wished to know how the lost time was to be made up.

25. **Ms. Ayoubi Idrissi** enquired about the alternative models of education for children who were not attending secondary school. She wished to know what methods were used and what population groups were targeted.

26. **Mr. Ulloa Zelaya** (Honduras) said that the progress regarding sex education involved mainly teacher training and the distribution of teachers' guides, copies of which could be provided to the Committee. The alternatives to formal secondary education included such initiatives as the Honduran Community Education Programme and the Literacy and Basic Education Programme for Young People and Adults of Honduras. The programmes chiefly served young people in remoter areas of the country.

27. The Ministry of Education had taken firm action to keep schools open and also to make up the time lost to teachers' strikes. The school day, for example, had been lengthened by 30 minutes at some 11,000 schools, and twice a month students were attending additional Spanish and mathematics classes on Saturdays.

28. The National Plan for Inclusive Education sponsored campaigns to make educators and the general public aware of the right of children with disabilities to education, 2014 having been designated the Year of Quality Inclusive Education. Resource centres were being established at 140 mainstream schools that were set to receive 7,000 children with disabilities. Training programmes were in place to equip primary school teachers to work with children with disabilities, and one of the country's universities offered a degree in special education. Most of the 62 facilities offering inclusive education, however, were operated by NGOs rather than the State. The Honduran authorities were well aware that the State needed to do more to fulfil its obligations in that area.

29. **Mr. Cardona Llorens** said that there appeared to be a very high percentage of children with disabilities who did not attend any kind of school. He therefore wished to know whether there were plans to make the necessary changes to school curricula.

30. **Mr. Ulloa Zelaya** (Honduras) said that for the moment there was only the awareness-raising campaign, for which travelling teacher trainers had been mobilized.

31. **Ms. Salas Montes** (Honduras) said that the planned creation of an umbrella agency to coordinate social protection efforts would enable the authorities to centrally collate data

from various sources and provide a more accurate picture of the country's progress towards the realization of children's rights.

32. **Ms. Cueva** (Honduras) said that the recently established National Centre for Information on the Social Sector had helped to identify nearly 80,000 children with disabilities. The Ministry of Education would rely on those data, which were broken down by age, gender, location and ethnicity, to develop appropriate strategies. As the Comprehensive Early Childhood Development Policy and the Social Protection Policy had been adopted only in 2012, the State party had not yet carried out impact assessments; it would do so five years after initial implementation.

33. **The Chairperson** asked what sort of coverage the policies were expected to have.

34. **Ms. Cueva** (Honduras) said that the policies would apply throughout the country. Thanks to the newly established register of migrants who had returned from abroad, the State party was able to provide those persons with emergency foodstuffs, health care, psychological support and vocational training. Moreover, a programme had recently been established to ensure that returning migrant children were immediately re-enrolled in school.

35. **Mr. Kotrane** said that the Committee was concerned about the situation of unaccompanied migrant children. According to the State party's report, 800 such children had been expelled from Mexico in 2011. Had the children been expelled, or had they been repatriated to Honduras under an agreement with Mexico? How many children had been expelled in 2014? What was being done to help returning migrant children to reintegrate into their families and into Honduran society?

36. **Mr. Rodríguez Reyes** said that he welcomed the establishment of the National Institute for Migration and wondered whether the Institute had any protocols or mechanisms that would help to identify children whose lives would be at risk if they returned to Honduras.

37. **The Chairperson** asked the delegation to provide the Committee with data on the causes of migration. Was Honduras trying to address the causes that it had already identified?

38. **Ms. Cueva** said that, according to the National Centre for Information on the Social Sector, 1,371 returned children had migrated for economic reasons, 881 for reasons of family reunification, 281 due to violence and lack of security, 20 due to family violence and 10 due to domestic violence; others had left in search of better educational opportunities. The National Institute for Migration worked closely with the Directorate for Child, Adolescent and Family Affairs and the Commission for the Protection of Persons Displaced by Violence, given that violence in the community had been identified as a cause of migration. Honduras and Mexico had signed a bilateral agreement that provided for the safe, organized return of Honduran migrant children. Most of the children returned by land and received assistance from reception centres upon their return.

39. **Ms. Salas Montes** (Honduras) said that the right to migrate was a human right; however, irregular, clandestine and illegal migration that endangered the lives of migrants must be prevented. The Government was working to create more opportunities in Honduras, particularly in areas of extreme poverty, so that fewer Hondurans would feel compelled to leave the country. The Government was also trying to ensure that migrants who had fled Honduras due to violence and lack of security would be able to stay in a safe place upon their return and receive material and psychological support. Migration was being treated as a high priority issue, and the Government was working with other Governments in the "Northern Triangle" to ensure that Honduran migrant children were safely returned to Honduras and that migrant children passing through Honduras were safely returned to their countries of origin.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

40. **Ms. Ayoubi Idrissi** asked whether Honduras had concluded any readmission agreements. In other words, would the State party readmit foreign migrant children who had transited through Honduras on their way to Mexico or elsewhere? If so, did those children enjoy the same rights and benefits as Honduran migrant children who were repatriated? Was the State party working with the International Organization for Migration (IOM) to strengthen the Government's efforts?

41. **Ms. Salas Montes** (Honduras) said that the Government had sought financial and technical support from IOM on migration issues. It had been working with IOM to develop a model of assistance for migrant children that would take into account the dangers faced by women and children, as they were especially vulnerable to trafficking and sexual exploitation. Six child protection officers would soon be recruited to work in the regional offices of the Directorate for Child, Adolescent and Family Affairs, specifically in the areas where border crossing points used for irregular migration had been identified. The United States Agency for International Development and UNICEF also provided support for migrant children.

42. **Ms. Cueva** (Honduras) said that, with a view to tackling the economic causes of migration, a number of job placement and decent work programmes had been rolled out in high-poverty areas and that microenterprise assistance was provided to women heads of household.

43. **Ms. Salas Montes** (Honduras), in addressing the questions on adoption, said that the State party's lack of legislation in that area constituted a serious gap but that the Congress was currently again considering ratifying the Hague Convention. Adoption procedures often took several years, and children could be placed in foster care with six or more other children for periods of up to eight years. The State party was looking to streamline adoption procedures — as children who were adopted at a very young age grew up with more stability — and also to make those procedures more affordable, as the associated legal fees were often quite significant.

44. **Ms. Ayoubi Idrissi** asked whether the State party followed up at all on domestic adoptions and whether declarations of abandonment took the form of legal or administrative declarations.

45. **Ms. Salas Montes** (Honduras) said that the Directorate followed up on domestic adoptions through its six regional offices. It had already established guidelines on adoption, and the respective office would periodically visit the adoptive homes. As to abandonment, the Directorate investigated all detected cases, but a judge decided whether a declaration of abandonment should be issued.

46. In response to questions raised by Ms. Winter, she said that emergency measures had been taken to segregate some prison populations as a result of the crises and conflicts that had occurred in prisons over the past 18 years. The Directorate considered juvenile justice a priority: 304 youth offenders had already been placed in five juvenile detention centres. Those centres focused on rehabilitation and reintegration, so that young persons were less likely to reoffend in the future. It was hoped that two or three more centres would be built, which would allow for young people to be separated by age and the offence committed. The Directorate had signed an agreement with the Ministry of Education whereby juvenile offenders could receive education and vocational training while in detention. Internal security in penitentiaries had also been strengthened. As of February 2015, there were 50 youth protection agents working inside prisons and an additional 100 agents were being trained. The State party was seeking to promote alternative sentencing, with 189 youth offenders having already received non-custodial sentences.

47. **Ms. Winter** asked whether there were social workers and probation officers working in juvenile facilities to prepare juvenile offenders for conditional or definitive release. She also wished to know whether prison wardens who had been involved in cases of torture had been brought to justice and, if so, how many.

48. **The Chairperson** asked whether children and adolescents were still being arrested solely on the basis of their appearance. According to information before the Committee, hundreds of children under 14 years of age had died violent deaths in Honduras between 2010 and 2013. She asked whether that was still occurring and, if so, what was being done to stop it.

49. **Ms. Salas Montes** (Honduras) said that the Directorate for Child, Adolescent and Family Affairs was not aware of any cases in which children or adolescents had been stigmatized or arrested on the basis of their appearance.

50. There were currently 50 youth protection officers working as guards in the country's five juvenile detention facilities. Persons with military or police training were not allowed to work in those facilities. Acts of torture against minors deprived of their liberty had been verified in one facility, and it had been determined that the director of the facility had played a leading role in those acts. That incident was behind the institutional reform being carried out.

51. **Ms. López Rivera** (Honduras) offered to provide statistical data in writing on arrests of persons under 18 years of age.

52. **Ms. Ayoubi Idrissi** asked whether defence lawyers were appointed for children in conflict with the law who could not afford to hire their own lawyer and whether children in detention could communicate confidentially with their lawyer about any ill-treatment they might suffer.

53. **The Chairperson** asked whether the facility director mentioned previously, or anyone else implicated in the torture of minors deprived of their liberty, had been held accountable.

54. **Ms. Salas Montes** (Honduras) said that the facility in question was still in operation but had been restructured along with other facilities to provide better living conditions for young people deprived of their liberty. The director had been tried and convicted and was currently serving a prison sentence. Several inmates had come forward and offered to serve as witnesses in the investigation; those who had done so had been offered various forms of protection.

55. **The Chairperson** asked what measures had been taken to restore the rights of the young people who had been tortured.

56. **Ms. Salas Montes** (Honduras) said that they had received support from psychologists and social workers. As well, prisoners had been separated according to their age and the crime they had committed in an effort to prevent gang leaders from torturing other prisoners inside detention facilities. A security strategy for youth detention facilities was currently being designed.

57. **Ms. López Rivera** (Honduras) said that the judiciary was responsible for providing public defence services, including legal aid for all accused persons unable to pay for legal representation. There were specialized public defenders for children and adolescents, and a strategic plan covering the period 2011–2016 was intended to provide greater access to justice for vulnerable groups.

58. **Ms. Salas Montes** (Honduras) said that, according to statistics from UNICEF, in 2014 there had been about 5,000 children living on the streets in Honduras. The Government was encouraging municipalities to assume greater responsibility with regard to

that issue and other issues affecting children. A campaign had been launched to combat forced begging, which included measures to create income-earning opportunities for families and thereby lift them out of poverty. The campaign also involved awareness-raising and interviews with experts in the field, such as staff members of NGOs.

59. **Ms. Cueva** (Honduras) said that about 370 persons under 18 years of age had been murdered since 2011. In an effort to tackle the widespread impunity in the country, the Government was working to strengthen procedures to investigate homicides and other crimes. Special units had been established to investigate deaths of persons under 18 years of age and to investigate cases of femicide.

Initial report of Honduras on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HND/1; CRC/C/OPSC/HND/Q/1 and Add.1)

60. **Ms. Winter** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked what percentage of the budget funds allocated to children's welfare was earmarked for implementation of the Optional Protocol. She wished to know whether national law held legal persons responsible for crimes defined under the Optional Protocol, such as travel agencies that arranged sex tourism trips.

61. She asked whether any investigations had been conducted into adoptions that appeared to be a front for the sale or trafficking of children. She requested information about the scope of the jurisdiction of Honduran courts to try offences under the Optional Protocol. She asked whether the Optional Protocol could serve as a legal basis for extradition under Honduran law. She requested information about measures taken to protect child victims, particularly those who were repatriated, and asked whether they were treated as victims or perpetrators of a crime. She wished to know about any financial support provided to assist in their recovery and reintegration in society. She requested information on any agreements signed with other countries concerning the prevention, investigation and prosecution of offences under the Optional Protocol and on training programmes for police officers, justice officials and other professionals who came into contact with victims of child trafficking.

62. The delegation should provide information on any coordination mechanisms that were in place, on assistance provided to child trafficking victims, on the number of cases in which traffickers had been investigated, prosecuted and sentenced, and on the number of cases involving sham adoptions, trafficking in human organs and child slavery in the form of forced domestic and agricultural work. Lastly, she asked if there was a comprehensive, child-appropriate legal framework to protect stateless victims of human trafficking and those who were deported or returned to their countries of origin.

63. **Ms. Ayoubi Idrissi** asked whether the attempt to commit any of the offences set out in the Optional Protocol could be prosecuted in Honduras and whether the national courts held real, personal and universal jurisdiction over such offences. She also wished to know about efforts to rescue and rehabilitate street children and child victims of offences under the Optional Protocol.

64. **Mr. Nogueira Neto** (Country Rapporteur) said that the Committee was concerned that the State party had no strategy to prevent the sale of children, child prostitution and child pornography or to address the root causes of those problems, such as poverty and Honduran society's widespread acceptance of sexual abuse of children. He asked whether the Government would consider conducting scientific studies into the nature and scope of the problem.

65. He asked what specific measures were being taken as part of the programmes for street children and other children at risk to prevent them from falling victim to the offences

set out in the Optional Protocol. He asked whether the Government was prepared to adopt legislation to prohibit child sex tourism and establish penalties commensurate with the offence. Lastly, he encouraged the State party to take measures to change attitudes and raise awareness of sex tourism among the general public and tourism operators.

Initial report of Honduras on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/HND/1; CRC/C/OPAC/HND/Q/1 and Add.1)

66. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that he noted with satisfaction that Honduras had become a party to several international instruments that dealt with some of the issues addressed in the Optional Protocol. Generally speaking, Honduran legislation seemed to be in line with the Optional Protocol. However, the provision setting 18 years as the minimum age for conscription applied only in peacetime. He urged the State party to amend that provision so that it clearly prohibited the involvement of children in armed conflict during wartime as well as peacetime. He asked if any investigations had been conducted into reports that children had been conscripted by the Armed Forces following the 2009 coup.

67. He was concerned that students at the Northern Military Academy might be receiving training in the handling of weapons and that they lacked access to an independent complaint mechanism in the event of ill-treatment. He asked whether the State party planned to formally prohibit and criminalize the involvement of children in armed conflict and to classify the recruitment of children under 15 years of age as a crime against humanity. He wondered how the Government planned to prevent the recruitment of children by non-State armed groups, including gangs. The first step should be to criminalize such recruitment and prosecute those groups.

68. **Mr. Cardona Llorens** asked if it was correct that children over the age of 16 who attended the Northern Military Academy received military and weapons training. He wished to know about the disciplinary methods used at that school.

69. He wondered why the Army was providing training to adolescents on core values through the Guardians of the Nation Programme, as that should not be part of its remit. The delegation should provide further information on that programme and should comment on concerns that some of the minors who participated did so out of fear of the consequences of refusing to participate.

70. **Ms. Ayoubi Idrissi** requested information on the dissemination of information about the Optional Protocol and on the training on the Optional Protocol provided to the persons responsible for ensuring its implementation.

71. **Mr. Nogueira Neto** asked what measures were planned to continue and strengthen cooperation with the International Committee of the Red Cross and the Special Representative of the Secretary-General for Children and Armed Conflict. He encouraged the State party to consider further cooperation with UNICEF or other United Nations agencies with respect to implementation of the Optional Protocol.

72. **Mr. Rodríguez Reyes** asked whether adolescents in the Guardians of the Nation Programme had any contact with weapons or were encouraged to use them and whether they received any form of military training that went beyond basic discipline.

73. **The Chairperson** emphasized the Committee's concerns about the Guardians of the Nation Programme and asked how much longer the Programme would continue. Given that there was already a programme for the social reintegration of child gang members, the Guardians of the Nation Programme would seem to be unnecessary. She asked what else was being done to dissuade children from joining gangs, especially those children suffering from poverty and marginalization.

74. She asked whether the American priest charged with possessing child pornography and engaging in illicit sexual conduct on trips he had made to an orphanage in Honduras had been convicted and sentenced, and she wished to know about any measures to prevent the reoccurrence of such incidents.

The meeting rose at 1 p.m.