



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2010**

**Honduras\*, \*\***

[Date received: 31 December 2013]


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\* The present document is being issued without formal editing.  
\*\* Annexes may be viewed in the files of the Secretariat.

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## Abbreviations

AECID	Spanish Agency for International Development Cooperation
AIDS	Acquired immunodeficiency syndrome
CBR	Community-based rehabilitation
FENOPDIH	National Federation of Organizations of Persons with Disabilities of Honduras
GTZ	German Agency for Technical Cooperation
HIV	Human immunodeficiency virus
ILO	International Labour Organization
INE	National Institute of Statistics
NGO	Non-governmental organization
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAHO	Pan American Health Organization
PROSENE	Programme of Services for Special-needs Students
UNAH	National Autonomous University of Honduras
WHO	World Health Organization

## I. Presentation

1. 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 persons with disabilities in our country, is pleased to submit the initial report of Honduras to the United Nations Committee on the Rights of Persons with Disabilities, pursuant to article 35 of the Convention on the Rights of Persons with Disabilities.
2. In the context of its international commitments and obligations regarding the protection of the rights of persons with disabilities, Honduras deposited with the Secretary-General of the United Nations the instrument of ratification of the Convention on 18 February 2008 and the instrument of ratification of the Optional Protocol to the Convention on 30 June 2010. Subsequently, on 10 November 2011, in the framework of the inter-American human rights system, it acceded to the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, of 1999.
3. Honduras recognizes that the initial report on the application of the Convention was due to be submitted in April 2010. This did not happen because the administrative structure of the State did not at that time include a body with a legal mandate relating to international commitments and obligations in that area. Since the establishment of the Ministry of Justice and Human Rights, this responsibility is being gradually addressed with a view to reducing the delays which have occurred in Honduras in the past two decades.
4. This report describes the State's commitment to complying with the Convention. A broad process of social participation has been created for the purpose, in order to consider the situation in terms of the enjoyment and exercise of the rights of persons with disabilities, the main obstacles and particular issues, and the progress and continuing challenges for the enjoyment of the human rights of persons with disabilities in Honduras.
5. Following a number of one-day meetings for consultation, study and analysis regarding the enjoyment of the rights of persons with disabilities, it was concluded that the latter are a population group which has historically been in a situation of vulnerability, reflected in issues such as stigmatization and discrimination, lack of universal accessibility, and problems in the provision of public services, access to employment and political participation.
6. Progress has been made in the protection of the human rights of persons with disabilities through accession to or ratification of major international agreements and the adoption of legislative, administrative, judicial and other measures to ensure compliance with the provisions of the Convention.
7. The preparation of this report was coordinated by the Ministry of Justice and Human Rights, with participation by all ministries and State institutions involved in compliance with the Convention, as well as a variety of sectors, groups and civil society organizations working to promote and defend the rights of persons with disabilities.
8. The report was prepared in accordance with the guidelines of the Committee on the Rights of Persons with Disabilities, with active and committed participation by representatives of various ministries, State bodies and civil society. This was a valuable opportunity for the State as a whole to consider the national context, the situation regarding the rights of this vulnerable sector of the population, their problems, the solutions to their particular needs and the immediate challenges facing Honduras.
9. This report describes some of the major advances that have been made in the legal and institutional field and in public policy design and implementation, among other

measures seeking to improve the rights of persons with disabilities. It does, however, recognize the serious structural situation affecting the enjoyment of their rights. Although worthwhile, the current measures are clearly insufficient and cannot be assessed in the short term. There must be further progress based on a dynamic of responsiveness, intersectoral dialogue and commitment by the current Government and its successors.

10. The best proof of compliance with the rights of persons with disabilities requires continuity in efforts to implement public policies, programmes, plans and projects in the area of Government planning and budgetary allocation.

11. Honduras sees the preparation of this report as a new opportunity to continue honouring its international obligations and also to implement a variety of steps to improve the situation of persons with disabilities.

12. We are especially grateful to the Office of the United Nations High Commissioner for Human Rights (OHCHR), which made a continuous and valuable contribution to the preparation of this report in terms of technical and financial assistance, enabling Honduras to make progress in human rights in general and particularly the enjoyment and exercise of the rights of persons with disabilities.

13. Lastly, the State of Honduras reiterates to the Committee its firm commitment to respect and guarantee its obligations towards persons with disabilities, and its renewed political will to ensure that the human person and his or her dignity, particularly that of persons with disabilities, are seen as the supreme purpose of society and the State.

## **II. Introduction**

14. In light of the need to make progress in compliance with national and international commitments in the area of human rights and ensure that the rights of all persons are respected and safeguarded through the work of ministries and State bodies, coordination of their joint efforts and cooperation with civil society, Honduras established the Ministry of Justice and Human Rights through Legislative Decree No. 177-2010, of 30 September 2010.

15. To ensure compliance with the international obligations and commitments undertaken by Honduras, the Ministry was entrusted with the preparation and presentation of country reports to United Nations treaty bodies as well as with monitoring and specialized analysis in coordination with other state bodies, groups, sectors and civil society organizations.

16. The international agreements under which Honduras has obligations and commitments include the Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopted by the United Nations General Assembly in December 2006, which entered into force in May 2008. These instruments were ratified by Honduras on 18 February 2008 and 30 June 2010, respectively.

17. Pursuant to article 35 of the Convention, States parties are required to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Rights of Persons with Disabilities, a comprehensive report on measures taken to give effect to its obligations under the Convention, within two years after its entry into force and, subsequently, every four years and whenever the Committee so requests.

18. Honduras affirms its commitment to and responsibility for efforts to construct a better world for persons with disabilities, based on social justice and recognition of the need to ensure the enjoyment and the full and equal exercise of human rights and fundamental freedoms, thereby beginning a participatory process for the preparation of this initial report.

19. The Ministry of Justice and Human Rights coordinated the preparation of this report, promoting broad participation by representatives of ministries and public bodies, civil society organizations, persons with disabilities and representatives of international cooperation.

20. The ministries, institutions and organizations which took part include: the Public Prosecution Service, the Ministries of Education and Health, the Ministry of Culture, Art and Sports, the Ministry of Finance, the Ministry of Labour and Social Security, the Ministry of the Interior and Population, the Ministry of Planning and Foreign Cooperation, the Office of the President, the Ministry of Public Works, Transport and Housing, the Ministries of Defence, of Justice and Human Rights and of Foreign Affairs, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment, the National Statistical Institute, the National Institute of Youth, the Honduran Institute for Children and the Family, the Honduran Social Security Institute, the Supreme Electoral Court, the Standing Commission on Disaster Preparedness, the Association of Honduran Municipalities, the Honduran Social Investment Fund, the National Registry Office, the National Telecommunications Commission, the National Autonomous University of Honduras, the Coordinating Office for Rehabilitation Institutions and Associations of Honduras (UNAH), the National Federation of Organizations of Persons with Disabilities of Honduras (FENOPDIH), the National Federation of Parents of Persons with Disabilities, the Honduran Foundation for the Rehabilitation and Integration of Persons with Disabilities, the Telethon Foundation and the Danish Association for the Disabled.

21. This process took place in the framework of the country's commitment to improved dialogue with international human rights mechanisms, particularly United Nations treaty bodies. To this end, over the past two years, Honduras has enjoyed technical and financial support from OHCHR, represented by the international Human Rights Adviser in Honduras.

22. The efforts of the Ministry of Justice and Human Rights to comply with this requirement place Honduras among the States which regularly and sustainably meet their international obligation to report to the Human Rights Council and to United Nations treaty bodies and it is, by means of the present report, honouring this important commitment before the Committee.

### **III. Methodology**

23. This report has been prepared in accordance with the harmonized guidelines on reporting under international human rights treaties (HRI/GEN/2/Rev.5, chap. I) and the guidelines on treaty-specific documents to be submitted by States parties under article 35, paragraph 1, of the Convention (CRPD/C/2/3).

24. For the preparation of this report, the Ministry of Justice and Human Rights, the executive organ responsible for public policy on human rights, coordinated broad consultations with actors representative of society including non-governmental organizations (NGOs), private bodies, associations, federations of persons with disabilities, the federation of parents of persons with disabilities, visually impaired persons and public bodies working in the sector.

25. The Ministry invited those entities to form an inter-institutional working group to draft the report, designating focal points to monitor the whole process; it in turn was divided into five subgroups to work in the areas of security and justice, employment, education, health and accessibility. The subgroups were set up to analyse the various articles of the Convention relating to the rights of persons with disabilities and the mandates of the various participating bodies and organizations.

26. A number of workshops were held to define the content and scope of the Convention and the requirements of the guidelines and to analyse the situation in Honduras with respect to each of the articles of the Convention and the progress made and challenges encountered. These aspects were subsequently agreed on in the various subgroups and a harmonized preliminary report was produced. It was validated by the representatives of the participating ministries, State bodies and public and civil society organizations.

27. To fill gaps in the preliminary report, additional information was collected through interviews, the legal framework was compared, the relevant public policies were reviewed and inputs were obtained from a variety of secondary sources and produced by ministries, other public bodies and civil society.

28. An enhanced version based on the previous phase was distributed and reviewed by a new workshop consisting of the representatives of ministries, State bodies, civil society organizations, private entities, associations, federations of persons with disabilities, the federation of parents of persons with disabilities, visually impaired persons and public bodies which are active in this area and had taken part in the various working groups.

29. An open session was then held to disseminate this report, involving representatives of all the aforementioned actors, at which the latest comments on both form and content were considered. These were incorporated into this final document submitted as the initial report of Honduras to the Committee.

30. The final draft of the report went through a broad process of validation, leading to its presentation in the following terms.

#### **IV. Social context**

31. The Republic of Honduras is located in Central America, with an area of 112,493 square kilometres. It has borders with Guatemala and Belize in the north-west, El Salvador on the south-west and Nicaragua on the south-east. The country is divided politically and administratively into 18 departments: Atlántida, Colón, Comayagua, Copán, Cortés, Choluteca, El Paraíso, Francisco Morazán, Gracias a Dios, Intibucá, Islas de la Bahía, La Paz, Lempira, Ocotepeque, Olancho, Santa Bárbara, Valle and Yoro.

32. The population of Honduras numbers 8,535,692, with a population density of 76 per square kilometre.<sup>1</sup> Of the total, 48 per cent are male and 52 per cent female. Children aged between 5 and 17 number 2,661,272 (31.2 per cent of the total population), of whom 1,324,661 (49.8 per cent) are boys and 1,336,611 (50.2 per cent) girls.<sup>2</sup>

33. Of the country's children, 70.4 per cent are in full-time education, 14 per cent work full time or both work and study, and 16 per cent neither work nor study.<sup>3</sup> Of the total working population of children, 79 per cent are boys and 21 per cent are girls. The average income of working children is 1,676 lempiras.

34. In 2013, open unemployment stood at 3.9 per cent; the visible underemployment rate was 11.7 per cent and that of invisible underemployment was 40.8 per cent. The working-age population makes up 79 per cent of the total. The economically active population numbers 3,628,733 persons. Some 65 per cent are in poverty and 43 per cent in extreme poverty.

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<sup>1</sup> INE: forty-fourth Permanent Multi-purpose Household Survey, May 2013.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



35. The national infant mortality rate is 24 per thousand live births; 25 in urban areas and 23 in rural areas.<sup>4</sup> The illiteracy rate is 15 per cent. The highest levels of illiteracy are in the rural population, at 22 per cent. The average for years of schooling in the population stands at 7.4 per cent.<sup>5</sup>

36. Country-wide, 87 per cent of homes have a supply of safe drinking water; 97 per cent in urban areas and 77 per cent in rural areas.<sup>6</sup> Some 88 per cent of homes country-wide have basic sanitation; the figure is 84 per cent in rural areas and 90 per cent in urban areas.

37. The Permanent Multi-purpose Household Survey of 2013 showed that rented housing makes up 15 per cent of the total at the national level, home ownership 78 per cent, housing provided free of charge 7 per cent and housing received in return for work 0.8 per cent.

38. Data from the National Institute of Statistics (INE) show that in 2002, Honduras had a population of 6,697,916, 177,516 of whom were persons with disabilities, or 26.5 per thousand inhabitants. Nonetheless, since a person can have more than one disability, the total number of registered disabilities stood at 272,300.<sup>7</sup>

39. The most widespread disabilities were:

- Motor disabilities: difficulties with walking, climbing, standing up, jumping or remaining standing (67,788);
- Impairment of manual dexterity: difficulties with grasping, lifting or carrying (47,783);
- Visual impairment: partial blindness (38,655) and total blindness (7,323);
- Hearing impairment: partial deafness (25,271) and total deafness (9,504);
- Speech impairment: difficulties with speaking (19,468) and inability to speak (12,184);
- Intellectual impairment: mental disability (18,236) and dementia (6,060);
- Psychological impairment: seizures or convulsions (12,063) and chronic depression (2,234);
- Musculoskeletal impairment resulting from amputation: leg (3,225), arm (2,506).

<sup>4</sup> INE. Demographic and Health Survey 2011–2012.

<sup>5</sup> INE. Permanent Multi-purpose Household Survey, 2013.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Note from the original document:* In the section on methodology, it is explained that there had been a consensus agreement to use a question from the survey in El Salvador (PAHO/GTZ), distinguishing among the main types of impairments and disabilities (motor and skills impairment). This combination of different concepts and the terms used do not correspond to international classifications such as the International Classification of Impairments, Disabilities and Handicaps or the International Classification of Functioning, Disability and Health (ICIDH-2).

Table 1  
Persons with disabilities by age group, 2002

Age	Persons with disabilities		Total population	
	Number	Percentage	Number	Percentage
0–5	7 681	4%	<b>1 125 853</b>	<b>17%</b>
6–17	32 909	19%	<b>2 180 456</b>	<b>33%</b>
18–64	82 034	46%	<b>3 102 541</b>	<b>46%</b>
65 and over	54 892	31%	<b>289 066</b>	<b>4%</b>
<b>Total</b>	<b>177 516</b>	<b>100%</b>	<b>6 697 916</b>	<b>100%</b>

Source: INE, 2002. Disability module, Permanent Multi-purpose Household Survey.

40. Men are more numerous among persons with disabilities, making up 55 per cent of the total against 45 per cent for women. Of the total disabled population, 53 per cent have no educational qualifications, 40 per cent have completed primary school, 6 per cent secondary school and 1 per cent higher education.

41. The same survey showed that 51 per cent of persons with disabilities aged over 15 cannot read or write; the proportion is 20 per cent for that age group in the general population.

42. In 2009, the Ministry of Labour and Social Security and INE conducted an occupational disability survey, the results of which show that about 16 per cent (267,157) of the households surveyed include people aged 10 or over having some sort of impairment. Working-age persons with disabilities number 314,174, of whom 55 per cent are women and 45 per cent men, with 53 per cent in rural areas and 47 per cent in urban areas.

43. The following table provides data from 2009 on persons with disabilities in respect of literacy and average years of schooling by gender, geographical area, income quintile and age group.

Table 2  
Illiteracy among persons with disabilities, by gender, geographical area, income quintile and age group

Category	Total		Male		Female	
	Illiteracy rate	Average years of schooling	Illiteracy rate	Average years of schooling	Illiteracy rate	Average years of schooling
<b>Total</b>	<b>39.6</b>	<b>5.4</b>	<b>40.1</b>	<b>5.4</b>	<b>39.3</b>	<b>5.4</b>
Geographical area						
Urban	<b>28.2</b>	<b>6.4</b>	27.3	6.6	28.8	6.3
Central District	<b>20.3</b>	<b>7.7</b>	16.8	8.2	22.9	7.4
San Pedro Sula	<b>20.0</b>	<b>6.3</b>	14.7	6.6	24.8	6.1
Other urban areas	<b>33.8</b>	<b>5.6</b>	35.8	5.4	32.5	5.8
Rural	<b>50.1</b>	<b>4.1</b>	50.8	4.0	49.4	4.2
Income quintile						
1	<b>59.0</b>	<b>3.7</b>	59.4	3.6	58.7	3.8
2	<b>47.1</b>	<b>4.3</b>	46.3	4.1	47.7	4.4
3	<b>36.4</b>	<b>4.9</b>	35.0	4.8	37.5	5.1
4	<b>30.9</b>	<b>5.4</b>	32.2	5.6	30.0	5.3
5	<b>18.1</b>	<b>8.1</b>	17.3	8.6	18.7	7.8

Category	Total		Male		Female	
	Illiteracy rate	Average years of schooling	Illiteracy rate	Average years of schooling	Illiteracy rate	Average years of schooling
No income declared	<b>35.1</b>	<b>6.6</b>	28.3	4.6	39.0	8.2
Age group						
15–18	<b>39.0</b>	<b>5.7</b>	43.7	5.1	34.6	6.2
19–24	<b>38.4</b>	<b>6.8</b>	41.5	5.9	35.2	7.7
25–29	<b>38.6</b>	<b>6.5</b>	41.2	5.6	35.9	7.4
30–35	<b>33.3</b>	<b>6.3</b>	37.8	6.3	29.0	6.4
36–44	<b>30.7</b>	<b>6.2</b>	38.5	6.0	25.5	6.3
45–59	<b>29.3</b>	<b>5.5</b>	24.8	5.6	32.2	5.4
60 and over	<b>48.1</b>	<b>4.5</b>	46.8	4.8	49.2	4.3

Source: Ministry of Labour and Social Security, INE 2009.

44. Among the economically active population with disabilities, 27 per cent have no educational qualifications, 56 per cent have completed primary school, 13 per cent secondary school and 4 per cent higher education.

45. Some 118,301 persons with disabilities were economically active; 70,308 of these were male and 47,993 female. Of the total, 55 per cent were in rural areas and 45 per cent in urban areas.

46. Of the total number of persons with disabilities, 52 per cent were inactive; 51 per cent in rural areas and 49 per cent in urban areas. The total labour-force participation rate at the national level was 38 per cent, 39 per cent in rural areas and 36 per cent in urban areas. The invisible underemployment rate was 30 per cent countrywide, with 32 per cent in rural areas and 28 per cent in urban areas.

47. In 2009–2012, the Juana Leclerc educational psychology institute, a not-for-profit institution managed by an association of parents and members of its staff and created to provide educational services to children and young people with disabilities in the area of educational psychology and learning problems, conducted a base-line sample survey on the social and employment integration of persons with intellectual impairments. This showed that they had the eight-hour working day required by regulations; as for the enjoyment of rights such as social benefits, 17 per cent of the sample had no social benefits and 2 per cent were paid a fourteenth month. Some 34 per cent of the persons interviewed stated that they were in paid employment. Of the persons with disabilities who had jobs, 17 per cent worked outside the home and 15 per cent in the home. Sources of employment included private businesses (14 per cent), the State (2 per cent), NGOs (3 per cent) and family businesses (5 per cent); 5 per cent had their own businesses and 6 per cent did not answer.

48. The Ministry of Education conducted research on the situation of students with disabilities and special educational needs. Of the total number of schools (22,418), 27 per cent (6,229) reported that they had students in that category, with a total of 45,536 students with disabilities, equivalent to 3 per cent of all students enrolled at the national level.

Table 3  
Schools reporting students with disabilities and special educational needs, 2010

Department.	Schools reporting disabilities and special needs						Reported cases		
	Schools	Enrolment	Schools	Female	Male	Total	Female	Male	Total
Atlántida	1 038	80 176	281	19 569	19 981	<b>39 550</b>	1 153	1 494	<b>2 647</b>
Choluteca	1 240	92 816	473	27 253	28 194	<b>55 447</b>	1 395	1 861	<b>3 256</b>
Colón	848	68 303	264	20 709	21 017	<b>41 726</b>	614	847	<b>1 461</b>
Comayagua	1 467	95 257	341	21 980	21 911	<b>43 891</b>	887	1 149	<b>2 036</b>
Copan	1 288	71 893	376	19 680	20 302	<b>39 982</b>	1 106	1 440	<b>2 546</b>
Cortés	2 162	265 342	306	27 756	29 266	<b>57 022</b>	848	1 095	<b>1 943</b>
El Paraíso	1 605	88 075	515	24 347	24 652	<b>48 999</b>	1 678	1 903	<b>3 581</b>
Francisco Morazán	2 569	240 807	840	70 541	73 063	<b>143 604</b>	3 934	5 071	<b>9 005</b>
Gracias a Dios	366	27 496	78	5 165	5 241	<b>10 406</b>	123	137	<b>260</b>
Intibucá	1 050	54 419	405	16 404	17 193	<b>33 597</b>	890	1 116	<b>2 006</b>
Islas de la Bahía	138	12 333	46	4 192	4 203	<b>8 395</b>	103	160	<b>263</b>
La Paz	886	41 661	266	10 834	11 339	<b>22 173</b>	1 056	1 365	<b>2 421</b>
Lempira	1 452	72 606	312	13 828	14 083	<b>27 911</b>	538	773	<b>1 311</b>
Ocatepeque	649	27 856	236	8 288	8 325	<b>16 613</b>	709	902	<b>1 611</b>
Olancho	1 984	107 130	371	20 195	20 664	<b>40 859</b>	695	976	<b>1 671</b>
Santa Bárbara	1 539	87 645	495	24 704	26 086	<b>50 790</b>	1 736	2 334	<b>4 070</b>
Valle	592	35 844	173	9 311	9 428	<b>18 739</b>	521	675	<b>1 196</b>
Yoro	1 545	112 681	451	32 648	33 522	<b>66 170</b>	1 818	2 434	<b>4 252</b>
<b>Total</b>	<b>22 418</b>	<b>1 582 340</b>	<b>6 229</b>	<b>377 404</b>	<b>388 470</b>	<b>765 874</b>	<b>19 804</b>	<b>25 732</b>	<b>45 536</b>

Source: Ministry of Education, Special Education Unit, 2010.

## V. General provisions of the Convention

### Articles 1 to 4

#### Purpose, definitions, general principles and general obligations

49. The purpose of the Convention, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, is enshrined in the national legal framework, mainly in Title III of the Constitution, on declarations, rights and guarantees; the Act on Equity and Comprehensive Development for Persons with Disabilities (Decree No. 160-2005), which replaced Decree No. 184-87, known as the “Act on the Training and Rehabilitation of Persons with Disabilities” and Decree No. 17-91, the “Act on the Promotion of Employment for Persons with Disabilities”. Other legal instruments will also be described in connection with the rights to which they relate directly.

50. Within the national legal framework relating to persons with disabilities, the Act on Equity and Comprehensive Development for Persons with Disabilities expressly defines the concept of disability as follows: “Any kind of physical, mental or sensory impairment which, in relation with a person’s age and social environment, substantially limits his or her integration and the realization of his or her activities in society, whether in relation to the

family, society, education or employment.” This concept is described more broadly in the National Policy on the Rights and Social Inclusion of Persons with Disabilities, which describes persons with disabilities as those having long-term physical, mental, psychological or sensory impairments which, in interaction with various obstacles, may hinder their full and effective participation in society on an equal basis with others.

51. One of the basic concepts of the Convention is accessibility for persons with disabilities, on an equal basis with others, to the physical environment, transport, information and communications. This is enshrined in the Act on Equity and Comprehensive Development for Persons with Disabilities under the concept of universal accessibility, defined as the conditions and facilities that must be present in physical environments, services, products and goods, as well as information and documentation, in order that they may be understood, used or operated by all people in conditions of safety and comfort. The National Plan on Universal Accessibility includes the concept of universal design: the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, with no need for adaptation or specialized design.

52. Honduran legislation does not expressly define the concepts of communication, language, “reasonable accommodation” and “disproportionate or undue burden” but it contains certain elements which involve them and which will be shown in this report.

53. Regarding the State’s general obligations to safeguard and promote the full exercise of all the human rights and fundamental freedoms of persons with disabilities without discrimination of any kind, Honduras has four basic instruments relating to the rights of persons with disabilities, as well as other relevant public policies. Three instruments specifically target persons with disabilities, and the fourth is the first Public Policy and National Plan of Action on Human Rights.

54. The three specific instruments are the Act on Equity and Comprehensive Development for Persons with Disabilities, the Public Policy on the Rights and Social Inclusion of Persons with Disabilities and the National Plan on Universal Accessibility.

55. The fundamental objectives of the National Policy on the Rights and Social Inclusion of Persons with Disabilities are to provide equal opportunities, eliminate discrimination and social and architectural barriers which prevent persons with disabilities from fully exercising their citizenship, to facilitate their involvement in political, economic, cultural and social life on the basis of their recognition and affirmation as a subject of rights, and sectoral coordination with existing public policies in the country and with government actions.

56. The National Plan on Universal Accessibility is designed to clarify the duty of public and private bodies to enable persons with disabilities to live independently and ensure that they enjoy appropriate accessibility to their physical environment and to information technology and education. The Plan is intended as a technical instrument to incorporate all internationally established specifications into designs which will provide for obstacle-free architecture and accessible information and communication technology.

57. For about two years, the Ministry of Justice and Human Rights worked on drafting the first Public Policy and National Plan of Action on Human Rights in Honduras, which is intended to fulfil the obligations and commitments undertaken by Honduras at the World Conference on Human Rights (Vienna, 1993) and under the resulting Vienna Declaration and Programme of Action, in which States undertook to design national action plans to identify measures in order to advance decisively in the promotion and protection of human rights, it being understood that only the action of public policy would facilitate compliance with the obligations entered into through adherence to international human rights treaties.

58. The drafting of these instruments involved 5,116 persons representing 399 State bodies and 968 organizations, groups and sectors of Honduran society. The process resulted in a total of 2,607 recommendations, 573 of which were proposals by citizens and public officials and 746 by international and inter-American human rights bodies; 517 came from specialized reports and studies and 771 from 34 existing public policies in a number of areas. It was approved by the Council of Ministers in January 2013.

59. The Public Policy and National Plan of Action on Human Rights comprises four strategic areas: human security, the system of justice, democracy and population groups. The latter include persons with disabilities, who are the subject of a section which includes the national and international legal framework, covers specific requests addressed to ministries and State bodies from organizations of and for persons with disabilities, formulated in an announcement published in 2011, and the strategic actions to be adopted by the State in 2013–2022 to ensure that persons with disabilities can enjoy their rights. These actions served as a basis for the preparation of this report, in relation with the various articles of the Convention.

60. Other significant public policies to promote the rights of persons with disabilities include the following:

(a) The National Policy and Strategy on Food and Nutrition Security, adopted by Executive Decree No. PCM-038-2010 of 24 August 2010, is intended to ensure that all Honduran families are able to meet their basic food needs 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.

(b) The Social Protection Policy, adopted by Executive Decree No. PCM-008-2012 of 8 March 2012, 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 conducive to personal and collective well-being 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 Policy aims 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. It has been 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); there are also allowances for the elderly, for school lunches and milk and for backpacks and school supplies.

(c) The Comprehensive Early Childhood Development Policy, adopted by Executive Decree No. PCM-031-2012 of 21 August 2012, is designed 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.

(d) The first and second Plans of Action for the Prevention and Eradication of Child Labour in Honduras 2008–2015, was adopted in 2009 by the National Commission for the Gradual Eradication of Child Labour in Honduras. The purpose is to determine what interventions should be undertaken by government ministries and institutions, in conjunction with civil society and international cooperation agencies, to prevent and eradicate “child labour that needs to be eliminated”, and to ensure the continuity and sustainability of coordination measures in connection with financing, organization, planning or similar matters, so as to coordinate efforts.

(e) The Road Map for the Prevention and Eradication of Child Labour and Its Worst Forms, adopted by Executive Decree No. PCM-011-2011 of 15 February 2011, is intended to coordinate the efforts of all State actors, national and international NGOs,

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.

(f) The Policy on Accelerated Reduction of Maternal and Infant Mortality, adopted by Executive Decree No. 450 of 25 April 2008, is designed 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 and harmonize technical and financial aspects of maternal and child services and bring them into line with the principles adopted for the reform of the sector.

(g) The National Youth Policy, adopted by Executive Decree No. PCM-051-2010 of 21 December 2010, aims to coordinate action by the State and civil society to improve living conditions for young people so that they can fully exercise their citizenship, develop their abilities and demonstrate their solidarity and commitment to building a participatory and inclusive democracy.

(h) The National Policy on Women and the first and second Gender Equality Plan 2010–2022, adopted by Executive Decree No. PCM-028-2010 of 6 July 2010. The Plan is a technical policy-making instrument to mainstream goals and targets for the achievement of gender equity and equality. It also outlines the basis and strategies for promoting the development of women from all backgrounds (such as age, race, social or economic status, membership of indigenous or Afro-Honduran peoples and disability). The Plan comprises six rights-based lines of action:

- 1. To promote, protect and guarantee social and political participation and the exercise of women's citizenship;
- 2. To promote, protect and guarantee the right of women, girls and adolescents to peace and to a life free of violence;
- 3. To promote, protect and guarantee women's health throughout their life cycles and their sexual and reproductive rights;
- 4. To promote, protect and guarantee the right to education, cultural and intercultural rights and the right to information;
- 5. To promote, protect and guarantee economic rights, work, employment and access to and use and control of resources; and
- 6. Gender, access, sustainable use and control of biodiversity, natural resources and risk management.

(i) Decentralization policy for local development, with the goal of contributing to local development in an equitable, efficient and sustainable manner through municipal councils.

(j) The *Desarrollemos Honduras* (Let's Develop Honduras) Supplementary Income Programme, established by Executive Decision 001-2011 of 14 January 2011, pursuant to the Supplementary Income in Rural and Marginalized Urban Areas Act. 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 low-income population groups living in poverty and extreme poverty. The programme provides cofinancing for labour-intensive works and service projects proposed by members of civil society or by local, regional and departmental authorities. This programme is also based on the social policies currently being implemented by the State.

## VI. Specific rights under the Convention

### Article 5

#### Equality and non-discrimination

61. Honduras has legal standards which are applicable to persons with disabilities on an equal basis. Article 60 of the Constitution provides that “all men are born free and equal in rights. There are no privileged classes in Honduras. All Hondurans are equal before the law. All forms of discrimination on account of sex, race, class or any other reason prejudicial to human dignity shall be punishable. The law shall establish the offences and penalties for violators of this provision”.

62. The first Public Policy and National Plan of Action on Human Rights to promote equality and non-discrimination for persons with disabilities called for a review of ministries’ plans, programmes and projects based on the Plan for the Nation and Vision for the Country, to ensure that they provide the appropriate services to give effect to the rights of persons with disabilities. To foster a culture of human rights in State bodies and among public servants, it establishes a strategic approach to “promote training for professionals in the area of human rights and disability at the national level...”.

63. Article 12 of the Labour Code states that “Discrimination based on race, religion, political beliefs or financial situation, in social assistance, educational, cultural, entertainment or commercial establishments that operate for general use or benefit in enterprises or workplaces, whether privately owned or belonging to the State, shall be prohibited. The social position of workers or the access they may have to the establishments referred to in this article may not be dependent on the amount of their wages or the importance of the duties they discharge”.

64. At the initiative of the Ministry of Justice and Human Rights, the definition of discrimination in criminal law was brought into line with international human rights standards by means of an amendment to article 321 of the Criminal Code, to provide for penalties for anyone who arbitrarily and illegally obstructs, restricts, hinders, prevents or denies the enjoyment of individual and collective rights or who refuses to provide 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.

65. The Ministry of Justice and Human Rights also implemented an amendment whereby article 321-A was added. This article penalizes 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 NGOs, on any of the grounds mentioned in the previous paragraph.

66. Article 12 of the Labour Code states that “all discrimination based on race, religion, political beliefs or economic situation in welfare, educational, cultural, leisure or commercial establishments for general use or benefit, in privately owned or State enterprises or workplaces, shall be prohibited. Workers’ social status or the access they may have to the establishments referred to in this article may not be subject to the amount of their wages or the importance of the posts they occupy”.



67. Article 4 of the Act on Equity and Comprehensive Development for Persons with Disabilities prohibits direct or indirect discrimination aimed at giving different and less favourable treatment to a person with a disability. Article 5 explains what is to be understood by discrimination, as follows:

“(1) If a person with a disability is subjected to harassment intended to violate his or her dignity or create an intimidating, hostile, degrading, humiliating, cruel or offensive environment;

(2) If a legal or regulatory provision, an act of a public authority belonging to any of the three branches of the State or a decentralized, centralized or municipal body causes a disadvantage of any kind to a person in relation to others on grounds of disability;

(3) If there is a contractual relationship, a clause in a contract or an individual agreement, involving conditions which may place persons with disabilities at a particular disadvantage; and

(4) Any act or event causing injury to persons with disabilities.”

68. Article 1 (2) of the Civil Service Act establishes a well-conceived personnel management system in public service, regulating relations between public servants and the State, offering equal opportunities to serve in public administration to all Honduran nationals according to their suitability and aptitudes, regardless of their sex, race, religious or political beliefs or social class. Article 56 of the Act defines equality as equitable participation by all applicants for a post, without any discrimination on grounds of race, sex or social, religious, political or economic factors. Furthermore, as an affirmative measure, the State has determined that public administration and private businesses are required to employ a minimum number of persons with disabilities under the Act on Equity and Comprehensive Development for Persons with Disabilities, as detailed below under article 27 of the Convention on work and employment.

## **Article 8**

### **Awareness-raising**

69. Through the Act on Equity and Comprehensive Development for Persons with Disabilities, the State fully guarantees that persons with disabilities can enjoy their rights and that their integral development within society will be promoted and pursued equitably. To that end, it established the Directorate-General for Development for Persons with Disabilities, as part of the Ministry of Internal Affairs and Population. Its responsibilities include constant promotion of programmes and campaigns of awareness-raising, training and information to ensure access for persons with disabilities to health care, employment, education and everything necessary for their development within society.

70. The National Policy on the Rights and Social Inclusion of Persons with Disabilities provides for the development and implementation of an information, education and communication strategy suited to the needs and interests of persons with disabilities, seeking to bring about change in the community and remove attitude barriers by modifying social notions.

71. The First Public Policy and National Plan of Action on Human Rights includes a strategy for ensuring that mechanisms will be in place by 2022 for the promotion and ongoing monitoring of the effective implementation of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, creating instruments and

structures for complaints regarding any failure to comply and institutions responsible for that strategic action.

72. The Ministry of Justice and Human Rights conducts a national programme of education in justice, human rights and a culture of peace, for public servants, civil society, academics, the media and other relevant sectors. This programme involves training and awareness-raising regarding the special needs of vulnerable population groups such as persons with disabilities, in order to safeguard the right to equality and non-discrimination. To date, 17,601 people have been trained through this programme.

73. Pursuant to the concluding comment of the Committee on the Rights of the Child calling for the promotion of a communication strategy with an inclusive approach to ensure the mainstreaming of the issue of disability, a culture of reporting and the defence of rights, in the family, among persons with disabilities and in society as a whole, the strategy includes general themes relating to the specific nature of the rights of persons with disabilities, and is publicized through the television programme *La hora de los derechos humanos* (the human rights hour), created at the Blanca J. Kawas Fernández studio of the Ministry of Justice and Human Rights. The issues are publicized through videos, posters and banners with themes such as “What are human rights?”, publicizing the first Public Policy and National Plan of Action on Human Rights, spots and announcements on prevention of torture, the rights of older persons, illegal detention, sexual harassment, settling social conflicts, the human rights of migrants and of persons with disabilities and the role of State officials in efforts to defend, promote, protect and ensure human rights.

74. The Department for the Development of Persons with Disabilities uses radio and television broadcasting to promote the human rights of persons with disabilities, making appropriate use of terminology and images. The Convention is promoted through different media in public and private spaces through forums and conferences. The Directorate conducted an awareness-raising campaign “*Haz valer mis derechos*” (Give me my rights), displaying posters and stickers in business premises in a number of cities.

75. The Ministry of Justice and Human Rights organized the first national human rights conference, named after Blanca J. Kawas Fernández, in 2011; a second one, entitled “Manuel Capellín”, in 2012; and a third, in the name of Rigoberto Sandoval Corea, in 2013. All these conferences, with the participation of national and international experts, considered the theme of “The Rights of persons with disabilities: immediate challenges”.

76. The education and employment sectors at both the official and civil society levels use media such as radio and television to promote the right to inclusive education and to inclusive employment with dignity, projecting positive images and using language in accordance with the provisions of national and international law.

77. The Ministry of Labour and Social Security uses radio broadcasts to promote labour-market integration for persons with disabilities, providing them with training in areas such as computing, leather goods, bakery and customer service. It also provides seed capital to start up manufacturing projects.

78. It also promotes labour rights and non-discrimination in the employment of persons with disabilities through *Radio América (Hora de Hablar – Time to Talk)*, *Radio Honduras (El Café de los Amigos – The Friends’ Café)*, *Canal 8 (El Capital y el Trabajo – Capital and Labour)*. Radio spots, entitled “Support for training and courses” offer instruction in the areas listed in the previous paragraph as well as in job analysis and entrepreneurship. It also distributes a video on career guidance and understanding the potential of persons with disabilities.

79. The Ministry has conducted two campaigns to promote the creation of jobs for persons with disabilities, with participation by organizations working with and for them,

targeting the general public. A campaign committee was set up to define a philosophy for the design and dissemination of slogans, colours and advertising materials to be distributed. The slogan for the first campaign was “Employer, hire persons with disabilities, show fairness and solidarity”, and for the second, “Hiring persons with disabilities is beneficial both to your business and to public administration”. Efforts were also made to involve radio stations (*Radio Honduras, Radio Metrópolis, Radio Corporación, Radio Sistema* and *Radio Planeta*), which contribute free of charge to promoting the electronic labour exchange, encouraging persons with disabilities with the necessary aptitudes to register with the exchange.

80. The Ministry of Labour and Social Security, in coordination with the National Statistical Institute, has produced national employment and socioeconomic statistics on the working-age population with disabilities and surveys to document successful experiences in the labour-market integration of persons with disabilities.

81. The Honduran Social Security Institute works constantly in coordination with the Faculty of Medicine of the National Autonomous University of Honduras (UNAH) to promote the correct use of terminology in the area of disability and training for resident doctors, social service doctors and nursing staff, to give proper recognition to disabilities which they may encounter.

82. UNAH established a Programme of Services for Special-needs Students (PROSENE). Its purpose is to facilitate access to the physical and educational environment at the university and promote a favourable learning experience so that students have the opportunity to participate fully in all aspects of university life and can subsequently become integrated into society with equal opportunities.

83. The programme has launched information and awareness-raising campaigns to ensure that persons with disabilities and the general public understand what their rights are and protect what they are legally entitled to.

84. UNAH formerly offered courses in sign-language interpretation, which are currently suspended because of low enrolment in previous years. The university authorities, however, are thinking about reopening it, especially since Congress completed the adoption of the Honduran Sign Language Act, which had been submitted on the initiative of the Ministry of Justice and Human Rights.

85. The National Registry Office conducts promotion and awareness-raising campaigns to increase the registration of births of persons with disabilities. The campaign is 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”) and “*Inscríbeme hoy en el Registro Nacional de las Personas. Con mi nombre puedo gozar de mis derechos*” (“Register me today at the National Registry Office. With my name I can enjoy my rights”). This campaign is also present permanently at the Registry Office’s website.

86. In the area of awareness-raising on the rights of persons with disabilities, it should be recalled that Legislative Decree No. 86-45 of 11 April 1984 proclaimed the last Friday of April every year as a “day of solidarity for persons with disabilities”.

## **Article 9**

### **Accessibility**

87. Under article 38 of the Act on Equity and Comprehensive Development for Persons with Disabilities, to ensure and facilitate access by persons with disabilities, new constructions, extensions, modifications of buildings, parks, pavements, green spaces,

gardens, public squares, private roads, health facilities and other publicly- or privately-owned spaces which are open to or provide services to the public are to be constructed in accordance with the technical specifications to be issued and regulated by the Directorate-General for Development for Persons with Disabilities. That article prohibits municipalities from issuing licences for constructions which fail to comply with the provisions set out in the previous article.

88. The National Plan on Universal Accessibility states that accessibility is a prerequisite for the full enjoyment of the rights of persons with disabilities, and for them to be independent. Access to the physical environment, technology, information and communication represents a key condition which all States must guarantee to ensure that all citizens may enjoy the same opportunities for socioeconomic development.

89. The Plan defines the concept of accessibility as conditions of access to urban and architectural infrastructure that facilitate mobility and independent movement for persons with disabilities, as well as access to all telecommunications networks, data and equipment, to facilitate communication and information, taking into account the new concept of information technology infrastructure, promoting the two types of infrastructure, their integration and equality of opportunities for safe access to everyday activities.

90. In 2009, the Supreme Electoral Court, noting the principles and provisions of the Act on Equity and Comprehensive Development for Persons with Disabilities, concluded an agreement with FENOPDIH, the National Federation of Parents of Persons with Disabilities and the Coordinating Office for Rehabilitation Institutions and Associations of Honduras, to promote the political rights of persons with disabilities and provide them with accessibility to electoral processes, both primary and general.

91. In the area of infrastructure, most older buildings, whether belonging to public bodies or private entities, are not equipped to provide easy access for persons with disabilities. Consequently, the Act on Equity and Comprehensive Development created an obligation for new buildings to be constructed in accordance with the regulatory specifications of the National Plan on Universal Accessibility. Also, the Honduran Social Investment Fund requires project developers to include facilities for persons with disabilities in their designs.

92. The Ministry of Public Works, Transport and Housing is the government body regulating matters relating to the road network, urban development and transport. Nonetheless, not enough practical steps have yet been taken to facilitate access for persons with disabilities in those areas, except in a few areas in the country where there are road crossing signals for persons with disabilities. As for public transport, the Ministry reports that it has not yet been able to coordinate with transport business owners to ensure that conveyances are equipped to provide access for persons with disabilities, despite the fiscal incentives offered to them for that purpose by the Act on Equity and Comprehensive Development for Persons with Disabilities.

93. Owing to national and international commitments relating to accessibility, public bodies are required to adapt their installations to provide easy access to persons with disabilities. As a result, conditions of access have begun to improve.

94. To ensure that the Office of the President is accessible for persons with disabilities, the Civil Service Directorate has made changes to the physical environment, providing appropriate access to the building by means of an access ramp from the street to the main entrance, in accordance with standard specifications regarding the gradient and basic safety requirements such as handrails and signage; there is also a ramp for access to the basement. The building has a lift which goes up from the basement, giving direct access to all floors, and has signs in Braille. Generous spaces have also been created on all floors to facilitate

mobility for persons with disabilities; this includes emergency exits, and staff are available to provide any assistance that may be required.

95. The ground floors of UNAH buildings have been adapted for persons with disabilities, but there are no lifts to the upper floors. There is an initiative to adapt 25 parking spaces for persons with disabilities. New buildings will be equipped with ramps and toilets will be adapted, with support bars and wider doors to facilitate access for persons with disabilities. As for communication systems, UNAH has sign-language interpreters and adaptive technology services. The physical facilities of the Public Prosecution Service have ramps, wheelchairs and lifts, but there is no sign-language interpreter.

96. On the basis of the Act on Equity and Comprehensive Development for Persons with Disabilities, the Ministry of the Interior and Population has certified 1,981 persons with disabilities, issuing them with cards entitling them to enjoy benefits such as discounts in pharmacies, restaurants and hospitals and fares for travel by land, sea and air; this measure has, however, been resisted by transport companies.

97. Most buildings containing government bodies do not have the necessary facilities to give access to persons with disabilities, because many of them are old buildings rented for the purpose and the law restricts the amounts which may be invested in buildings owned by others.

## **Article 10**

### **The right to life**

98. Honduras is a signatory to many human rights instruments requiring it to protect the right to life, and this is reflected in the country's internal legal order. Article 65 of the Constitution states that the right to life is inviolable, article 66 prohibits capital punishment, and article 67 provides that the unborn child is regarded as already born in respect of all eventualities from which it might gain, within the limits established by law; and that all persons are entitled to respect for their physical, psychological and moral integrity.

99. Article 12 of the Code on Children and Adolescents states that all human beings have the right to life from the time of conception.

100. Article 52 of the Civil Code expressly states that the law protects the lives of unborn children. Courts shall therefore, ex officio or at the request of any person, take all precautions which they deem appropriate to protect the life of the unborn child, if they believe it to be endangered in some way. Article 54 adds that the rights which would be conferred upon the infant in utero were it born and alive are to be suspended until the birth takes place. And if the birth constitutes the beginning of life, the newborn child will enjoy those rights as if it had existed at the time the rights were conferred.

101. Under the aforementioned legal framework, the right to life is protected equally for all persons. Together with the prohibition of discrimination, this safeguards the equal right to life and survival of persons with disabilities. Consequently, any arbitrary deprivation of the life of a person with a disability results in legal liability for the State, should any of its agents be involved, in addition to the offender's individual liability.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

102. The body responsible for coordinating and managing situations of risk and humanitarian emergencies is the Standing Commission on Disaster Preparedness,

established in 1990 by Legislative Decree No. 990-E. Subsequently, Legislative Decree No. 151-2009 established the Risk Management System Act. Section I, article 10, of its General Provisions calls for non-discrimination and a gender perspective and states that the actions of the National Risk Management System shall not be conditioned by age, creed, race or ethnic group, gender, sexual preference, or a person's state of health, financial status, ideological or political beliefs or nationality. Owing to the vulnerability of children and adolescents, the System is required to give priority to caring for them and ensuring that their interests prevail in all its disaster prevention and response activities. It is also required to give priority to assisting pregnant women, mothers, older persons and persons with special needs caused by any kind of disability; the same applies to persons belonging to ethnic minorities and those belonging to the lowest-income groups or those at imminent risk. The System gives those groups privileged and priority treatment through affirmative risk-management actions. All these principles will guide the activities of the System's agencies and their staff in the application of the provisions of the Act.

103. The Standing Commission on Disaster Preparedness implements immediate response measures following a natural disaster or accident, making a rapid analysis of the situation to assess the damage caused by the disaster, identifying the needs of the community, including persons with disabilities, giving them priority treatment, applying the protocols and the Humanitarian Charter and Minimum Standards in Disaster Response (Sphere Project), national standards and those of Handicap International.

104. Concrete measures are being taken to ensure that relief assistance is provided fairly between persons with and without disabilities. To that end, the search and rescue committee is orienting its activities according to the nature of each alert and the type of disability of the person affected, to evacuate him or her swiftly and safely. These measures include:

- (a) Clearing the evacuation route when staircases and exits are crowded.
- (b) Always asking the persons themselves, to the extent that they are able to reply, what is the best way of lifting or moving them.
- (c) If the victim uses mobility aids, bring them all the way with the victim; this will help the person to move more quickly. It may be necessary to transport the victim using a stretcher or wheelchair, having analysed the type of ground or terrain beforehand.

105. When rescuing a person with a disability and having difficulty in transporting him or her or controlling his or her balance in means of transport which are not appropriately equipped, seats should be adapted or safety belts used.

106. Practical measures adopted to ensure that the necessary physical conditions are present in emergency shelters include distinguishing persons having long-term disabilities from those suffering from impairments caused by the emergency. This is done by assessing damage, determining the specific needs of persons with disabilities such as special food, specific medicines or urine pouches, and installing special sanitary and bathing facilities.

107. The Standing Commission on Disaster Preparedness, however, has no special strategies for assisting persons with auditory or speech disabilities to communicate with the authorities in case of rescue or assistance with natural disasters, civil emergencies or crime.

108. Since persons with disabilities may be exposed to discrimination, stigmatization or physical, sexual or emotional abuse while they are in shelters; the assistance team and volunteers are trained to minimize the risk of such abuse by following these recommendations:

- (a) Reunite persons with disabilities with their family members or persons providing them with everyday support;

- (b) If there are no family members or other responsible persons present, the shelter must have a sufficient number of volunteers or staff of either sex in order to assist them;
- (c) Hold conversations with the persons with disabilities, to generate trust and reduce the tension and stress resulting from the general situation;
- (d) Ensure that shelter staff are aware of these recommendations so that they will take correct actions;
- (e) Ensure food security and access to health care for persons with disabilities in shelters.

## **Article 12**

### **Equal recognition before the law**

109. Article 68 of Chapter II (Individual Rights) of the Constitution provides that all persons are entitled to respect for their physical, psychological and moral integrity, and article 60 states that all men are born free and equal in rights and all Hondurans are equal before the law.

110. Honduran legislation does not prevent persons with disabilities from entering into a marriage contract or inheriting property. Article 277 of the Family Code states that, provided that no tutor or subrogate tutor has been appointed and no such responsibilities have been assigned, a court, on its own motion or at the request of the Public Prosecution Service, shall issue the necessary care orders for a person who is incapacitated or a minor and for safeguarding that person's property.

111. Persons with disabilities whose right to exercise their legal capacity has been violated may have recourse to the Department for the Development of Persons with Disabilities, whose responsibilities include providing legal services to help persons with disabilities to defend themselves and to ensure effective compliance with the law. Federations working for the rights of persons with disabilities generally represent, as claimants in legal actions, the persons who have reported their grievances directly to them.

112. Should that violation of the person's rights constitute an act of discrimination or another offence provided for under the Criminal Code or another instrument of criminal law, the disabled person may make a complaint to the Public Prosecution Service, which will investigate the facts and take criminal action against the persons responsible.

113. As for the right of persons with disabilities to control their own financial affairs and have equal access to banking services, the Banking and Insurance Commission Act has no specific provisions in that respect. Persons with disabilities can therefore have equal access for opening accounts and to services such as loans and mortgages; they must fulfil the same requirements as any other person, and to refuse them such services because they have a disability would constitute an act of discrimination. No specific cases of exclusion in response to requests for banking services are known to have occurred to date.

114. The National Bank for Agricultural Development, together with the department responsible for disability-related matters, have entered into Agreement No. 67-2009, which facilitates financing for small, medium-sized and large enterprises of persons with disabilities. The Ministry of Labour and Social Security has a "support and continuity" revolving fund with financing available for loans to micro-enterprises run by persons with disabilities. Before a loan can be granted, the applicant is required to undergo a socioeconomic, technical and financial assessment of the business he or she wishes to

create. The interest rate (14 per cent per annum) is lower than those applied in private-sector banking; this is an example of fair and non-discriminatory treatment.

### **Article 13**

#### **Access to justice**

115. Under article 82 of the Constitution, all inhabitants of Honduras have free access to the courts to bring proceedings in accordance with the law, and article 68 provides that all persons are entitled to respect for their physical, psychological and moral integrity. Article 9 of the National Policy on the Rights and Social Inclusion of Persons with Disabilities enshrines equal recognition before the law and access to justice.

116. The First Public Policy and National Plan of Action on Human Rights establishes reform of the national legal framework as a strategic area for action, to bring domestic legislation into line with international agreements, taking account of the ratification of the optional protocols to the Convention on the Rights of Persons with Disabilities and the International Covenant on Economic, Social and Cultural Rights.

117. The Public Prosecution Service incorporates the offices of the Special Prosecutor for Children and the Disabled and the Special Prosecutor for Human Rights. These are units responsible for investigating, prosecuting and bringing to trial offences or human rights violations against persons with disabilities and bringing criminal cases against those responsible for such acts. In addition to their central office in the capital, they have regional prosecutors' offices in the cities of San Pedro Sula, Cortés department, and La Ceiba, Atlántida department. The country's remaining cities have no such special prosecutors' offices, so cases of violations of or offences against human rights are investigated by ordinary public prosecutors' offices. As for the budget allocated to these prosecutors' offices, the offices of the Special Prosecutor for Children and the Disabled and the Special Prosecutor for Human Rights are managed centrally by the Public Prosecution Service. The Ministry of Justice and Human Rights has requested that there should be special budgetary allocations.

118. The basic legal resources available to persons with disabilities when having recourse to the Public Prosecution Service are those of formal complaint and, where appropriate, the witness protection programme and bringing their cases before the courts.

119. Members of the judiciary are not provided with a protocol defining the reasonable accommodations which may be applied when a person with a disability is involved, whether as a defence lawyer, witness, victim or offender. Accommodations are applied according to the best judgement of the judge or prosecutor. It is expected that the entry into force of the Honduran Sign Language Act will reduce barriers to communication in court cases involving persons with disabilities.

120. The Office of the National Commissioner for Human Rights is a body established under Legislative Decree No. 2-95, amending article 59 of the Constitution to guarantee respect for the rights and freedoms recognized in national legislation and in treaties and international conventions ratified by Honduras.

121. The mandate of the National Commissioner includes both immediate action on and follow-up to any complaint of human rights violation and ensuring that the actions and decisions of public administration are consistent with the provisions of treaties, conventions and international agreements on human rights. He or she is authorized to have direct recourse to any public official or to any agencies or institutions and their office holders, who are required to respond to petitions and requests addressed to them.



122. In the course of its duties, the Office of the National Commissioner has free access to all civilian and military establishments and places of detention, imprisonment or internment and no objection whatsoever may be raised to such visits.

123. The central office is in Tegucigalpa but, since the institution has a national mandate, it has set up regional and departmental offices in accordance with article 3 of its Organization Act. There are currently 16 regional, departmental and local offices, including six regional ones (East Central, West Central, South, West, Atlantic Coast and North), nine departmental offices (Ocotepeque, Lempira, Santa Bárbara, Yoro, Colón, Gracias a Dios, Intibucá, El Paraíso and Olancho) and a sub-office in the city of El Progreso, Department of Yoro. This structural arrangement makes it possible to work throughout the country, as competences can be distributed at the local level among the various regional and departmental offices.

124. The Office of the National Commissioner has reported that it is conducting a special programme on the human rights of persons with disabilities, the main purpose of which is to ensure the full enjoyment of human rights so that they can be free from discrimination and violence. Through this programme, it has arranged with the Judicial Academy of the Supreme Court for training to be given to legal staff in public and private bodies related to the justice sector.

125. The population does not know enough about the right to make complaints; this includes persons with disabilities. The Office of the National Commissioner has now made it possible for complaints to be received by mobile offices in some cities, resulting in a gradual increase in complaints from persons with disabilities. Some 217 complaints were received between January 2011 and June 2012, compared with 50 in 2006–2008.<sup>8</sup>

126. The Ministry of Justice and Human Rights has arranged for officials in a number of government departments, particularly those dealing with the general public, to learn Honduran Sign Language so that an appropriate service can be provided to those with hearing impairments. The training has been given to workers at the Public Information Institute, the Higher Court of Audit, the Ministry of Labour and Social Security, the Ministry of Social Development, the Ministry of the Interior and Population, the Department for the Development of Persons with Disabilities, the Ministry of Justice and Human Rights, the Ministry of Natural Resources, the Ministry of Public Works, Transport and Housing, the Ministry of Health and the Ministry of Education.

127. Through the Ministry of Justice and Human Rights and pursuant to the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Honduras established a National Mechanism for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment. Its members were appointed by the executive branch of government, the National Congress and civil society, and it began work in September 2010 with a mandate to periodically review the treatment of persons deprived of liberty in detention centres and to issue recommendations, proposals and observations to the national authorities.

128. The National Committee and the Public Prosecution Service have entered into an agreement to conduct joint inspections of detention facilities, observe conditions and make recommendations in the interest of persons with disabilities who are deprived of liberty.

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<sup>8</sup> Office of the National Commissioner for Human Rights, annual report 2008.

## **Article 14**

### **Liberty and security of the person**

129. In section II of the Constitution, on individual rights, article 61 guarantees to Honduran nationals and foreign residents the right to the inviolability of life, personal safety and freedom, equality before the law and the right to property. Article 69 states that personal liberty is inviolable and may only be restricted or suspended in accordance with law. Article 68 requires that any person deprived of freedom must be treated with the respect due to the inherent dignity of the human person.

130. As a strategic policy to strengthen the equal rights of persons with disabilities, the first Public Policy and National Plan of Action on Human Rights requires that a human rights education programme is to be conducted, developing levels of awareness among prison authorities and the staff responsible for the custody of persons deprived of liberty.

131. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment defines a person deprived of liberty as any person detained in an official facility under the control of a State authority.<sup>9</sup> All persons interned in psychiatric hospitals are therefore deprived of liberty because of their state of mental health. Many have been brought there by family members or placed there by a judicial authority as a result of the application of a security measure because they are legally incompetent or have psychological disorders.

132. There are two psychiatric hospitals in Honduras, the Hospital Santa Rosita and the Hospital Mario Mendoza, whose patients include persons deprived of liberty who are suffering from acute mental illnesses and who remain at those hospitals for extended periods.

133. There are patients who have been placed there by a court order involving a security measure of mandatory psychiatric treatment, and who remain there for longer periods than the average. In many cases they continue to be detained despite having overcome the mental crisis for which they were confined there.

134. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment has noted that discharge of persons from institutions for placement in a detention centre is not provided for because, for dangerous conditions, the legislation provides for psychiatric internment as a security measure. Such internment is also required for persons who have been declared legally incompetent for the purposes of the criminal justice system; so court orders are issued in which a person who is incompetent for mental health reasons or who is in a dangerous condition must be placed in one of the two psychiatric hospitals.

135. There are persons with physical disabilities who are deprived of liberty and are in the prison system, where the minimal infrastructure required for their daily lives, rehabilitation and preparation for employment is not present. There are also persons with psychosocial or mental disabilities who are not provided with the appropriate conditions in terms of sufficient space, treatment, therapy and all those elements which would tend to make them better. This is because the prison system does not have sufficient numbers of psychiatrists and mental-health professionals to treat persons with such disabilities.

136. In 2012, in response to the difficulties the prison system was having in providing the necessary care to persons with disabilities, Congress adopted a new Clemency Act. One of its provisions is clemency for humanitarian reasons, to enable the aforementioned persons

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<sup>9</sup> Implementing regulations of the Act on the National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment.

with disabilities who are unable to care for themselves to be released under certain conditions.

137. The Ministry of Justice and Human Rights also coordinated a working group with bodies connected with the prison system to draft temporary legislation on humanitarian prison discharge, for the transitional period from the current prison system to the National Prison Institute (see paragraph 141 below). Its purpose is to discharge inmates who are in poor health as a result of advanced age, terminal illness or physical or mobility-related disabilities, motor or mental disabilities, chronic degenerative conditions of the nervous system or other physical or mental health conditions, in light of the minimal danger they pose to society. The draft legislation will soon be submitted by the executive power to Congress for discussion and adoption.

## **Article 15**

### **Freedom from torture and other cruel, inhuman or degrading treatment or punishment**

138. Article 68 of the Constitution states that no person may be subjected to torture or cruel, inhuman or degrading punishment or treatment and that all persons deprived of liberty are to be treated with due respect for the inherent dignity of the human person.

139. Honduras is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and its Optional Protocol, pursuant to which the Act on the National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment was adopted in 2008, establishing the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment. This is the visiting body for the prevention of torture or cruel, inhuman or degrading punishment or treatment, appointed by Honduras in accordance with the Optional Protocol.

140. The National Committee has set up a comprehensive strategy for the prevention of torture, in accordance with the Act, to protect all persons deprived of their liberty, including those suffering from any form of physical, mental or psychosocial disability.

141. The Act on the National Preventive Mechanism requires the treatment of persons deprived of their liberty in detention facilities to be examined regularly. The staff of the Mechanism carry out these inspections together with mental-health professionals and make recommendations and proposals to improve the treatment of inmates, including those having any form of physical, mental or psychosocial disability.

142. The National Prison System Act was adopted in 2012, in response to the crisis of the country's prison system, and in the context of efforts to bring the legal system into line with international human rights standards. Article 23 of the Act clearly states that prison facilities must provide the necessary conditions to provide to inmates a life with dignity and respect for their human rights, in terms of both infrastructure and equipment. The facilities, particularly those designed for night-time confinement, must satisfy health and sanitary requirements regarding space, lighting, ventilation and sanitation, in accordance with preventive medicine standards for the safeguarding of inmates' physical and mental health.

143. The Act provides for the prison system to be transferred from the control of the national police force to a National Prison Institute, which will be responsible for its organization, administration and functioning. A special transitional committee, established on 1 March 2013 for a two-year period, is currently creating the conditions for improved living conditions for inmates and has sponsored the aforementioned temporary legislation on humanitarian prison discharge.

## Article 16

### Freedom from exploitation, violence and abuse

144. Article 68 of the Constitution states that everyone has the right to respect for his or her physical, mental and moral integrity.

145. Volume 2, Title II, of the Criminal Code, special section, was amended by Legislative Decree No. 234-2005, which introduced a specific entry on commercial sexual exploitation, 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.

146. As part of the State's efforts against exploitation, violence and abuse, the Trafficking in Persons Act was adopted in 2012. It is designed, *inter alia*, to introduce 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.

147. The Trafficking in Persons Act established the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons, defining it as a decentralized body with technical, functional and budgetary autonomy, working under the Ministry of Justice and Human Rights. Its purpose is 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.

148. 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.

149. The social protection measures adopted by the Honduran Institute for Children and the Family include the creation of the Centre for Special Research and Rehabilitation and the Centre for Special Training. The former is a special education school covering preschool and primary education up to the sixth grade, and when children reach that level they can choose to enter another school in the community or go on to the Centre for Special Training, which is a vocational school serving young people with disabilities where they can learn tailoring, carpentry, cookery and other trades which can help them develop as productive people. Another protection measure is support for labour-market integration, beginning with an internship that they must complete before completing their studies.

150. A comprehensive reform in the area of children and the family was approved by means of Legislative Decree No. 35-2013, bringing the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Family Code and the Domestic Violence Act into line with international standards. Together with other measures, this reform incorporated into the Criminal Code offences which had already been contained in the Code on Children and Adolescents; these related to maltreatment and use of children with or without disabilities for begging, ensuring that they were incorporated into the appropriate body of law. It also created an express prohibition for parents and all persons responsible for the personal care, upbringing, education, treatment and supervision of children, whether temporarily or permanently, to use physical punishment or any other type of humiliating, degrading, cruel and inhumane treatment as methods of correction or discipline. It also introduced the concept of restorative justice for reparation of harm caused by adolescents subject to criminal justice.

151. Article 113 of the Code on Children and Adolescents created the Violation of Rights Department within the Honduran Institute of Children and the Family and all its regional branches. The Department's role is to receive complaints relating to violations of rights without the need for decisions by the competent courts. It incorporates staff qualified in psychology, law and social work, who conduct conciliation procedures between the parties who have brought complaints in relation to the rights which have been violated.

152. To improve the current institutional framework for the protection of children against all types of abuse, violence and exploitation, draft legislation to create an Office of the Children's Advocate was drafted and submitted to a plenary meeting of Congress, attended by the Minister of Justice and Human Rights. The draft legislation is currently awaiting a date for discussion and adoption. Its purpose is to establish the Office 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.

## **Article 17**

### **Protecting the integrity of the person**

153. Article 67 of the Constitution establishes that all persons are entitled to respect for their physical, psychological and moral integrity. Article 15 of the Act on Equity and Comprehensive Development for Persons with Disabilities, on guardianship, provides that the legal representatives of minors and dependent adults with disabilities have a duty of providing them with constant care in a manner appropriate to their development and physical integrity.

154. Article 145 of the Constitution recognizes the right to health care and article 1 of the Health Code provides that health is a state of comprehensive biological, psychological, social and ecological well-being, which is an inalienable human right. It is for the State and all natural and legal persons to foster protection, recovery and rehabilitation.

155. The National Health Policy, approved by the Ministry of Health through Ministerial Agreement No. 1000-2013 of 22 May 2013, states that all persons regardless of sex, age, race, social or political status, beliefs or sexual preference are entitled to information, freedom to decide, health care, non-discrimination, the highest possible standard of health care and the enjoyment of the benefits of scientific progress.

156. The Criminal Code punishes forced abortions for girls and women with up to 10 years' imprisonment and fines for any doctor or medical staff member carrying them out.

157. The Criminal Code also punishes forced sterilization of a person with a disability, considering that to cause the loss of a major organ or limb or of its use, of the power of speech or the ability to father or conceive a child is an offence of personal injury, punishable by four to seven years' imprisonment under article 135 (2).

158. The organizations charged with the fulfilment of the right to personal integrity include, first and foremost, public bodies having human rights responsibilities: the Ministry of Justice and Human Rights, with the duty to foster public policies to ensure respect for the right to personal integrity of persons with disabilities; and the Office of the National Commissioner for Human Rights, with its mandate to safeguard the rights and freedoms of persons in the terms described above regarding article 13 of the Convention on the Rights of Persons with Disabilities. Also noteworthy in the promotion of the right to personal integrity for persons with disabilities is the work of federations that work with them,

including small NGOs throughout the country which ensure that the rights of persons with disabilities are safeguarded.

## **Article 18**

### **Liberty of movement and nationality**

159. Article 81 of the Constitution establishes that every person has the right to circulate freely within the national territory, as well as leave, enter and remain in it, and no one may be obliged to change his domicile or residence, except in special cases and in accordance with the law.

160. The sixth thematic area of the National Policy on the Rights and Social Inclusion of Persons with Disabilities, a strategic guideline for the development and implementation of policy on accessibility and mobility for persons with disabilities, states as follows:

“The outcome of the analysis conducted in preparation for the formulation of this policy clearly showed that one of the main causes of the social exclusion of persons with disabilities is the obstacles resulting from the presence of physical barriers and the absence of accessible public transport. These also prevent the exercise of rights and the enjoyment of community life, by preventing or creating serious barriers to independent living. The policy document therefore includes, as a central thematic area, advocating the adoption of measures to overcome this situation or at least to mitigate it. The proposed strategic areas for the transformation of the community environment and of mobility are as follows:

6.1 Dissemination and enforceability of the National Plan on Universal Accessibility issued by the Department for the Development of Persons with Disabilities;

6.2 Compulsory inclusion of mobility systems in training programmes for professionals involved in planning, constructing and designing the urban and rural environments, in all areas related to accessibility and universal design.”

161. As for the right to a nationality, article 22 of the Constitution states that Honduran nationality can be acquired by birth or naturalization. Article 28 says that no Honduran by birth may be deprived of his or her nationality. Hondurans by birth maintain this right if they acquire another nationality. Article 39 states that all Hondurans must be registered with the National Registry Office.

162. Article 5 of the National Registry of Persons Act, contained in Legislative Decree No. 62-2004, states that one of the goals of the Registry is to ensure respect and full exercise of the rights inherent in the human person through correct registration and identification.

163. The Registry identifies Honduran nationals aged 18 or over and issues identity cards using biometric and demographic information. Until 2005, the biometric data were essentially the prints of the index fingers of both hands, which caused constraints and delays in the issue of identity cards to persons with disabilities if they lacked one or both index fingers or one or both hands.

164. Beginning in 2005, the personal identification system was updated and the fingerprinting was extended to all 10 fingers (ten-print biometric reading), thereby solving the problem of persons with disabilities lacking an index finger. This does not apply to those lacking both hands; the identity card was still blocked for them because the system could not check fingerprints.

165. That limitation was resolved when a decision was approved to modify the identification system to allow for a photograph to be accompanied by the legend “citizen lacking fingerprints”; thus, the system issues the identity card to persons with physical disabilities, more specifically upper-limb amputees.

166. The implementing regulations of the National Registry of Persons Act prohibit any failure by officials and employees of the Registry to implement the provisions relating to preferential treatment for older persons, persons with disabilities and pregnant women. Similarly, article 246 provides that the institution’s annual operational plans, strategic plans, projects and activities must observe the terms of laws and public policies on comprehensive development in early childhood, social protection, human rights, older persons, disability, gender equity, internal audit and other legal instruments which, in the framework of the Registry’s authority and citizen registration, ensure respect for and full exercise of the inherent rights of the human person.

167. One of the measures adopted by the Registry to ensure that all children are legally registered is contained in article 55 of the Act, which provides that the official registration of births is compulsory. It can be carried out by either of the parents, the minors’ legal representatives, relatives living in the same household and having knowledge of the birth or by persons who have been present at the birth or an official of a social welfare institution responsible for caring for the newborn. If the parents of the infant are minors, they may register the birth by presenting their birth certificates instead of the required documents. The registration of the birth may not be refused or remain in suspense on any grounds whatsoever.

168. Births must be registered within one year; this period has been reduced from the five-year deadline provided for previously. The underregistration of births in the country has fallen considerably, from 21 per cent in 2001 to 4 per cent in 2012. The steps taken to achieve this result were:

(a) Strengthening of a culture of registration through the implementation of the timely registration network, which helps to train voluntary registration promoters (such as municipal officials, nurses, teachers and community leaders) and checks on underregistration in the communities targeted;

(b) Implementation of mobile registration by teams which can reach areas which are inaccessible or very remote from the municipal registry offices for purposes of timely registration of births;

(c) Creation of strategic alliances with the Ministries of Health and Education, the Honduran Institute of Children and the Family, the Ministry of Social Development, the Coordinator for Private Institutions for Children and their Rights, *Plan Internacional*, *Ayuda en Acción*, INE, the Ministry for Indigenous and Afro-Honduran Peoples, municipal authorities and international organizations;

(d) Decriminalization of late registrations to avoid endangering the rights of people such as children and low-income and vulnerable groups;

(e) Some 21 departmental or sectional registry offices were opened, served by over 50 lawyers working free of charge for those unable to pay for the service.

## **Article 19**

### **Living independently and being included in the community**

169. Independent living schemes, home support services and residential services provided by the State are virtually nonexistent. Care in the home or in residential facilities and other

community services exists in the country's largest and most developed cities, and they are run by the private sector, so are not provided free of charge.

170. A number of NGOs work in community-based rehabilitation, including the Honduran Foundation for the Rehabilitation and Integration of Persons with Disabilities, the Cerebral Palsy Rehabilitation Programme and the *Instituto Psicopedagógico Juana Leclerc*. They are working on strategy in about 30 municipalities, about 10 per cent of the total number in the country. One of the strategic areas is the training of members of the community to provide home support and training young people to be community facilitators.

171. This is one of the rights of persons with disabilities with which Honduras is not in compliance, since it has no public services or residences to serve persons with disabilities who cannot afford private care services. The activities that do exist are conducted by NGOs or are services provided in return for payment to health-care staff in communities.

172. Honduras recognizes its deficit in this regard. At both the central and local government levels, the only response being provided is in case of emergency through ambulance services and paramedical personnel; to a considerable extent, this has to be improvised, either by taking staff from health-care facilities to patients' homes or transporting persons with disabilities to public health-care centres.

## **Article 20**

### **Personal mobility**

173. The Ministry of the Interior and Population formulated the National Plan on Universal Accessibility and is following it up. The Plan complements the legislation and plans run by other ministries in the area of mobility. It regulates matters relating to construction and modifications in all buildings, means of transport and public and private spaces open to the public, as well as technology, information and communication, which are required to be adapted to the needs of persons with disabilities.

174. Article 6 of the National Policy on the Rights and Social Inclusion of Persons with Disabilities establishes standards for the training of persons working in the area of accessibility and universal design.

175. The Ministry of Public Works, Transport and Housing has a representative officially appointed to ensure the enjoyment of the rights of persons with disabilities and coordinate activities with the Ministry of Justice and Human Rights and the Ministry of the Interior and Population to improve accessibility and mobility for persons with disabilities. Nonetheless, the Ministry of Public Works, Transport and Housing has not taken practical measures to comply with the goals of the National Plan on Universal Accessibility regarding transport, signage in the streets and use of signal indicators which provide accessibility for persons with disabilities.

176. Honduras has many roads for urban and intercity transport, many of which carry excessive numbers of vehicles. There are, however, communities which are not served by public transport because they are unsafe or difficult to reach or for other reasons. The vehicles are not equipped for disabled access.

177. Telethon is a private non-profit foundation which runs rehabilitation programmes to facilitate mobility for persons with disabilities who come to use its services. Following a socioeconomic assessment of the person concerned, it provides services free of charge, including mechanical devices, prosthetic and orthotic equipment and hearing aids.



178. On the basis of article 42 (1) of the Social Security Act, the Honduran Social Security Institute covers the cost of prosthetic and orthotic equipment when required by affiliated persons who have been harmed as a result of occupational hazards. The San Felipe Public Hospital has a large prosthetics and orthotics laboratory for its patients.

179. On the subject of personal mobility, the provisions of article 9 of the Convention should be noted in relation to the sixth thematic area of the Public Policy for the Exercise of the Rights of Persons with Disabilities and their Social Inclusion, which deals with issues relating to accessibility and mobility.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

180. The regulating body for telecommunications is the National Telecommunications Commission, governed by the Framework Act on the Telecommunications Sector. Article 13 of the Act calls for the adoption of the necessary measures to ensure that telecommunications services are provided efficiently and free from interruptions, interference and discrimination.

181. The Freedom of Thought and Expression Act contains no article to regulate the implementation of measures to ensure that official or private communications and access to written information comply with the communication needs of persons with disabilities.

182. Article 46 of the Act on Equity and Comprehensive Development for Persons with Disabilities, on the subject of the media, provides that news programmes broadcast by television channels must ensure that the information they contain is accessible, by means of interpreters or on-screen text, to ensure that those with hearing impairments enjoy the right to information. The National Telecommunications Commission is required to ensure that all the media adopt the corresponding measures for the accessibility of information they provide to the public.

183. Very few of the country's television channels provide news programmes with sign-language interpretation for persons with hearing impairments. This is directly linked to insufficient supervision and application of the relevant legislation by the governing bodies, who thereby fail in their obligation to guarantee that right in order to make its enjoyment effective. To overcome this problem, the Ministry of Justice and Human Rights has sponsored the adoption of the Honduran Sign Language Act to make access to information equitable and ensure that news programmes on national television are broadcast with sign language interpretation. This was adopted by Congress, which has so far approved 16 of the 30 articles contained in the text.

184. The National Plan on Universal Accessibility provides for measures to improve access to information in formats appropriate for persons with disabilities, in a timely manner and without additional cost, with a series of strategies to promote appropriate and ethical forms of assistance and support for persons with disabilities to ensure they have access to information, including forms of human and animal assistance and intermediaries, such as guides, readers and professional sign language interpreters.

## **Article 22**

### **Respect for privacy**

185. Article 68 of the Constitution states that all persons are entitled for respect for their physical, psychological and moral integrity; under article 76, they also have the right to

honour, to personal privacy, to a family and to dignity. Equal enjoyment of that right must therefore be afforded to persons with disabilities.

186. To guarantee that right and the inviolability of communications in the public sector, article 113 (5) of the implementing regulations of the Civil Service Act provides that public servants are required to maintain the necessary reserve and discretion in respect of work-related matters and must not divulge information which is of an official nature or has been duly provided and communicated to the appropriate person.

187. Article 2 of the Transparency and Access to Public Information Act provides that the objectives of the Act include the creation of mechanisms to “(6) Ensure the protection, classification and security of public information and respect for restrictions on access in cases of: ... (b) information provided confidentially to the State by private citizens and (c) confidential personal data...”.

188. None of the above may in any way be construed in such a way that a person with a disability may be concealed in order to protect his or her privacy, because that which is protected by law is what the person with a disability desires not to be made known. This article may in no way be used against that person; to do so would entail an arbitrary interpretation of the fundamental right to privacy.

### **Article 23**

#### **Respect for home and the family**

189. Under article 121 of the Constitution, parents are required to feed, assist and educate their children during their minority, and beyond in those cases established by law. The State will provide special protection for minors whose parents or guardians cannot afford to provide for their care and education.

190. Honduran legislation guarantees the right of citizens to marry and to found a family. Article 112 of the Constitution recognizes the right of men and women to enter into marriage on the basis of the legal equality of spouses. It places limits on that right in respect of persons aged under 18, those who are not in full possession of their reason at the time of the intended marriage, persons whose previous marriage or non-marital union has not been legally dissolved and for marriage between persons of the same sex.

191. Article 8 of the Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors, Legislative Decree No. 201-2006 (of 2005), states that “in adoptions governed by this Convention, the authorities granting the adoption may require the adopter (or adopters) to provide evidence of his physical, moral, psychological and economic capacity, through public or private institutions, [whose] specific purpose is to protect minors”.

192. The Honduran Institute of Children and the Family is the government body which formulates and implements State policies regarding children, adolescents and the family. It is responsible for adoption procedures, and does not consider that a couple should be excluded on the grounds that one of the spouses has a disability.

193. Article 6 of the Honduran Institute of Children and the Family Act states that one of the Institute’s functions is to conduct, jointly with other State or private bodies, specialized programmes and services for children and adolescents with disabilities in order to train them and integrate them into society, while involving the family and the community in these efforts.

194. It should be noted that disability is not seen as a reason for the Institute to separate children from their families. This does not apply in cases where children with disabilities are entrusted to the Institute because their rights are being violated; in such cases, the children receive immediate protection and are placed in foster families or shelter homes. The Institute also promotes the creation of homes or establishments which enable children and adolescents with disabilities who are at social risk to achieve full development of their personalities.

195. The Institute has a Social Intervention and Protection Programme, which provides services to children with disabilities. It has special care centres which come under the Centre for Special Research and Rehabilitation and the Centre for Special Training (for further details, see the section on article 24) and the Rosa Elena de Lobo Comprehensive Care Centre, which serves children with disabilities aged between 0 and 18. The purpose of the Rosa Elena de Lobo centre is to provide comprehensive rights-based care to children with mild, moderate and severe disabilities. Since it was established in October 2013, 7 girls and 23 boys have been cared for. These include children with mental retardation, convulsive syndromes, sight or hearing impairments, hydrocephalus, chronic neuropathy and cerebral palsy. The qualified staff working at the centre include 12 nursemaids, three nurses, one therapist and one doctor, in addition to office staff.

196. During the social, psychological, legal and medical intervention process, the appropriate assessments are made in order to determine the merits of the case; on this basis, it will be decided whether the child may rejoin its immediate family or whether someone should be sought in the extended family to take responsibility for its protection. Where no family reintegration is possible, children are placed with foster families or, as a last resort, in private protection centres run by NGOs which work with at-risk children or by the Honduran Institute of Children and the Family. During the period when the child is the subject of such protection measures, efforts are made to preserve the family connection by means of visits from the mother or father.

197. As for access to family planning for persons with disabilities, access to such services is available to the whole population with no restrictions of any kind. Information on family planning methods is provided by health-care staff at public and private health centres.

## **Article 24**

### **Education**

198. Article 123 of the Constitution expressly states that all children are to enjoy the benefits of education. Article 169 requires the State to sustain and promote education for the disabled.

199. The basic law on education establishes that access to education is a human right for all. It defines education for persons with impairments or special abilities as “services, techniques, strategies, knowledge and teaching resources for ensuring that a comprehensive, flexible and dynamic education is provided to those with special physical, sensory, psychological or intellectual abilities, making possible the academic and social integration of those students”.

200. The Act on Equity and Comprehensive Development for Persons with Disabilities also requires ministries to coordinate their efforts to implement education programmes for teachers and family members of persons with disabilities, to help the latter to become active and productive members of the community.

201. The first Public Policy and National Plan of Action on Human Rights emphasizes the need to implement a national rights-based strategy of inclusive education for persons with disabilities, providing for the educational needs of children and disabled people with special abilities and educational needs, including universal design, physical accessibility, communication, interpreters, curricular adaptations, technical assistance and appropriate training for teaching and support staff, the national education plan for 2010–2014, the national youth policy for 2007–2030 and the Convention on the Rights of Persons with Disabilities.

202. Guaranteed access to education is one of the priority areas of the National Policy on the Rights and Social Inclusion of Persons with Disabilities. This relates to ensuring that the right to education for persons with disabilities is exercised in inclusive educational environments with respect for the principle of equal opportunities, providing access, attendance and advancement, with good quality, for children, adolescents and adults with disabilities, in formal and non-formal education programmes, from primary to higher education.

203. One of the earliest measures regulating formal and non-formal education for persons with disabilities was Agreement No. 1662-EP91 between the President and the Ministry of Public Education, dated June 1991. This established the Ministry's special needs education policy, whose purpose was to guide the design of formal and non-formal special needs education in the public and private sectors, applying the principle of normality at the various levels of the education system. It also sought to coordinate special needs education with national and international bodies and organizations in order to make the best possible use of human and financial resources.

204. In order to facilitate quality education for students with disabilities, an inclusive education strategy was designed on the basis of an analysis of special-education services conducted by the Ministry of Education in 2005–2006; this strategy has been reviewed and updated during the current year, 2013. Regulations on curricular adjustments to facilitate the education of students with disabilities or special abilities and needs were devised and approved in 2010 by Ministerial Agreement No. 2525-SE-2010. They also promote reasonable accommodations in schools to foster learning and participation by all students, eliminating obstacles to access, learning and participation by students with disabilities as much as possible.

205. Under article 27 of the basic law on education, students with disabilities or special abilities and needs and social rehabilitation education must be educated in the national education system, in accordance with the principles of comprehensiveness, equity and inclusion of all persons and groups, responding to specific educational needs whether permanent or temporary.

206. The Ministry of Education has held day meetings to promote knowledge and awareness of the legal framework protecting persons with disabilities, in order to ensure that teachers, technical and administrative staff in the education system, students in the various types and levels of education and parents are sufficiently trained on the subject of disability.

207. Teachers' skills in relation to special-needs students are being developed in areas such as special educational needs, learning difficulties, respect for diversity, curricular adjustments, inclusive education, assessment of development and learning at preschool and primary-school levels, design of teaching materials, specific methods for people with a variety of disabilities and bicultural and bilingual education for people with hearing impairments.

208. Training has been provided to 1,285 teachers, equivalent to about 5 per cent of the total number (26,114), on various aspects of dealing with different types of disability. This began in the schools having the greatest numbers of students with disabilities. The goal is to extend this training to all teachers.

209. The reasonable accommodations which have been implemented include curricular adjustments and the integration of visiting teachers from the Cerebral Palsy Rehabilitation Programme and schools such as Juana Leclerc, *Instituto Franciscano para la Capacitación del no Vidente*, *Escuela para ciegos Pilar Salinas* and *Luis Braille*. These teachers, specialized in caring for children and adolescents with disabilities, travel around and provide support to teachers in ordinary schools.

210. To improve quality in special education, support documents have been produced for teachers. These include manuals on curricular adjustment, special educational needs and learning difficulties and contain specialized teaching materials and bibliographies. There is also a training and skills development process in the area of risk management, to enable teachers to develop skills and abilities in disaster prevention.

211. Physical alterations have begun in schools which have reported having students with physical and intellectual disabilities and hearing and visual impairments. Ramps and handrails have been installed and toilets have been widened.

212. To expand the coverage of educational care for children with disabilities and special needs, the Ministry of Education provides subsidies and specialized teachers to non-profit special schools.

213. The Ministry promotes the organization of inter-agency networks such as the Network of Institutions and Associations of the Deaf, the Network of Education Services in Support of Diversity and the *Grupo Trabajo Nacional* (National Work Group) for training and detection of and caring for children with sight impairments and multiple disabilities.

214. A national resource centre for inclusive education for persons with sight impairments has been established. Its main objective is capacity-building in schools through the production of teaching materials, provision of special equipment to students, teacher instruction and training, field trips and monitoring of schools which have students with disabilities.

215. Since 2011, in coordination with the Organization of Ibero-American States for Education, Science and Culture (OEI) and the MAPFRE Foundation, a competition has been held in the field of good practices in rights-based inclusive education, to promote high-quality inclusive education for students with disabilities.

216. Statistics for 2012 on students with some kind of disability enrolled in public-sector education, by gender, are as follows.

Table 4  
**Students in preschool and primary education**

<i>No.</i>	<i>Disability</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
1	Hearing	1 218	1 422	<b>2 640</b>
2	Sight	3 806	3 457	<b>7 263</b>
3	Motor	1 801	2 502	<b>4 303</b>
4	Intellectual	2 350	3 139	<b>5 489</b>
5	Cerebral palsy	105	105	<b>210</b>
6	Multiple	781	1 232	<b>2 013</b>

<i>No. Disability</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
8 Learning difficulties	8 947	12 073	<b>21 020</b>
9 Speech impairment	2 382	3 816	<b>6 198</b>
7 Other	363	482	<b>845</b>
<b>Total</b>	<b>21 753</b>	<b>28 228</b>	<b>49 981</b>

*Source:* Management Assessment and Planning Unit, UPEG, Ministry of Education, 2012.

**Table 5**  
**Students with disabilities, by type of school**

<i>Type of school</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Community Preschool Centre	645	690	435
Kindergarten	2 338	2 954	2 640
Primary school	49 324	52 173	47 596
<b>Total</b>	<b>52 307</b>	<b>55 817</b>	<b>50 671</b>

*Source:* Prepared by the Ministry of Justice and Human Rights. Report on the rights of the child, 2012.

**Table 6**  
**Children with disabilities in the national education system, percentages**

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

*Source:* Prepared by the Ministry of Justice and Human Rights. Report on the rights of the child, 2012.

217. As for higher education, the National Autonomous University of Honduras (UNAH) established the PROSENE programme. Its purpose is to facilitate access to the physical and educational environment at the university and promote a favourable learning experience so that students have the opportunity to participate fully in all aspects of university life and can subsequently become integrated into society with equal opportunities. The programme has staff who specialize in training in areas such as Honduran Sign Language, orientation and mobility and adaptive technology courses in Braille for blind students.

218. These services are available throughout the university community, for teachers with persons with disabilities and for members of the general public wishing to learn new technologies for supporting or working with persons with disabilities, and also to promote the linguistic identity of the hearing-impaired.

219. University teaching staff receive guidance on the curricular adjustments they can implement; follow-up is provided during every academic term to improve the learning and teaching experience for persons with disabilities.

220. The reasonable accommodations provided to students are academic advice, reading and recording of texts, tutoring in any subject required, sign-language interpretation, adaptive technology, digitization of materials, orientation and mobility, accessibility to the

physical environment, writers for those who require them and application of the academic aptitude test for special-needs students.

221. The *Universidad Pedagógica Nacional Francisco Morazán* (teacher training college) has established a special-education course to train special instructors to satisfy the educational needs of a diverse population group and bring about changed attitudes towards a culture of respect for diversity. It has hired staff to help hearing-impaired persons with communication.<sup>10</sup>

222. Although Honduras has made progress in some areas of education, there is still a need for comprehensive development in terms of both the physical environment at all schools and the need for sufficient numbers of qualified and trained staff at all schools to assist students with any type of disability.

223. The statistics on students with disabilities in higher education are as follows.

Table 7  
**Students with disabilities, by subject studied**

<i>Subject</i>	<i>Total</i>
Business data processing	38
Law	35
Psychology	33
Journalism	30
Teacher training	24
Business management	16
Medicine	16
Social work	14
Mathematics	11
Foreign languages	10
Dentistry	10
Public Administration	7
International commerce	7
Systems engineering	7
Nursing	6
Public accounting	5
Industrial Engineering	5
Microbiology	5
Chemistry and pharmaceuticals	5
Wireless technology technician	5
History	3
Arts	3
Music	3
Microfinance technician	3
Nutritional technician	3
Banking and finance	2
Municipal development	2
Civil engineering	2

<sup>10</sup> <http://www.upnfm.edu.hn>. Revised on 20 December 2013.

<i>Subject</i>	<i>Total</i>
Marketing	2
Municipal development technician	2
Functional therapy	2
Agricultural management	1
Customs administration	1
Architecture	1
Biology	1
Economics	1
Philosophy	1
Electrical engineering	1
Chemical engineering	1
Social education technician	1
Spanish language	1
Sign-language interpretation technician	1
Not known	4
<b>Total</b>	<b>331</b>

*Source:* UNAH, PROSENE, 2013.

Table 8  
**University students, by type of disability**

<i>Disability</i>	<i>Total</i>
Reduced mobility	145
Visual	112
Hearing	51
Learning difficulties	9
Speech	5
Temporarily reduced mobility	3
Not known	6
<b>Total</b>	<b>331</b>

*Source:* UNAH, PROSENE. 2013.

Table 9  
**University students with disabilities, by gender**

<i>Gender</i>	<i>Numbers</i>
Female	141
Male	190
<b>Total</b>	<b>331</b>

*Source:* UNAH, PROSENE. 2013.



## Article 25

### Health

224. Article 145 of the Constitution recognizes the right to health care and states that it is the duty of all to participate in promoting and maintaining the health of individuals and the community.

225. In accordance with that constitutional mandate, article 1 of the Health Code states that health is considered as a state of comprehensive biological, psychological, social and ecological well-being, that it is an inalienable human right, and that the State and all natural and legal persons have a duty to foster protection, recovery and rehabilitation.

226. Articles 26-29 of the Act on Equity and Comprehensive Development for Persons with Disabilities guarantee access to health care at public hospitals and health centres, social security and health and life insurance for persons with disabilities.

227. The first Public Policy and National Plan of Action on Human Rights attaches importance to promoting recognition and care for psychosocial and mixed impairments. It sets this as a strategic action to be completed by 2014, and promotes the strengthening of the national programme on the theme of disability, linked to the national health plan and the creation of new inclusive policies for persons with disabilities in the public health system (National Health Plan 2005–2025) and the design and strengthening of preventive plans and programmes on disability at all levels, in urban and rural areas and at medical, educational and municipal centres.

228. It also requires health-care protocols to be implemented by 2018 in relation to all types of disability.

229. The third strategic area of the National Policy on the Rights and Social Inclusion of Persons with Disabilities is access to comprehensive health care. It states that this is related to the difficulties experienced by persons with disabilities in obtaining health care, both general and specific, and seeks to guarantee and create the conditions so that persons with disabilities can enjoy the highest possible level of health care with the same quality as the rest of the population. This care must include habilitation and rehabilitation services.

230. The Ministry of Health is responsible for implementing the national health policy and for standards and planning in public- and private-sector activities in the area of health for the whole population.

231. As for care for persons with intellectual or psychosocial impairments, the State has a Mental Health Policy for 2004–2021, covering the organization of primary mental health care, human resources, protection and promotion of mental health, protection of users' human rights, equal access to mental health services, improvements in quality and the system of service evaluation.

232. To ensure continuous and comprehensive health care, Ministerial Agreement No. 1000-2013 established the National Health Policy, which is currently being implemented and includes community-based rehabilitation. This implementation has been coordinated with the course in physical therapy to ensure the application of the strategy, beginning with priority municipalities.

233. The ministry has health services and programmes allowing early detection and actions to reduce the occurrence of disabilities. The most important of these include a programme for children, an expanded immunization programme and a women's programme. They have manuals of rules and procedures relating to integrated care for women, family planning, prenatal care and standards for childbirth care. Campaigns to

promote knowledge and awareness of health issues are generally organized for the whole population, without specific attention to persons with disabilities.

234. Disability prevention measures include pre- and postnatal care. Data from the National Population and Health Survey 2011–2012 show that 97 per cent of women who gave birth received prenatal care from a health professional and 85 per cent received postnatal care. The percentage is lower in rural areas, at 77 per cent, against 99 per cent in urban areas. Of total births, 78 per cent took place in the public health system and 5 per cent in private-sector institutions.

235. To ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent, facilities under the authority of the Ministry of Health (hospitals and health centres) are provided with forms for informed consent and for patient discharge requests and authorizations. These are applicable to procedures in the doctor's office and the laboratory and clinical, surgical or pathology procedures which are useful for diagnosis, treatment and recovery.

236. A comprehensive approach to sexually transmitted infections (STIs) and HIV/AIDS has been introduced in the framework of the health-sector reform. This ensures the implementation of actions which are included in a guaranteed health-care package for all persons, including those with disabilities, avoiding stigma and discrimination. It provides for the dissemination of information through media which include radio and television and publicizing people's rights and obligations in various formats such as Braille and in indigenous and Afro-descendant languages.

237. Healthy lifestyles are promoted, as are screening for STIs and HIV, pre-and postnatal counselling, condom use, prevention of mother-to-child transmission and post-exposure prophylaxis.

238. To ensure that persons with disabilities have access to habilitation and rehabilitation, article 27 (6) of the Act on Equity and Comprehensive Development for Persons with Disabilities entrusts the Ministry of Health with responsibility for providing rehabilitation services in the various areas of health care, including home and outpatient care, which are to be provided by specialized staff and include the support services needed for appropriate care. Article 28 of the Act requires the Honduran Social Security Institute to provide its services to persons with disabilities, including them in its special gradual-affiliation regime, in accordance with the Social Security Institute Act and its implementing regulations. The section of the National Policy on the Rights and Social Inclusion of Persons with Disabilities dealing with access to comprehensive health care emphasizes that public health services must include habilitation and rehabilitation.

239. The national health system includes rehabilitation services in both the public and private sectors, teams of rehabilitation professionals such as physiatrists, nurses, physical therapy technicians, occupational and speech therapists, orthotics and prosthetics specialists, rehabilitation assistants, community rehabilitation workers, psychologists and social workers, covering much of the country's territory.

240. The greatest shortage in terms of specialized staff is in occupational and speech therapy. To improve care quality in habilitation and rehabilitation, a short course in functional therapy and a postgraduate course in Rehabilitation have been set up at UNAH, sponsored by the Honduran Social Security Institute.

241. To ensure that participation by members of the community in habilitation and rehabilitation programmes and services is voluntary, the Ministry has created family and community health teams with doctors, nurses and outreach workers who travel to communities to collect information on families. About 300 teams have been formed, covering some 60,000 families in many of the country's municipalities. There are also

orthotics and prosthetics laboratories which design, produce and fit products at both the San Felipe Public Hospital and the Telethon rehabilitation centre, both of which are non-profit institutions.

242. In addition to the Ministry and the Honduran Social Security Institute, private non-profit bodies such as the Telethon Foundation, the Honduran Foundation for the Rehabilitation and Integration of Persons with Disabilities and other NGOs do important work in the habilitation and rehabilitation of persons with disabilities.

## **Article 26**

### **Habilitation and rehabilitation**

243. The lead agency in habilitation and rehabilitation is the Ministry of Health, particularly its Department for Comprehensive Services to Persons with Disabilities. It has nine rehabilitation clinics for persons with disabilities, located in the country's various public hospitals, and two hospitals for persons with mental or psychosocial impairments. Physical access to these clinics is a problem, since they are not adapted for disabled access. There is a network of civil society and private bodies which provide quality rehabilitation services. The San Felipe Public Hospital, located in the capital city, has a rehabilitation unit which also covers the areas of early learning and back school.

244. The Honduran Social Security Institute has two rehabilitation centres, located in the cities of San Pedro Sula and Tegucigalpa, which have qualified technical staff and modern rehabilitation systems. It bears the cost of orthotics and prosthetics for affiliated persons when the harm has resulted from an occupational hazard. The clinics include early learning services for children with disabilities. They also have a programme of labour-market integration and work placement for persons with disabilities, managed by a specialist in occupational medicine, together with social work, supporting the employment reintegration process. There is also a back school programme which improves the situation of those with back-related impairments.

245. In the framework of the first Public Policy and National Plan of Action on Human Rights, numerous Hondurans have been identified after returning home with disabilities they have acquired while they were migrants in other countries. As a result, the following strategic action has been agreed, to be implemented by 2015: "Improve national legislation to strengthen processes of prevention, habilitation and rehabilitation of those returning to the country with motor, sensory, intellectual, psychosocial or mixed disabilities and create the conditions for their integration into organizations which can assist them."

246. To strengthen the skills of health professionals, a postgraduate course in physical medicine and rehabilitation was set up thanks to a tripartite agreement between the Ministry of Health, the Honduran Social Security Institute and UNAH. The Honduran Social Security Institute funds scholarships for doctors wishing to specialize in this area and provides the teachers, who are specialists from within UNAH.

247. The Faculty of Medicine of UNAH and the Honduran Social Security Institute are conducting a national study of the prevalence of disability and related factors within the medical specialties of doctors working in social service in 2013–2014.

248. The State has adopted community-based rehabilitation (CBR), as advocated by the World Health Organization (WHO) and the Pan American Health Organization (PAHO), as a strategy to improve access to rehabilitation and community integration for persons with disabilities. Its implementation, however, has been disorganized, since the Ministry and NGOs working in this area have failed to unify their criteria and there is no regulation of CBR, which would have helped to harmonize their efforts to achieve greater impact in the

beneficiary communities where it is being implemented. Incipient efforts to achieve that impact include the distribution by the Ministry of basic materials on CBR; efforts have begun to translate it into the languages of the country's indigenous peoples such as the Miskito language.

249. The Telethon Foundation conducts rehabilitation programmes for persons with disabilities. These include prevention programmes for those with high levels of neurological risk; disability-specific gymnasium activities for children aged 0 to 6 years, oriented towards comprehensive care and neurological development; adult physiotherapy; occupational and speech therapy and orthotics and prosthetics laboratories. This is a comprehensive rehabilitation process, accompanied by psychological treatment and socioeconomic analysis of the persons with disabilities and their families. They use rehabilitation technologies, the most significant of which include the Paediatric Functional Independence Measure (WeeFIM),<sup>11</sup> and a multisensory stimulation room.

250. To promote rights and train human resources in the area of CBR, the Office of the National Commissioner for Human Rights has published a number of documents, such as *ABC de los Derechos Humanos para Personas con Discapacidad a nivel Comunitario* (ABC of human rights for persons with disabilities at the community level) and a CBR manual. It has also held training workshops at its local offices and in institutions working in the disability sector.

251. From 2003 to 2010, the Honduran Social Investment Fund ran a Development and Social Assistance Innovation Fund. One of its purposes was to fund comprehensive care projects for persons with disabilities, especially children and young people living in poverty, with a particular focus on CBR in rural areas.

## **Article 27**

### **Work and employment**

252. Honduras has undertaken to guarantee the right to work and employment for all persons, including those with disabilities, by acceding to numerous international agreements. These include the American Convention on Human Rights, the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), the ILO Discrimination (Employment and Occupation) Convention (No. 111) and the ILO Employment Policy Convention, 1964 (No. 122), as well as the Convention on the Rights of Persons with Disabilities, which has been incorporated into domestic law, the Constitution, the Labour Code, the Act on Equity and Comprehensive Development for Persons with Disabilities, the regulations on occupational safety and health for marine fisheries and the design of public policies such as Public Policy and National Plan of Action on Human Rights and the National Policy on the Rights and Social Inclusion of Persons with Disabilities, among other instruments affecting the lives of persons with disabilities.

253. Chapter V, article 127, of the Constitution, relating to employment, states that everybody has the right to work and to freely choose and leave their occupation in equitable and decent conditions, and to protection against unemployment.

254. The Act on Equity and Comprehensive Development for Persons with Disabilities, whose implementing regulations have not yet been enacted, contains seven articles on the right to work, employment discrimination, easing official formalities, the Ministry of Labour and Social Security, fiscal incentives for businesses hiring persons with disabilities, the National Institute for Vocational Training and the numbers of persons with disabilities who must be employed by businesses. It explains that government bodies and private-sector

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<sup>11</sup> A tool for the assessment of the functional performance of patients with cerebral palsy.

businesses, depending on their size, are required to employ at least a certain number of people with disabilities, as follows:

- (a) 20–49 employees: one person with a disability;
- (b) 50–74 employees: two persons with disabilities;
- (c) 75–99 employees: three persons with disabilities;
- (d) For every 100 employees: four persons with disabilities.

255. The fifth thematic area of the National Policy on the Rights and Social Inclusion of Persons with Disabilities involves the actions necessary for creating job opportunities. Under the first Public Policy and National Plan of Action on Human Rights, the State is required to guarantee employment opportunities in public bodies, making structural and functional modifications for the labour-market integration of persons with disabilities.

256. The Ministry of Labour and Social Security, recognizing the right to work of persons with disabilities, has taken positive steps to promote self-employment by such persons, especially women, providing seed capital through the work of the *Apoyo Continuidad* (support and continuity) revolving fund, which is oriented in favour of the development and strengthening of microenterprises for persons with disabilities and their family members through the provision of small loans.

257. In accordance with the credit policy, loans are granted through the Employment Inclusivity Unit and its implementing unit at the Revolving Fund. Up to 2012, the support programme for self-employment granted 168 loans, totalling 1,734,300 lempiras (about US\$ 86,715). The greatest amount of support has gone to the area of commerce, and the persons with disabilities who have benefited the most are those who have a physical, sensory or intellectual impairment.

Table 10

**Organizational structure of the implementing unit of the Revolving Fund, Ministry of Labour and Social Security**

<i>Bodies and participants</i>	<i>Activity</i>
Credit Committee, collegiate governing body of the revolving fund (FENOPDIH, Employment Directorate, Honduran Private Enterprise Council and the local manager at San Pedro Sula)	<ul style="list-style-type: none"> <li>• Sets management policies</li> <li>• Technical review of proposals</li> <li>• Approves or rejects loan applications</li> </ul>
Employment Directorate The Director chairs the Credit Committee	<ul style="list-style-type: none"> <li>• Assesses management by implementing unit proposes the necessary rectifications</li> <li>• Coordination and technical review of actions by the implementing unit</li> </ul>
Implementing Unit The person in charge acts as secretary to the Credit Committee	<ul style="list-style-type: none"> <li>• Implements actions decided by the Credit Committee</li> <li>• Coordination of socioeconomic, technical and financial studies</li> <li>• Investigates the security offered</li> <li>• Prepares proposals to be submitted to the Credit Committee</li> <li>• Coordinates loan monitoring</li> </ul>

<i>Bodies and participants</i>	<i>Activity</i>
Social worker	<ul style="list-style-type: none"> <li>• Socioeconomic investigation of borrowers and guarantors</li> <li>• Presents reports containing comments on borrowers</li> </ul>
Economist	<ul style="list-style-type: none"> <li>• Technical, financial and analytical investigation of proposals submitted</li> </ul>
Guidance unit	<ul style="list-style-type: none"> <li>• Responsible for pre-loan training: small business management, basic accounting etc.</li> </ul>
Loan officers	<ul style="list-style-type: none"> <li>• Recovery of payments and banking management</li> </ul>
Administrative management	<ul style="list-style-type: none"> <li>• Generates accounting data</li> </ul>

*Source:* Ministry of Labour and Social Security/Employment Directorate 2013.

258. Programmes and policies implemented to promote employment for persons with disabilities, particularly for training and job placement for women with disabilities, have been able to obtain funding from the Organization of American States (OAS) and the Spanish Agency for International Development Cooperation (AECID). The work abilities of persons with disabilities have been strengthened in partnership with the National Institute for Vocational Training, which provided technical training to 463 people with disabilities in 2011–2012, in areas such as cosmetics, hairdressing, dressmaking, bakery and computing.

259. The Ministry of Labour and Social Security has a strategy of internships in commercial, manufacturing and services companies so that persons with disabilities who have taken the relevant training courses can then serve appropriate internships, giving them opportunities which may lead to a permanent positions appropriate to their skills and abilities.

260. To improve job seeking for persons with disabilities, the Ministry has developed a specialized employment intervention system for persons with disabilities, managed by a multidisciplinary team which includes psychologists who guide the design and preparation of the stages of the job-seeking process. Among employers, however, awareness has not yet been sufficiently raised in either the private or State sector regarding the hiring of persons with disabilities.

261. Data from NGOs show that in 2011 there were 969 persons with disabilities in the labour market. The Office of the National Commissioner for Human Rights reports that information from the Ministry shows that 345 persons with disabilities are employed in government bodies.<sup>12</sup> This number has increased in the last few years but no current data are available.

262. To improve the Ministry's human resources dealing with persons with disabilities, staff have received training in disability-related subjects and labour-market intermediation services, on the International Classification of Functioning, Disability and Health (ICF), the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), fiscal incentives to promote employment for persons with disabilities,

<sup>12</sup> Office of the National Commissioner for Human Rights, 2012. A preliminary study of work and employment among persons with disabilities.

Honduran Sign Language, job analysis, accessibility guides and software for the registration of persons with disabilities.

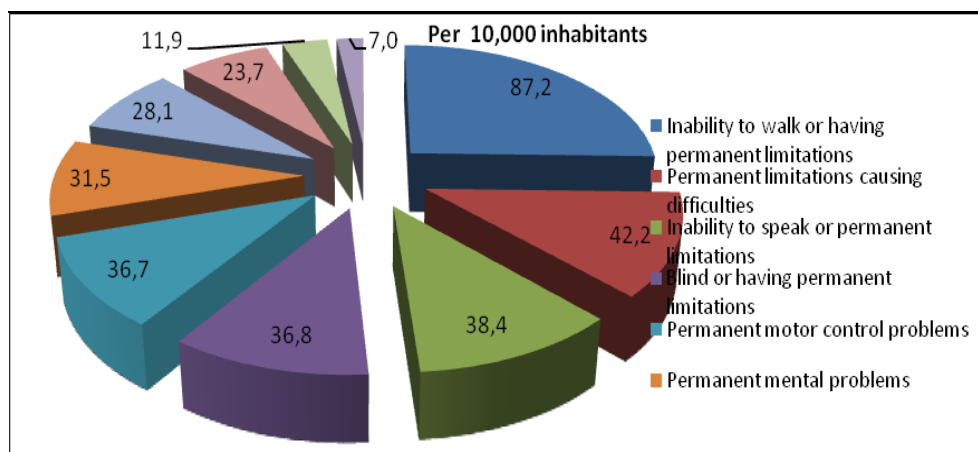
263. Honduran legislation prohibits and penalizes all types of employment discrimination on any grounds, including disability (article 321 of the Criminal Code and article 12 of the Labour Code). The Ministry of Labour and Social Security has established measures to prevent harassment of persons with disabilities in the workplace, such as the awarding of a commendation plaque to any business employing persons with disabilities. It also requires that the obligatory clause on the subject of disability be included in internal rules on work and occupational health; if it is not included, the rules will not be approved. The Ministry also provides training to labour inspectors at the national level on basic concepts in the areas of disability, human rights and the legal instruments necessary for compliance with the Act on Equity and Comprehensive Development for Persons with Disabilities.

264. When persons with disabilities have applied for a job vacancy through the Ministry's employment exchange, they are accompanied throughout the interview process by employment integration consultants, in a manner which is non-discriminatory and adapted to the type of disability, to ensure that there is no negative bias. The Ministry is assisted by the Honduran Support Group for the Deaf and the Juana Leclerc Institute to identify persons with disabilities who match the employers' specific requirements.

265. Data from 2009 show that the economically active population with disabilities is composed as follows.

Figure 1

**Economically active population, by type of disability**



*Source:* Ministry of Labour and Social Security. Disability Module. Permanent Multi-purpose Household Survey. 2009.

266. As for measures to protect workers with disabilities from unfair dismissal, Honduras has ratified the ILO Abolition of Forced Labour Convention, 1957 (No. 105). In domestic legislation, the same guarantees are provided by the Constitution and the Labour Code.

267. Article 35 of the Act on Equity and Comprehensive Development for Persons with Disabilities, relating to the hiring of persons with disabilities, is not being complied with, owing to both the lack of promotion of the Act and the lack of momentum and awareness of the Convention among the general public, especially employers in all sectors. Since the implementing regulations of the Act have not been established, sanctions are limited to those imposed by the Ministry on employers who fail to comply with the quota for hiring persons with disabilities.

268. Honduran legislation does not provide for sanctions against public or private entities which fail to implement reasonable accommodations in the workplace, such as the construction of ramps, placing furniture in offices in such a way that persons with physical disabilities (those using wheelchairs, crutches or canes) can move around easily, and/or providing adaptive technology, so that they are equally able to work on the same footing as workers without disabilities. Most of these reasonable accommodations have been agreed on in the framework of conciliation processes and awareness-raising campaigns targeting employers.

## **Article 28**

### **Adequate standard of living and social protection**

269. The Government of Honduras believes that its whole population should have a sufficient standard of living. Its measures to improve the quality of life include a provision enshrined in article 178 of the Constitution, recognizing that the people of Honduras have the right to decent housing and requiring the State to formulate and execute social-housing programmes. Article 181 calls for the establishment of a Social Fund for Housing to implement housing development.

270. The State also has a programme on social housing and access to credit, designed to promote decent housing and provide loans to low-income groups in the framework of a social economy. The State has not, however, implemented specific programmes or projects to build housing for the families of persons with disabilities.

271. Articles 28 and 29 of the Act on Equity and Comprehensive Development for Persons with Disabilities require the Honduran Social Security Institute to provide its services to persons with disabilities, including them in the special progressive affiliation scheme in accordance with the Social Security Act and its implementing regulations. Insurance companies may not refuse or restrict access to life insurance or health-care policies solely on grounds of the existence of some type of disability.

272. Section 7 of the National Policy on the Rights and Social Inclusion of Persons with Disabilities contains guidelines for support services to improve the quality of life and social protection. Its strategic areas include the implementation of comprehensive protection programmes for persons with disabilities and the creation of a bank of technical assistance and equipment to assist mobility and social inclusion with a pricing structure adapted to individual financial resources. It will also foster the construction of a national network of support, guidance and psychological and social care services for persons with disabilities and their families and priority access to public housing programmes (see section IV, above).

273. Access to safe drinking water and basic sanitation improves the population's quality of life. The regulating body in this area is the National Water Supply and Sewerage System, which promotes the development of public drinking-water supplies, drains and sewerage throughout the country, without discrimination (see section IV, above).

274. Measures adopted to provide social protection to the population, including persons with disabilities, include various pension programmes such as those provided by the National Public Employees' Retirement and Pensions Institute, the National Teachers' Social Insurance Institute, the Military Social Insurance Institute and the Honduran Social Security Institute, which provide invalidity retirement and pensions. Retirement programmes in the private sector are limited and most of them are affiliated to the Honduran Social Security Institute, which is mandated to provide the appropriate retirement



or invalidity pensions to affiliated retirees; the national coverage is 17.3 per cent.<sup>13</sup> There is also a special protection system for persons with disabilities belonging to the armed forces, the National Police and the Fire Brigade. This was established by the regulations on disability pensions of the Military Insurance Institute, approved by resolution No. 2715 of 12 August 2008, which also determined procedures for the granting of total and permanent disability pensions for affiliates of the Special Risks System of the Military Insurance Institute.

275. A number of studies on poverty have been conducted in Honduras, based on official methods such as poverty measurement based on unsatisfied basic needs, the basic food basket and households' financial income. There have been no studies correlating disability with poverty, on the basis of which the State might have adopted specific measures, but there are poverty mitigation programmes which apply equally whether or not the families concerned include persons with disabilities.

## **Article 29**

### **Participation in political and public life**

276. Citizens' participation in political and public life is not restricted by any physical, mental, intellectual or sensory condition. The political rights of the whole population are enshrined in the Constitution, which guarantees the right to elect and be elected. Chapter III, article 36, states that all Honduran nationals aged 18 and over are citizens. Article 37 enumerates the rights of the citizen: to elect and be elected, to seek public office, to form political parties and to join or leave such parties. Article 40 states that it is the duty of all citizens to exercise the right to vote and to carry out the duties of any publicly elected office except in case of resignation or disqualification for good cause.

277. Article 6 of the Elections and Political Organizations Act states that all Honduran nationals aged 18 or over are citizens. This gives them the status of voters and imposes the duty and confers the right to obtain their identity cards, to be included on the electoral register and to exercise the right to vote, among other duties and rights established by the Constitution and by legislation. Article 7, on the subject of voters, provides that the status of voter belongs to all Honduran citizens whose names are on the National Electoral List and who are not disqualified by the terms of the Constitution or of the Act.

278. Article 171 of the Act, which governs voting by persons with disabilities, states that without prejudice to other special procedures established by the Supreme Electoral Court to guarantee voting secrecy, if the voter is unable to cast his or her vote in person, at his or her request the chairperson of the panel of polling officers will do so publicly before the other members of the panel. The chairperson will cast the vote in accordance with the voter's choice, marking the voting papers in the box corresponding to the candidate chosen by the voter and then showing them to the other members. The voter will then deposit the vote in person or with the chairperson's assistance.

279. To guarantee the political rights of persons with disabilities, one of the strategic areas of the first Public Policy and National Plan of Action on Human Rights is to ensure that electoral changes will be introduced by 2015 to include persons with disabilities in democratic processes. The Supreme Electoral Court has the main responsibility for this.

280. For the general election in 2009, voting assistance was provided to 3,635 persons with disabilities.<sup>14</sup> In 2012, primary elections were held to select the various political

<sup>13</sup> Honduran Social Security Institute, 2013. Statistics Department, standardized form.

<sup>14</sup> Coordinating Office for Rehabilitation Institutions and Associations of Honduras, 2009.

parties' presidential candidates, and the numbers of persons with disabilities casting their votes were as follows.

Table 11

**Persons with disabilities exercising the right to vote in primary elections, 2012**

<i>Type of disability</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Hearing	405	514	<b>919</b>
Motor	1 141	1 290	<b>2 431</b>
Sight	1 973	1 896	<b>3 869</b>
<b>Total</b>	<b>3 519</b>	<b>3 700</b>	<b>7 219</b>

*Source:* Department for the Development of Persons with Disabilities. Internal primary elections, 2012.

281. At the time of the general elections for national and local public authorities in 2013, the Office of the National Commissioner for Human Rights reported that in coordination with institutions working with persons with disabilities, training had been provided to about 100 election observers, volunteers and citizens with disabilities, enabling them to attend polling offices as observers.

282. The Supreme Electoral Court signed an agreement with the Department for the Development of Persons with Disabilities, FENOPDIH, the Coordinating Office for Rehabilitation Institutions and Associations of Honduras and the National Federation of Parents of Persons with Disabilities, to ensure that persons with disabilities could exercise their right to vote equally with the rest of the population. The terms of the agreement included the following:

(a) The committee for the electoral inclusion of persons with disabilities will be reactivated, comprising one member for each of the signatory bodies.

(b) The Court will include the necessary information on participation and voting by persons with disabilities in all relevant electoral documents and in the audiovisual materials that it uses to publicize the electoral process. The information sent to voters will also include the necessary mechanisms to make the messages accessible to persons with disabilities, and materials will be created to contribute to achieving the goal of the plan of action.

(c) The Court has produced draft legislation for nationwide public consultations, with representatives of the various sectors of the population, including persons with disabilities and federations representing them, to discuss the amendments incorporated into the draft, which has been submitted to Congress but not yet discussed in plenary session.

283. A mock election was organized in the framework of the aforementioned agreement, so that persons with disabilities could practice casting their votes realistically, respecting the wishes of the persons concerned.

284. The Court has adopted the following measures to ensure the full accessibility of the voting procedures, facilities and materials for persons with disabilities:

(a) The public-service messages disseminated via television, the Court's website or live transmission, and the related events being held, have been translated into Honduran Sign Language;

(b) The Court has added information on preferential voting, assisted voting, and the role of the polling officer who assists voters with disabilities, to the instructions for polling officers used by the Training Unit;

(c) Coordinated efforts have been made with the Honduran Social Investment Fund to implement adaptations to improve access for persons with disabilities, such as polling stations in more visible places and ramps at polling stations where voters with disabilities are most numerous.

### **Article 30**

#### **Participation in cultural life, recreation, leisure and sport**

285. Equal participation by persons with disabilities in cultural, artistic and sporting life is essential for their improved physical and creative development. The State has therefore adopted, through the first Public Policy and National Plan of Action on Human Rights, a strategic policy to promote participation by persons with disabilities and their families, including them in activities relating to the arts, sports, cultural exchanges, business initiatives, job fairs and employment exchanges and development and housing projects, and generally, to bring forward cross-cutting public policies for persons with disabilities.

286. The National Plan on Universal Accessibility establishes regulations to ensure access to libraries and university buildings so that information is available in formats accessible to persons with disabilities. The implementation of modern reading methods, which facilitate access to documents for persons with visual impairments, has not yet begun in public or private libraries. Nonetheless, there is no obstacle to access by persons with disabilities to cultural materials or to their participation in international activities; also, there is nothing in the Industrial Property Act which might deny them copyright ownership.

287. The government body responsible for culture, the arts and sport is the Ministry of Culture, Arts and Sport. To promote coexistence between families and citizens with equal rights for all, it has created conditions for the general public to enjoy safe and pleasant spaces, organizing recreational activities appropriate for the needs of society, such as the *Recreo Vías* outdoor recreation programme.

288. On the subject of sport, the Protection of Physical Education and Sport Act, which was enacted by Legislative Decree No. 03-84, contains no provisions regulating the sporting activities of persons with disabilities.

289. The Special Olympics Committee is an NGO subsidized by the State through the Ministry of Education, and also receives donations from individual citizens and private businesses. It works with persons with intellectual impairments, organizing national and international tournaments throughout the year.

290. The Ministry, together with agencies that work with persons with disabilities, supports the country's traditional games and a variety of sporting events run by special-education organizations, such as recreational events for parents and their children with special educational needs at which the participating children with disabilities can win prizes. During the current year, 2013, UNAH inaugurated the *Palacio de los Deportes* (sports palace), with facilities adapted for everyone wishing to take part in sporting activities, including persons with disabilities.

291. Progress in cultural promotion for persons with hearing and sight impairments is reflected in the submission to Congress of draft legislation on Honduran Sign Language and in the issue of banknotes featuring two special features which make it easy for those with sight impairments to identify the face value of each of the notes, using raised lines and the Braille system.

292. In Honduras, there are no barriers preventing persons with disabilities from having access to cultural materials or participating in international activities, and also, there is nothing in the Intellectual Property Act which might deny them copyright ownership.

## **VII. The special situation of women and children living with disabilities**

### **Article 6**

#### **Women with disabilities**

293. In light of the need to provide services equally without distinction on grounds of gender, article 60 of the Constitution enshrines liberty and equal rights for all. Furthermore, gender equality is a cross-cutting principle in all the articles of the Act on Equity and Comprehensive Development for Persons with Disabilities.

294. The first Public Policy and National Plan of Action on Human Rights 2013–2022 is based on a gender perspective, to guarantee equality between the sexes. Its second component calls for promotion of integration and equal rights before the law for women with disabilities, with a gender perspective, combating exclusion and guaranteeing access to health and rehabilitation services, financial assistance for the creation of small businesses or other forms of self-employment, education, leadership and strengthening of organizations of women with disabilities.

295. By Legislative Decree No. 232-98, the State established the National Institute for Women, whose purpose is the full involvement of women in the process of sustainable development with gender equity in the social, economic and political spheres. The Act governing the Institute, however, contains no specific provisions regulating activities for women with disabilities. The Gender Equality and Equity Plan for 2008–2015, the second of its kind, calls on the State to guarantee health policies with gender equity; its strategic goal 1.2 relates to the design, promotion and implementation of permanent prevention campaigns, early diagnosis, timely treatment, care and rehabilitation in the area of women's health, with particular attention to breast cancer, cervico-uterine cancer, STIs, HIV/AIDS, catastrophic, degenerative and chronic illnesses, various disabilities and mental health. It also guarantees the elimination of all forms of discrimination on grounds of gender, age, ethnic origin or disability and of discrimination in employment.

296. In designing their projects or programmes, the various governmental bodies do so with a gender perspective, particularly the employment integration projects of the Ministry of Labour and Social Security. In practice, however, fewer women with disabilities apply for opportunities for occupational training or financial assistance. In 2011–2012, for example, of the 2,594 people who applied for job training, 463 (30 per cent) were persons with disabilities, of whom 134 were women and 329 men.

### **Article 7**

#### **Children with disabilities**

297. To ensure that all children fully enjoy all their human rights and fundamental freedoms, Honduras is a signatory of the Convention on the Rights of the Child. Article 119 of the Constitution gives the State a duty to protect children and infants; article 120 explicitly provides that “physically or mentally handicapped minors, those with abnormal behaviour, orphans and abandoned children shall be subjects of special legislation for their rehabilitation, supervision and protection, as the case may be”. The Code on Children and

Adolescents establishes that for all legal purposes, the term “child” means any person under the age of 18.

298. Article 139 of the Criminal Code, on abandonment of children and persons with disabilities, provides for a prison sentence of one to three years for any person who abandons a child aged under 12 years or a person incapable of looking after him or herself for reasons of mental or physical illness or old age, who is in their care or custody. Should the abandonment result in the death of the person abandoned or place that person in grave danger, or should it result in serious injury or illness, the penalty is three to six years’ imprisonment, unless the act constitutes a more serious offence.

299. The first Public Policy and National Plan of Action on Human Rights designates children as a priority group. The Honduran Institute of Children and the Family, as the governing body for policy relating to children, is authorized to formulate, promote, execute and supervise policies of comprehensive prevention and protection in relation to children, in coordination with the public and private sectors; and, with direct participation by civil society, to promote the creation of establishments or homes in which children and adolescents in situations of social risk can receive the assistance they need in order to achieve full development of their personalities.

300. It also governs an intervention and social protection programme designed to provide special care to children with hearing, speech or intellectual impairments or learning difficulties. The Honduran Institute of Children and the Family controls two special care centres, the Centre for Special Research and Rehabilitation and the Centre for Special Training.

## **VIII. Specific obligations**

### **Article 31**

#### **Statistics and data collection**

301. Regarding the data collection process, Honduras does not have a specific and integrated information system for monitoring the situations and needs of persons with disabilities. Most government bodies have not incorporated the disability variable into their administrative records. Nonetheless, the various NGOs working with disability have their own data.

302. The first Public Policy and National Plan of Action on Human Rights recognizes the deficiency of statistics on the disability sector and sets as one of its strategic areas the need for the Ministry of the Interior and Population, pursuant to the concluding observations of the Committee on Economic, Social and Cultural Rights, to ensure that the National Statistical Institute, in coordination with the National Registry Office and other actors dealing with such data, constructs a real and complete baseline with the relevant information on persons with disabilities throughout the country.

303. The National Statistical Institute is the governing body for official statistics. It applies all international guidelines for the collection and processing of statistical data gathered by means of surveys, censuses and administrative records. The principles governing data generation include reliability and confidentiality. Data are encrypted and cannot be used for other purposes. For the inclusion of consultations in surveys and censuses, definitions provided by bodies responsible for the disability sector have been taking into account.

304. In 2002, the National Statistical Institute undertook the first initiative to collect data on disability among the population, using the Permanent Multi-purpose Household Survey, in association with the Ministries of Labour and Social Security, Health and Education, the Honduran Social Security Institute, the Office of the National Commissioner for Human Rights, the Coordinating Office for Rehabilitation Institutions and Associations of Honduras, FENOPDIH, Handicap Honduras and Handicap Belgium, and the German Agency for Technical Cooperation (GTZ) office in El Salvador. Data were collected on physical, emotional and mental disabilities, their causes, and employment. The survey methodology used the following definition: “A person with a physical or mental health problem from which he or she has suffered or will suffer for more than six months and which makes it difficult to carry on with his or her activities.” A sample of 2 per cent of the country’s households was used, and it was borne in mind that a person may have several disabilities; the question therefore permitted multiple answers. The end result was that the number of disabilities reported by the population sample interviewed was 272,300.<sup>15</sup>

305. A significant step forward was achieved when a question on physical and mental disability was introduced for all the persons interviewed in the Census of Population and Housing 2013. This census is currently at the data analysis stage, so the information is not yet available. Specialists working in the area of disability see the inclusion of the disability module in the census as an improvement, but it was not sufficiently discussed with the people interviewed.

306. The information will be disseminated through the production of complete documents and leaflets in both printed and digital formats, providing specific figures for the analysis of the situation of persons with disabilities.

307. During the various stages of the research there was no discrimination against persons with disabilities in terms of employment, but not many persons with disabilities make job applications.

308. The Health Information System now incorporates a module on care for persons with disabilities, which has also been adopted by the Honduran Social Security Institute, which uses a special form in relation to such care. To date, most reports have referred to persons with temporary disabilities. The Ministry of Education has added the disability variable to its administrative records.

309. The Ministry’s website provides permanent access to updated information on schools where children with disabilities are enrolled, broken down by type of disability, type of school and the age of the children.

## **Article 32**

### **International cooperation**

310. Honduras attaches great importance to international cooperation, especially regarding care for persons with disabilities and the enjoyment of their rights. Assistance from foreign entities may be received through the Ministry of Planning and Foreign Cooperation or any other government body; it is inclusive and there is no discrimination against persons with disabilities.

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<sup>15</sup> A question from the survey in El Salvador (PAHO/GTZ) was used, distinguishing among the main types of impairments and disabilities (motor and skills impairment). This combination of different concepts and the terms used do not correspond to international classifications such as the International Classification of Impairments, Disabilities and Handicaps or the International Classification of Functioning, Disability and Health (ICIDH-2).

311. Persons with disabilities have played effective roles in the preparation of projects. For example, the Ministry of Education included teachers with sight impairments and motor disabilities and parents having children with disabilities in project design for the national resource centre for inclusive education and the institution-building project to improve assistance relating to diversity in the classroom.

312. The area of activity of the Ministry of Labour and Social Security is already defined, so projects and programmes for persons with disabilities are validated only with federations and organizations working with such persons.

313. Regarding budgetary resources allocated to government projects and programmes for persons with disabilities or including them, they do not have their own allocations, but come under the overall budgets of the implementing institutions.

314. As to whether policies and programmes relating to the Millennium Development Goals, agreed to by Honduras in the Millennium Declaration in 2000, take account of the rights of persons with disabilities, the Goals do not clearly and expressly include issues of disability; nonetheless, the achievement of the targets and indicators of the Goals is conducive to the rights of persons with disabilities.

315. Policies for the attainment of the Millennium Development Goals, such as the Plan for the Nation and Vision for the Country, with which other policies and programmes in Honduras have to be brought into line, also favour the rights of persons with disabilities. To illustrate what is asserted in this report regarding the fact that the Goals, while they do not mention the rights of persons with disabilities, are conducive to them, the following table provides gender-disaggregated data on the MDG Indicators.

Table 12  
**Millennium Development Goals Indicators, by gender, 2012**

<i>Meta</i>	<i>Value</i>		
	<i>Female</i>	<i>Male</i>	<i>Total</i>
1. Eradicate extreme poverty and hunger			
1.8 Prevalence of underweight children (underweight for height) under 5 years of age	6.4	7.7	<b>7.0</b>
2. Achieve universal primary education			
2.1 Net enrolment ratio in primary education <sup>a</sup>	94.3	93.0	<b>93.6</b>
2.3 Literacy rate of 15–24 year-olds <sup>b</sup>	96.5	95.0	<b>95.8</b>
3. Promote gender equality and empower women			
3.1a Ratio of girls to boys in primary education <sup>c</sup>	n/a	n/a	<b>0.97</b>
3.1b Ratio of girls to boys in secondary education <sup>c</sup>	n/a	n/a	<b>1.19</b>
3.1c Ratio of women to men in tertiary education <sup>c</sup>	n/a	No	<b>1.11</b>
4. Reduce child mortality			
4.1 Under-five mortality rate <sup>d</sup>	28	30	<b>29</b>
4.2 Infant mortality rate <sup>d</sup>	23	24	<b>24</b>
4.3 Proportion of one-year-old children immunized against measles	87.5	87.9	<b>87.7</b>
5. Improve maternal health			
5.1 Proportion of births attended by skilled health personnel <sup>e</sup>	No	n/a	<b>96.8</b>
5.2 Contraceptive prevalence rate <sup>f</sup>	73.2	n/a	<b>n/a</b>
5.3 Adolescent birth rate <sup>g</sup>	101	n/a	<b>n/a</b>

<i>Meta</i>	<i>Value</i>		
	<i>Female</i>	<i>Male</i>	<i>Total</i>
5.4a Antenatal care coverage (at least one visit)	96.6	n/a	<b>n/a</b>
5.4b Antenatal care coverage (at least four visits)	88.9	n/a	<b>n/a</b>
5.5 Unmet need for family planning	9.7	n/a	<b>n/a</b>
6. Combat HIV/AIDS, malaria and other diseases			
6.1 Condom use at last high-risk sex: age 15–24 <sup>h</sup>	36.4	67.1	<b>51.8</b>
6.2 Proportion of population aged 15–24 years with comprehensive correct knowledge of HIV/AIDS <sup>i</sup>	33.1	34.7	<b>33.9</b>
6.3 Ratio of school attendance of orphans to school attendance of non-orphans aged 10–14 years	1.03	0.82	<b>0.91</b>
	<i>Value</i>		
	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
7. Ensure environmental sustainability			
7.1 Proportion of population using an improved drinking water source <sup>j</sup>	98.3	81.6	<b>89.8</b>
7.2 Proportion of population using an improved sanitation facility <sup>k</sup>	75.8	58.8	<b>67.1</b>

*Source:* National Statistical Institute. Demographic and Health Survey 2011–2012.

n/a = not applicable.

*Notes:*

<sup>a</sup> The rate is based on reported primary-school attendance, not enrolment, for children of primary-school age (6–10 years). The rate also includes children of primary-school age attending secondary school. This represents MDG indicator 2.1, the net attendance rate.

<sup>b</sup> Refers to subjects who attended secondary or higher education or who can read a complete or incomplete sentence.

<sup>c</sup> Based on net reported attendance, not gross enrolment, for children aged 6–10 for primary school, 11–15 for secondary school and 16–20 for tertiary education.

<sup>d</sup> Deaths per thousand live births. Mortality by sex is for a reference period of 10 years before the survey. The combined mortality rates for males and females refer to a period of five years before the survey.

<sup>e</sup> Among births during the five years preceding the survey.

<sup>f</sup> Percentage of women aged 15–49 currently in a relationship who use a contraceptive method.

<sup>g</sup> Equivalent to specific fertility rates for women aged 15–19 for a three-year period before the survey, expressed as births per thousand women aged 15–19.

<sup>h</sup> High-risk sex refers to sexual relations with a partner with whom one is neither married nor cohabiting. It is expressed as the percentage of males and females aged 15–24 who have had high-risk sex in the past 12 months.

<sup>i</sup> Comprehensive correct knowledge means knowing that consistent condom use during sexual relations and having one monogamous partner can reduce the risk of contracting HIV; knowing that a person who appears healthy may have HIV; and rejecting the two most common misconceptions on HIV transmission and prevention.

<sup>j</sup> Percentage of the *de jure* population whose main source of drinking water is a household connection (piped), public tank or tap, well, protected septic tank, protected spring, rainwater collection or bottled water.

<sup>k</sup> Percentage of the *de jure* population in households having a flush toilet, ventilated improved latrine, improved water-seal latrine composting latrine, and not sharing the facility with other households.



### Article 33

#### National implementation and monitoring

316. Under the Act on Equity and Comprehensive Development for Persons with Disabilities, the government body responsible for monitoring policies in that area is the Department for the Development of Persons with Disabilities, which is required to follow up 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 the needs of such persons.

317. The National Policy on the Rights and Social Inclusion of Persons with Disabilities has appointed that Department and the Ministry of Social Development as the implementing bodies of a monitoring and assessment system which includes outcome indicators, to be known as the Single System for Social Policy Evaluation.

318. Also involved in the monitoring and assessment of the National Policy are civil society organizations, groups of persons chosen by communities as observers and social auditors on the implementation of this policy and others.

319. As of 2010, the Ministry of Justice and Human Rights became the public body authorized and responsible for coordinating State activities in the field of human rights and the promotion, coordination, formulation, harmonization, implementation and assessment of policies in the areas of justice and human rights.

320. The Ministry is the entity responsible for designing and implementing the first Public Policy and National Plan of Action on Human Rights, pursuant to the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights, held at Vienna in 1993. That document considers that persons with disabilities are subjects of rights and that States must therefore implement a series of short-, medium- and long-term strategic measures contained in the section on the rights of persons with disabilities, to identify and detail actions provided for in the National Plan of Action to other State bodies.

321. For several decades, Honduras has supported the work of NGOs and sectors dedicated to promoting and protecting the rights of persons with disabilities, through budgetary support providing various amounts which are listed, for purposes of illustration, in the following table.

Table 13  
**Budget allocated to NGOs working with persons with disabilities, 2010–2013**

<i>Year</i>	<i>No. of civil society organizations</i>	<i>Budget in lempiras</i>	<i>Budget in US\$</i>
2010	72	67 828 600.00	3 293 497.84
2011	72	64 112 312.00	3 113 049.09
2012	74	70 329 906.00	3 414 951.71
2013	72	65 071 750.00	3 159 635.73
<b>Total</b>		<b>267 342 568.00</b>	<b>12 981 134.37</b>

*Source:* Prepared by the Ministry of Justice and Human Rights. General Income and Expenditure Budget. Ministry of Finance.

## IX. Concluding remarks

322. Honduras has been a party to the Convention on the Rights of Persons with Disabilities since 2008. The international protection of those rights is complemented by the Optional Protocol to the Convention, of which Honduras has been a signatory since 2010. It is also a party to the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, to which it acceded in 2011.

323. The protection of persons with disabilities, to which Honduras is committed through international human rights mechanisms, is incorporated into its domestic legislation. It is put into practice by means of special laws and important public policies which have been designed and implemented to meet the needs of that segment of the population in accordance with international standards and requirements in this area.

324. The main legislative instrument is the Equity and Comprehensive Development for Persons with Disabilities Act (Legislative Decree No. 160-2005). As mentioned above, its purpose is to guarantee fully to persons with disabilities the enjoyment of their fundamental rights and freedoms and to promote and foster their comprehensive development equitably within Honduran society.

325. In the area of public policies, Honduras has adopted many significant policies to improve substantially the enjoyment of rights for groups in situations of vulnerability, especially persons with disabilities, as well as their quality of life, and to combat stigmatization, inequality and social exclusion. As mentioned above, these policies provide for short-, medium- and long-term actions, indicators, impact analyses and strategies to be implemented during the period 2013–2022.

326. All these public policies are connected to the Act establishing the Plan for the Nation and Vision for the Country, to ensure that the lives of persons with disabilities can change in the medium and long term.

327. Honduras recognizes that fulfilling the obligations arising out of the Convention on the Rights of Persons with Disabilities requires that both public servants and the general public be aware of the duty to bring about the necessary conditions for persons with disabilities to exercise all their rights on equal terms. The State must therefore carry out a variety of actions, of itself and in conjunction with civil society bodies, including campaigns to promote knowledge and awareness of the rights of persons with disabilities, with emphasis on the Act on Equity and Comprehensive Development for Persons with Disabilities and the duties of the State and of society towards that population group.

328. These training and awareness-raising processes must target public servants, academics, private businesses, persons with disabilities and the general public, to promote the inclusion of all citizens in society, recognizing and respecting individual differences but also creating conditions and opportunities for them to exercise the same rights and obligations.

329. The goal is to ensure that public servants and the population at large relinquish an erroneous vision of persons with disabilities based solely on charity or medical matters, adopt a rights-based viewpoint and, based on recognition of equality through difference, combat the various structural forms of stigma and discrimination in the enjoyment of numerous rights to which both persons with and without disabilities are entitled as subjects of law.

330. This structural discrimination against persons with disabilities is to a great extent due to their “invisibility”. A good example of this is the limited accessibility for persons with disabilities of urban infrastructure and buildings and of telecommunications networks, data and equipment.

331. As has been shown in this report, the great majority of both public and private buildings, and generally speaking all older buildings, do not provide appropriate access for people with physical disabilities and the adaptations required under the Act on Equity and Comprehensive Development for Persons with Disabilities have not been implemented. The same could be said of the road and transport systems, where not enough has been done to adapt the existing conditions and facilitate access and mobility for persons with disabilities; this is one of the immediate areas where Honduras needs to make progress. The Honduran Social Investment Fund must make more efforts to require project developers to include disabled access facilities in their designs.

332. In preparing this report, State and civil society bodies have become aware of the urgent need for effective systems to audit or monitor compliance with the Act on Equity and Comprehensive Development for Persons with Disabilities and with public policies to protect the rights of persons with disabilities, particularly in respect of universal accessibility.

333. Such social auditing or monitoring systems must be accompanied by a specific, comprehensive information system on the situation and needs of persons with disabilities. As the report has shown, most State bodies have not included this variable in their administrative records; this situation has made it difficult for the Ministry of Justice and Human Rights to coordinate data collection for this report. This in turn demonstrates the need for swift implementation of the strategic action provided for in the first Public Policy and National Plan of Action on Human Rights, to work with the National Statistical Institute to construct a real and complete baseline with the relevant information on persons with disabilities throughout the country.

334. One of the most important issues regarding the rights of persons with disabilities is the right to education. In practice, the country still faces the challenge of changing the paradigm from *special education* designed for persons with disabilities, excluding them from the national education system, to *inclusive education* to prepare persons with disabilities and the teaching and administrative staff of the country's schools, as well as the rest of the school population, to share a common space for learning and coexistence, accepting the differences of persons with disabilities and integrating them on the basis of equality.

335. Such inclusion in the education system will make an exceedingly useful contribution in another, equally important area, which is the natural inclusion needed for persons with disabilities in the world of work and employment where, despite the presence of affirmative measures such as hiring quotas in both the public and private sectors, full compliance has not been achieved.

336. The aforementioned public policies provide for actions to achieve substantial improvements in relation to these structural problems and the information we have provided above and in the analysis of the text of the Convention which has been conducted in the preparation of the report. Such policies must be implemented in order to make substantial progress in the exercise and enjoyment of the rights of persons with disabilities, with no discrimination of any kind.

337. Honduras has also made progress in other areas, including accession to major international human rights instruments, reviewing domestic legislation and bringing it into line with international standards, and training and awareness-raising for public servants, including those in the justice system. It is, however, recognized that there is a considerable deficit in the implementation of some public policies and in compliance with legal standards regarding the rights of persons with disabilities.

338. The latter issue shows that the efforts made by Honduras in order to improve the situation of persons with disabilities through various ministries and other bodies, although there have been many of them, have proved to be insufficient and require increased budgetary allocations, priority attention and continuity on the part of the current Government and its successors, in relation to the actions taken to date to satisfy the fundamental rights and freedoms of this population group, which has historically been in a vulnerable position.

339. Honduras presents this initial report to the Committee on the Rights of Persons with Disabilities, pursuant to article 35 de la Convention, with the appropriate support documentation relating to the information contained therein. It reiterates its firm commitment to continue moving forward in its compliance with the Convention and to adopt the necessary measures to enable persons with disabilities to live with dignity in our country.

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