



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Honduras under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

1. The Committee considered the initial report of Honduras (CRC/C/OPSC/HND/1) at its 1996th meeting (see CRC/C/SR.1996), held on 21 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPSC/HND/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined fourth and fifth periodic reports submitted by the State party under the Convention on the Rights of the Child (CRC/C/HND/CO/4-5) and on the initial report submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/HND/CO/1), both adopted on 5 June 2015.

II. General observations

Positive aspects

4. The Committee welcomes the measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including:

(a) The Trafficking in Persons Act (Legislative Decree No. 59–2012) of July 2012;

(b) The amendment to the Code on Children and Adolescents, in September 2011, to harmonize its definition of the child with that of the Convention;

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



(c) The reform of title II, book two, of the Criminal Code to include provisions on sexual abuse which establish the underage status of the victim as an aggravating circumstance in sexual abuse offences and the inclusion of provisions on commercial sexual exploitation and trafficking, in February 2006.

5. The Committee welcomes the accession or ratification by the State party of the following:

(a) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, on 18 November 2008;

(b) The Inter-American Convention on International Traffic in Minors (1994), on 23 October 2008.

Data collection

6. The Committee is concerned about the lack of a comprehensive data collection system covering all offences under the Optional Protocol, which has resulted in the absence of statistics on the number of cases of child victims of sale, child prostitution and child pornography, as well as on the number of perpetrators prosecuted and the sanctions pronounced against them.

7. **With reference to its previous concluding observations (see CRC/C/HND/CO/4-5, paras. 16 and 17), the Committee recommends that the State party develop and implement a comprehensive system of data collection, analysis and impact assessment of all the areas covered by the Optional Protocol. The data should be disaggregated by, inter alia, sex, age, national and ethnic origin, geographical location and socioeconomic status, and particular attention should be given to children in vulnerable situations. Data should also be collected on the number of prosecutions and convictions, disaggregated by the nature of the offence.**

III. General measures of implementation

National plans of action

8. While taking note of the national plans of action against sexual exploitation (2006-2011) and against sexual exploitation and human trafficking (2015-2020) that are currently before Parliament for adoption, the Committee regrets that the first plan of action did not include all issues covered by the Optional Protocol.

9. **The Committee recommends that the State party ensure that the plan of action against sexual exploitation and human trafficking (2015-2020) covers all issues under the Optional Protocol and that adequate human, financial and technical resources are allocated for its effective implementation. In doing so, the State party should pay special attention to the implementation of all the provisions of the Optional Protocol, taking into account the outcome documents of the first, second and third World Congresses against Commercial Sexual Exploitation of Children.**

Coordination and evaluation

10. While noting the establishment, in 2002, of the Inter-institutional Commission against the Commercial and Sexual Exploitation and Trafficking in Children, the Committee is concerned about the lack of information on how the Commission ensures effective coordination with other relevant State entities, such as the Office of the Special Prosecutor for Children and the Police Division against Abuse, Trafficking and Sexual

Exploitation and Trafficking of Children and Adolescents, in the implementation of the Optional Protocol.

11. **With reference to its previous concluding observations (see CRC/C/HND/CO/4-5, paras. 12 and 13), the Committee urges the State party to adopt the measures necessary to ensure effective coordination between the Inter-institutional Commission against the Commercial and Sexual Exploitation and Trafficking in Children and other relevant State mechanisms for the efficient implementation of the Optional Protocol at the cross-sectoral, national, state and local levels.**

Dissemination and awareness-raising

12. The Committee notes the initiatives taken by the State party to disseminate and raise awareness of trafficking in persons. However, the Committee is concerned that the provisions of the Optional Protocol are not being widely disseminated to the general public, including children, especially migrant children.

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

(a) **Make all the provisions of the Optional Protocol widely known to the public, particularly to children and their families, by, inter alia, developing and implementing specific, comprehensive and long-term awareness-raising programmes at the national, regional and local levels, and that it integrate those provisions in school curricula at all levels of the education system, using appropriate materials created specifically for children. Those programmes should contain a focus on children who are particularly at risk of becoming victims and encourage the participation of the community, in particular children, including child victims and migrant children;**

(b) **Establish effective guidelines and partnership with the media with a view to raising awareness about the Optional Protocol.**

Training

14. The Committee is concerned that training for professionals working with and for children does not include all areas covered by the Optional Protocol and is not conducted in a systematic and continuous way.

15. **The Committee recommends that the State party develop a strategy to ensure that all relevant actors working in the area of children's rights relating to the Optional Protocol receive adequate and continuous training, in particular police officers, judges, prosecutors, immigration and labour inspectors, social workers and health-care professionals. Adequate human, financial and technical resources necessary for its implementation should be allocated and the strategy should include the designation of a mechanism to monitor, evaluate and improve the quality of training initiatives on a regular basis.**

Allocation of resources

16. The Committee is concerned that the State party did not provide sufficient information on the allocation of resources for the implementation of the provisions of the Optional Protocol.

17. **The Committee urges the State party to ensure that sufficient resources are allocated for the implementation of the Optional Protocol in all areas, by providing, in particular, the human, financial and technical resources necessary for the development and implementation of programmes aimed at the prevention, protection,**

physical and psychological recovery and social reintegration of child victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures to prevent offences prohibited under the Protocol

18. The Committee is concerned about the absence of a comprehensive strategy for preventing the sale of children, child prostitution and child pornography that addresses the underlying root causes of the offences under the Optional Protocol, such as poverty, gender and cultural stereotypes and social acceptance of children's sexual exploitation.

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

(a) **Undertake research on the nature and extent of the sale of children, child prostitution and child pornography so as to identify the root causes and the extent of the problem with the aim of developing and adopting measures aimed at preventing offences under the Optional Protocol;**

(b) **Take all measures necessary to protect children who are at particular risk of becoming victims to those offences, particularly children in street situations, children working as domestic workers and migrant children, and develop assistance programmes specifically targeting those children.**

Child prostitution and child pornography

20. The Committee is deeply concerned about the prevalence of child prostitution and the quantity of child pornography that is downloaded in the State party. The Committee is also seriously concerned about the persistence of sociocultural stereotypes that generate tolerance in society for the sexual exploitation of children, child prostitution and child pornography.

21. **The Committee urges the State party to urgently:**

(a) **Take effective measures to prevent the publication and dissemination of pornographic material involving children, including through the establishment of surveillance mechanisms for Internet safety;**

(b) **Develop education programmes on preventive measures and the harmful effects of child prostitution and child pornography, in close cooperation with the community, including children;**

(c) **Take appropriate measures to address socio-attitudinal factors that lead to tolerance of sexual exploitation of children, including in prostitution and pornography.**

Child sex tourism

22. While noting that the State party has taken measures to raise awareness about child sex tourism, the Committee is concerned that the measures adopted by the State party do not effectively prevent intermediaries from offering sexual tourism services involving children and adolescents.

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

(a) **Establish and implement an effective regulatory framework to prevent and eliminate child sex tourism and ensure that the sanctions for the offence are commensurate with the gravity of the crime;**

(b) **Adopt adequate preventive measures to combat sex tourism, including by raising awareness in order to change attitudes;**

(c) **Conduct advocacy activities with the tourism industry on the harmful effects of child sex tourism, widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies and encourage enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.**

V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3), 5, 6 and 7)

Existing criminal or penal laws and regulations

24. The Committee notes that article 56 of the Trafficking in Persons Act (Legislative Decree No. 59–2012) prohibits the sale of children and adolescents, the transfer of a child's organs and activities related to child pornography, as specified in article 3 (1) (c) of the Optional Protocol. However, the Committee is concerned that the State party's criminal legislation does not contain all the definitions of criminal offences provided for in article 2 of the Optional Protocol.

25. **The Committee recommends that the State party bring its criminal legislation into full compliance with articles 2 and 3 of the Optional Protocol. In particular, the State party should ensure that all of the following offences are explicitly criminalized:**

(a) **Transferring a child's organs for profit;**

(b) **Offering, obtaining, procuring or providing a child for child prostitution;**

(c) **Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography;**

(d) **Attempting to commit any of the above-mentioned acts and being complicit or participating in any of those acts;**

(e) **Producing and disseminating material advertising any of those acts.**

Impunity

26. The Committee is seriously concerned about impunity for offences under the Optional Protocol.

27. **The Committee urges the State party to address the issue of impunity as a matter of priority, by conducting rigorous investigations into complaints, and ensure that alleged perpetrators are prosecuted and duly sanctioned if found guilty. To that end, the State party should, in particular, strengthen the capacity of law enforcement authorities and the judiciary to detect, investigate and prosecute offences under the Optional Protocol through specialized training. The Committee urges the State party to provide specific information on the investigation, prosecution and punishment of perpetrators of offences under the Optional Protocol in its next periodic report.**

Liability of legal persons

28. The Committee is concerned that legal persons, including corporations, are not criminally liable under the State party's legislation for offences covered by the Optional Protocol.

29. **The Committee recommends that the State party revise its legislation to ensure the criminal liability of legal persons for offences under the Optional Protocol, in conformity with article 3 (4) of the Optional Protocol.**

Extraterritorial jurisdiction and extradition

30. The Committee notes as positive that the Criminal Code provides for universal jurisdiction for gross violations of human rights, including those covered by the Optional Protocol. However, the Committee is concerned that the Criminal Code does not cover all offences under the Optional Protocol.

31. **The Committee recommends that the State party modify its legislation to ensure the effective establishment and exercise of extraterritorial jurisdiction for all offences under the Optional Protocol, whether committed abroad by or against its nationals or by foreigners resident in the State party without the criterion of double criminality, as well as to avail itself, where necessary, of the Optional Protocol as the legal basis for extradition, in conformity with article 5 of the Optional Protocol.**

VI. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

32. The Committee is concerned at the absence of legislation and measures for protecting and assisting child victims and witnesses in criminal proceedings, before, during and after trial. The Committee also regrets the lack of judicial procedures to avoid the revictimization of child victims and the lack of mechanisms for compensating child victims.

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

(a) **Adopt specific legislation for the protection and assistance of child victims and witnesses of criminal offences under the Optional Protocol throughout the criminal proceedings;**

(b) **Ensure that child victims or witnesses of offences under the Optional Protocol are not revictimized and that evidence, such as video recordings of testimonies, are always accepted in judicial procedures;**

(c) **Guarantee that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9 (4) of the Optional Protocol, and establish a compensation fund for victims, for cases in which victims cannot obtain compensation from the perpetrator.**

Recovery and reintegration of victims

34. The Committee is concerned that programmes relating to the recovery of victims of offences under the Optional Protocol are managed by civil society organizations and that there are no adequate State facilities nor State support for the physical and psychosocial recovery and social reintegration of child victims under the Optional Protocol.

35. The Committee urges the State party to take all measures necessary to ensure that child victims of offences under the Optional Protocol are provided with appropriate assistance, including for their full social reintegration and physical and psychological recovery, by, *inter alia*, effectively implementing rehabilitation programmes. The Committee also urges the State party to ensure the allocation of sufficient human, technical and financial resources for the recovery and reintegration of child victims.

VII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

36. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries and the Union of South American Nations, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered by the Optional Protocol.

VIII. Follow-up and dissemination

37. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations by, *inter alia*, transmitting them to the relevant government ministries, the National Assembly, the judiciary and national and local authorities, for appropriate consideration and further action.

38. The Committee recommends that the report and written replies submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol, its implementation and monitoring.

IX. Next report

39. In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report to be submitted in accordance with article 44 of the Convention.
