

HONDURAS

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	31 May 1990	10 Aug 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		8 May 2002 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		1 Apr 2008 a	
UN Optional Protocol on the Involvement of Children in Armed Conflict		14 Aug 2002 a	
International Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007	1 Apr 2008	
Hague Convention on International Child Abduction		20 Dec 1993	1 Mar 1994

Honduras has made some improvements to its child protection legislation. The country enacted the National Plan of Opportunities for Children and Adolescents in 2005, following criteria set forth by the U.N. report “A World Fit for Children” adopted by the General Assembly in 2002.¹ The government of Honduras also adopted the Child and Adolescent Code in 1996 and established an inter-institutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in 2002. Nevertheless, harmonization of the national legislation with the provisions of the CRC and its optional protocols is still insufficient.

The Committee on the Rights of the Child, in its concluding observations to Honduras’ third periodic report in 2007, expressed concern over the insufficient financial and human resources allocated to the Honduran Institute of Children and the Family (IHNFA), high levels of abuse, maltreatment, economic and sexual exploitation of children, as well as the growing number of children working and living in the streets.² Moreover, information on children (especially, vulnerable groups such as street children and indigenous children) was lacking due to the fact that the country still had no centralized data management system to monitor progress on the implementation of the Convention.³

¹ U.N. Office of the High Commissioner for Human Rights (OHCHR) - Committee on the Rights of the Child, *Concluding Observations for Honduras’ third periodic report*, prepared for CRC session 44, February 2007, page 3. Henceforth referred to as: “OHCHR Concluding Observations 2007”. Available at: http://www.crin.org/docs/CO_Hond_44.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children); UNICEF Special Session on Children, outcome document “A World Fit for Children”, 10 May 2002. Available at: http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).

² *Id.* at 3, 18 (OHCHR Concluding Observations 2007).

³ *Id.* at 5.

A series of economic, social and political factors contribute to Honduran children being particularly vulnerable to victimization as well. An estimated 20,000 children live in the streets in Honduras, out of which only 10,000 have access to shelters, while over 75% of children in the streets are homeless because of severe family problems, with an estimated 30% of them having been abandoned by their parents.⁴ An estimated 60% of Honduras' population lives below the poverty line, and 13.3% of boys and 4.1% of girls between the ages of 7 and 14 are economically active.⁵ Honduras has also been regularly plagued by natural disasters such as Hurricane Mitch in 1998, which was particularly disastrous, destroying approximately 60% of the country's infrastructure.⁶ Over 20% of the population lost their houses⁷ and 8,058 people went missing.⁸ Along with the already high poverty rates and the reduction in aid to the country, an upsurge in violence has significantly affected Honduras, leaving many children increasingly vulnerable to exploitation including trafficking and abduction.⁹

Honduras is mainly a source and transit country for men, women, and children subjected to sex trafficking and forced labor.¹⁰ Reports claim that Honduran victims are often recruited from rural areas with promises of employment and later subjected to forced prostitution in urban and tourist centers, both within the country and internationally, particularly in Guatemala, El Salvador, Mexico, Belize, and the United States.¹¹ In particular, sexual exploitation of children, especially girls, is a serious problem in Honduras, and child prostitution and child sex tourism seem to be increasing.¹² According to Casa Alianza, more than 3,500 unaccompanied children leave Honduras every year, migrating to the U.S. in search of a better life,¹³ facing high risk of sexual abuse and/or exploitation in the migration process.

Of particular concern is the anecdotal evidence of kidnapping rings operating in health centers throughout the country.¹⁴ It is believed that health center professionals are involved in the kidnapping of children in their care and taking advantage of poor, illiterate mothers by falsely reporting that their babies died at birth.¹⁵

⁴ UNHCR, *Central America – Guatemala, El Salvador, Honduras, Nicaragua: Patterns of Human Rights Violations*. 2008, pages 27-28. Henceforth referred to as "UNHCR 2008 Central America Report". Available at: <http://www.unhcr.org/refworld/pdfid/48ad1eb72.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁵ World Bank Group, *Data by Indicator*. Available at: <http://data.worldbank.org/indicator/SI.POV.NAHC> (last visited October 5, 2011).

⁶ Save the Children: *Diagnóstico*, 2003, *supra* note 24, page 121.

⁷ OHCHR *Concluding Observations 2007*, *supra* note 94, page 2.

⁸ Save the Children: *Diagnóstico*, 2003, *supra* note 24, page 121.

⁹ The Guardian, *Manuel Zelaya's courageous homecoming: The return of Honduras's former president is a crucial challenge to the coup leaders to end their repression*, June 2011. Available at: <http://www.guardian.co.uk/commentisfree/cifamerica/2011/jun/01/honduras-hillaryclinton> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁰ U.S. TIP Report 2011, *supra* note 25, page 181.

¹¹ U.S. TIP Report 2011, *supra* note 25, page 181; Save the Children: *Diagnóstico 2003*, *supra* note 24, page 68.

UNODC, *La Fractura del Ciclo del Delito en la Trata de Personas, Mediante la Reestructuración de la Conciencia hacia la Valoración y la Libertad del ser humano*, 2007, page 43. [Breaking the Cycle of Human Trafficking Crimes Through the Restructuring of Consciousness of the Value and Freedom of Humans.] Henceforth referred to as "UNODC 2007" Available at: <http://consejodeministeriospublicoscentroamericano.com/PDFS/DIAGNOSTICOS/PlanComunicaci%C3%B3nUNODC.pdf> (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹² OHCHR *Concluding Observations 2007*, *supra* note 94, page 19.

¹³ Casa Alianza webpage, available at: <http://www.casa-alianza.org/casas/honduras>. (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

¹⁴ Save the Children: *Diagnóstico 2003*, *supra* note 24, page 68.

¹⁵ *Id.*

Other reports point to an increase of missing children aged 13-14 who were later found in brothels in Guatemala, El Salvador, and Mexico.¹⁶ Many of these children were apparent victims of sex trafficking.¹⁷ In response to these reports, the government established a hotline to receive reports of suspected crimes against children, but victims of child trafficking and sexual abuse were reluctant to come forward as a result of mistrust of the authorities and fear of reprisal.¹⁸ Nevertheless, authorities reported receiving over 300 calls to the hotline within the first 48 hours of its operation in May 2009.¹⁹

The situation of missing and abducted children is grim. There is no legislation to protect children who go missing in the country, and there are no centralized databases for missing children reports. Records are kept by the different organizations working on missing children-related investigations, and controlled by the Attorney General's Office (*Ministerio Público*) and National Council of Social Welfare (*Junta Nacional de Bienestar Social*).

The country's legal framework does not define a "missing child" and only describes the criminal charges of abduction and kidnapping.²⁰ While there is no legislation mandating the immediate search for children when they go missing, the Honduran Child and Adolescent Code mandates that any person, if aware of the abandonment of a child, must report the situation to the National Council of Social Welfare (*Junta Nacional de Bienestar Social*), the Attorney General's Office (*Ministerio Público*), the Childhood Court (*Juzgado de la Niñez*), or to law enforcement.²¹ Likewise, social services, health, and education officials are mandated by law to report any child that is found abandoned in their respective institutions to the same authorities, described in Article 142, within 24 hours of their discovery.²²

But, Honduras does regulate the movement of children across its borders. According to information provided during the field visit to Honduras,²³ authorization by the person exercising parental authority or guardianship is required for every child traveling out of Honduras, which is established in Articles 101-106 of the Child and Adolescent Code (*Código de la Niñez y la Adolescencia*).²⁴ The exit controls are also found in the Passport Law (*Ley de Pasaporte*) in its Article 06,²⁵ which states that children can only obtain passports if both parents and/or all legal guardians/tutors jointly request the passport by bringing the birth certificate and a written agreement, which shall be included in the passport itself. The Migration and Foreign Affairs Law (*La Ley General de Migración y Extranjería*) also specifies in Article 85 the necessary requirements for a child to leave the country, with the necessary

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ U.S. TIP Report 2011, *supra* note 25, page 183.

¹⁹ U.S. DOS Human Rights Report 2010, *supra* note 34, page 34.

²⁰ El Código Penal de Honduras, Decreto 144-83 (1997). [The Honduran Criminal Code, Decree 144-83.] The Penal Code criminalizes the following acts related to missing children: Child Abduction (*Sustracción de Menores*), Art 197; Abduction (*Rapto*), Art 145; Kidnapping (*Secuestro*), Art 192; Illegal detention (*Detención Ilegal*), Art 193, Aggravating Circumstances of the Crime of Kidnapping and Illegal Detention (*Circunstancias Agravantes del delito de Secuestro y la Detención Ilegal*), Art. 194 and 194(A); and Trafficking (*Trata de Blancas*), Art. 149 and 149(A). (on file with the International Centre for Missing & Exploited Children).

²¹ Código de la Niñez y la Adolescencia de Honduras, Art. 142 (1996). [Honduran Code of Childhood and Adolescence]. (on file with the International Centre for Missing & Exploited Children).

²² *Id.* at Art. 143.

²³ Information provided by the Honduran point of contact for this research. July 2011. (on file with the International Centre for Missing & Exploited Children).

²⁴ Honduran Code of Childhood and Adolescence, *supra* note 114, at Articles 101-106.

²⁵ Ley de Pasaportes de Honduras, Decreto No. 124, Art. 06 (1971). [Passport Law of Honduras, Decree No. 124, Art. 06 (1971).] Available at: <http://www.honduraslegal.com/legislacion/legi110.htm>. (last visited January 31 2012; on file with the International Centre for Missing & Exploited Children).

documentation.²⁶ Nevertheless, research in this area demonstrated that implementation of these procedures is sporadic as Honduras lacks sufficient resources effectively guard its borders. Thus, the travel of children and adolescents without authorization still occurs regularly.

²⁶ Ley General de Migración y Extranjería de Honduras, Decreto 208, Art. 85 (2003). [The Migration and Foreign Affairs Law of Honduras, Decree 208.] Available at: www.ccichonduras.org/DGME/Exposicion-4.doc (last visited January 30 2012; on file with the International Centre for Missing & Exploited Children).