



Honduras
Submission to the UN Human Rights Council's
Universal Periodic Review

Statement on

The situation of the Rights of the Child
in Honduras

submitted by

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NGO in Consultative Status with ECOSOC

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1. In the last years Honduras has undertaken measures and achieved progress for the promotion and protection of human rights. Particularly, the Istituto Internazionale Maria Ausiliatrice (IIMA) welcomes the adoption of the National Plan of Opportunities for Children and Adolescents in 2005¹. Furthermore, IIMA appreciates the State party's agreement concluded with the United Nations Children's Fund (UNICEF)² for the period from 2002 to 2006 to support the implementation of the Convention on the Rights of the Child³, and notes with satisfaction the institution of The National Commission for the Eradication of Child Labour⁴. Finally, IIMA welcomes the proclamation of 2007 as the "Year of Education" with the introduction of a Basic National Curriculum, as well as other educational programmes and plans.

2. Furthermore, IIMA notes with appreciation that Honduras has ratified other international instruments such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; the International Convention on the Elimination of All Forms of Racial Discrimination (10 October 2002); the International Convention on the Protection on All Migrant Workers and Members of their Families (9 August 2005); ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (25 October 2001); the Rome Statute of the International Criminal Court (1 July 2002); and the Inter-American Convention on the Forced Disappearances of Persons (28 April 2005).

CONTEXT DESCRIPTION

3. In 1998 Honduras was affected by the force of Hurricane Mitch, one of the most devastating hurricanes of the century. Though most of the principal infrastructure in the country has been rebuilt, the majority of the population is still suffering from a shortage of houses and insufficiency of primary social services while the economy have not yet recovered⁵.

4. The deterioration of the economic situation and failings of government services and functions have led to widespread extreme poverty. In Honduras social indicators are among the lowest in the Latin American and Caribbean region. The Country has a population of around 7.1 million inhabitants, 42% of whom are younger than 15 years of age, and approximately 53% of the population resides in rural areas. It is estimated that 75% of the rural population lives below the poverty line and is unable to meet basic needs. In rural areas only 74% of population has access to improved drinking-water sources, and just 66% of population uses improved sanitation facilities.

The country still has a high rate of population growth, which is 2.16%. Infant mortality is at 31 per 1000 under 5 years old and at 26 per 1000 under 1 year of age. Child malnutrition is at 11% and illiteracy is at 20%.

6.5% of Honduras' population is Indigenous, 71% of whom live below the poverty line⁶.

5. IIMA notes, as mentioned by the Committee on the Rights of the Child in his Concluding Observations on 3 May 2007⁷, that such serious political and economic context reflects negative effects, especially on the enjoyment of rights of children.

¹ *Plan de Oportunidades para la Niñez y la Adolescencia. 2005-2015. Borrador para Consulta*; Presidential Secretariat, Tegucigalpa, Honduras, 2005.

² As the Committee on the Rights of the Child also noted in its Concluding Observations (CRC/C/HND/CO/3- 3 May 2007) on the third periodic report of Honduras (CRC/C/HND/3).

³ Honduras ratified the Convention on the Rights of the Child in August 1990.

⁴ *Informe General sobre Avances y Limitaciones del Plan de Acción Nacional para la Erradicación Gradual y Progresiva del Trabajo Infantil en Honduras*. Tegucigalpa, Honduras, 2005.

⁵ According to UNICEF, 18% of the population of Honduras lives below international poverty line of US \$ 1.25 per day.

⁶ *Honduras Poverty Assessment Attaining Poverty Reduction*, World Bank Report No. 35622-HN, June 2006, Vol. I; UNICEF Statistics 2008; IFAD, Country Strategic Opportunities Programme 2007.

⁷ CRC Concluding Observations CRC/C/HND/CO/3- 3 May 2007, cit.

A. THE RIGHT TO EDUCATION

6. IIMA acknowledges the efforts made by Honduras in the protection and promotion of Human Rights, notably the right to education. Particularly, IIMA notes with appreciation that the 1982 Constitution stipulates laws and regulations which guarantee free and compulsory primary education⁸.

7. Recognizing that more than 90% of Honduran children attend primary school, IIMA remains concerned about the low quality of education, since only 51% of registered children complete primary school and about the average time to complete schooling from grade I to grade VI is 9.4 years.

8. Moreover, IIMA remains concerned by the poor level of attendance in secondary school and University. According to the World Bank and UNICEF, the enrolment in secondary schools is only 36.1%, while the attendance is less than 30%. University enrolment is still less than 10%.

9. IIMA recognizes that in Honduras the persistency of poverty across generations is also due to insufficient schooling and poor health and nutrition. IIMA strongly believes that low levels of growth and relentless poverty affecting the country are connected to low levels of human capital formation. For this reason, Honduras will not be able to achieve a sustainable growth, as long as the government does not increase the educational level of its population.

A.1 PUBLIC SCHOOL – PRIVATE SCHOOL

10. IIMA welcomes that Honduras, according to information provided by the Secretariat of Finance (SEFIN), allocates 57.5% of its Public Social Spending (PSS) to Education⁹. Nevertheless, IIMA notes that consistent differences still remain between public and private schools. Moreover, there is a widespread lack of affordable access to education. Honduras public school is affected by the following:

- Centralized management of the education system, which leads to poor accountability, high teachers' absenteeism and an inadequate teaching and learning process.
- The inadequate teachers' competence is the direct consequence of scarcity of transparency in the hiring process and a lack of preparation in the sciences and in teaching methodology. Moreover, the situation is exacerbated by the extremely low salaries of teachers and the absence of governmental control.
- Scarcity of teaching resources, which are mostly provided by NGOs working in the field. Due to the deficiency of school materials and books, children are obliged to learn by rote memorization;
- Since budget allocations to build and enhance the infrastructures are missing, there are poor physical learning environments, such as inadequate classroom spaces and lack of opportunities for children to benefit from extra-scholastic activities;
- Corporal punishment, which continues to be inflicted by teachers upon children, notwithstanding having been explicitly prohibited in schools by the article 134 of the Public Education Code (1923) and the General Public Education Act.¹⁰

A.2 RURAL AND INDIGENOUS AREAS

11. IIMA welcomes art. 60 of the Honduras Constitution that prohibits all forms of discriminations, as well as, the art. 151, that prohibits all forms of discrimination in education¹¹. IIMA, consistent with

⁸ Constitución de la Republica de Honduras, 1982, art. 151-177.

⁹ The Public Social Spending (PSS) represents 50.6% of central government's total net spending and 11.8 percent of GDP, and is for service provision in the areas of education, health, housing, water, sanitation, and social assistance. *Honduras Poverty Assesment*, World Bank Report, cit.

¹⁰ Consistently with the CRC Concluding Observations CRC/C/HND/CO/3- 3 May 2007, cit.

¹¹ Constitución de la Republica de Honduras, cit.

the Concluding Observation of the Committee on the Right of the Child of 3rd May 2008, is concerned that discrepancies still remain with regard to the access to education in urban and rural areas¹².

12. The situation of the right to education in rural and indigenous areas is demeaning. The level of poverty is extremely high. The access to basic healthcare and education is inadequate; and illiteracy rate is 25.9%. Due to the presence of different seven ethnic groups and their distribution in a small and mountainous territory with many isolated areas, there are difficulties in accessing education. There is a lack of schools facilities, and inadequate curricula, materials and teaching methods for this specific cultural context. Furthermore, teachers are obliged to manage up to 80 students per class.

A.3 CHILD LABOUR

13. IIMA welcomes that Honduras has ratified the ILO Minimum Age Convention No. 138 in 1980.

14. IIMA welcomes, as well, that Section 124 of Honduras Constitution and Section 32 of the Labour Code establish 14 years as minimum age for admission to employment or work.

15. While noting the establishment of the National Commission for the Eradication of Child Labour, as well as the formulation and adoption of the National Plan of Action for the Gradual and Progressive Eradication of Child Labour, IIMA remains extremely concerned that child labour in Honduras is second-highest in Latin American Countries.

16. In Honduras the first cause of child labour is poverty. In addition, there are other cultural and social reasons, such as the duty of children to participate in family activities, the importance given to work in building the character of children, and in keeping children away from street and vices.

17. In Honduras, among children 5-14 years of age, the percentage of those who work is 9.2%. In the country, 56.2% of working children are occupied in agriculture, forestry, hunting and fishing; 24.4% works in trade, hotels and restaurants; 8.2% in manufacturing and 6.6% are occupied in community, social and personal services. Most of these working children (61.2%) are unremunerated for their work, and usually work for their families.

18. IIMA notes that working causes to children physical, mental, social or moral harm and interferes with their schooling. Moreover, the incentives pushing children to work may arise when their gains from education or other activities are lower than the gains obtained from work. Child labour is likely to occur when the expected gains from education are less than the gains from work.

19. IIMA strongly believes that improvements in the quality of education system in Honduras can reduce the likelihood of children of joining the workforce.

A.4 JUVENILE JUSTICE

20. IIMA, in accordance with the Concluding Observations of the Committee on the Rights of the Child of 3 May 2007¹³, notes some progress in the implementation of the juvenile justice system, including the establishment of juvenile courts in eight departments. Nevertheless, over the last few years Honduras has witnessed an increase in the enforcement of criminal policies, all of which surround around the so-called “zero tolerance” policy, identifying, without further analysis, the children and youth as a major source of crime.

¹² CRC Concluding Observations CRC/C/HND/CO/3- 3 May 2007, cit.

¹³ CRC Concluding Observations CRC/C/HND/CO/3- 3 May 2007, cit.

21. IIMA remains deeply concerned by the sharp increase of children under 18 years of age deprived of their liberty, due to the adoption of the new anti *maras* measures, such as article 332 of the Penal Code, which contemplates the offence of “illicit association”.

22. In Honduras, jail system is currently undergoing a serious crisis, which includes overcrowding, deterioration of facilities, insufficient human and material resources, and violence against prisoners. IIMA notes with apprehension that youths related to gangs experience terrible detention conditions including isolation, critical crowding and intense deprivation of rights. Furthermore, IIMA is deeply concerned about the complete lack of education, schooling or even reintegration programmes during or after the period of deprivation of liberty. The conditions of teaching structures, in jails and detention centres, display significant physical deterioration, lack of personnel and continuous violence, impeding satisfactory implementation of measures for reinsertion into society, as prescribed by Honduran legislation¹⁴. The treatment in jail is not conducted following a scientific, periodical evaluation of personalities of prisoners, thus reducing the chances for reinsertion of youth into society.

A.5 STREET CHILDREN

23. In Honduras, there are approximately 10.000 street children and the majority lives in cities such as the capital Tegucigalpa and San Pedro Sula. This phenomenon is a direct consequence of high unemployment and poverty and many children consider the streets as a new home and gangs as a new family.

24. Many street children resort to drug abuse in order to repress their feelings of cold and hunger, and they are forced to beg, steal, or to prostitute themselves in order to survive. These children lack the most basic human rights, including an adequate standard of healthcare, food, housing and education.

25. IIMA welcomes the Honduras National Plan of Action for the Social Integration of Children and Women Dependent on the Street, but remains concerned about the high number of street children in the State party and by the lack of coordinated activities in this area.

RECOMMENDATIONS

26. IIMA makes the following recommendations which Honduras should implement in order to protect and promote the Rights of the Child and the Right to Education.

On Public School Honduras should:

- **Ensure equal access to quality education, literacy, health-care and facilities;**
- **Provide subsidies for families and implement a program to reduce the poverty level among the communities of indigenous people;**
- **Devote more and better-targeted resources to education in the national budget, in order to improve school conditions;**
- **Strengthen controls over public schools and reinforce the transparency of the hiring process of teachers;**
- **Allocate adequate budget resources in order to guarantee continuous and reasonable salaries to teachers;**
- **Prohibit all forms of corporal punishment, in all settings and by all persons with authority over children.**

¹⁴ The Youth and Children’s Code describes a number of social/educational measures for infractor children, including guidance and social/family support, issuing warnings, imposition of specific rules of behavior, community service, compensation, mandatory residence, assisted freedom, semifreedom, and confinement.

On Rural and Indigenous areas Honduras should:

- **Provide bilingual education in schools, where necessary;**
- **Implement school curricula with Aboriginal Studies in order to instil into the population the recognition of the indigenous culture as a national heritage;**
- **Provide and improve facilities to ameliorate the access to school for indigenous children and children living in rural areas.**

On Child Labour Honduras should:

- **Undertake awareness-raising campaigns to prevent and combat the economic exploitation of children;**
- **Adapt relevant school curricula and vocational training programmes to students' circumstance in order to improve children life skills, knowledge and participation and reduce their likelihood of joining the workforce;**
- **Enact social programmes to support disadvantaged families helping them to find alternative incomes to replace child employment.**

On Juvenile Justice Honduras should:

- **Improve young detainees education and training standards in order to enhance their confidence and skills to re-enter education or training after they leave custody;**
- **Develop and adopt concrete and effective rehabilitation programmes based on scientific and periodical evaluation of young prisoner's personalities, in order to facilitate their reinsertion into society.**

On Street Children Honduras should:

- **Provide street children with adequate housing, nutrition, necessary healthcare facilities and educational opportunities;**
- **Guarantee social reintegration programmes for street children in order to facilitate their reunification with families, when in the best interests of the child, and to help their reinsertion into the society.**