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Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие

Доклад Специального докладчика по вопросу о торговле детьми, детской проституции и детской порнографии Нажат Маалы Мжид

Добавление

Последующая миссия в Гондурас*

Резюме

В настоящем докладе анализируются успехи, достигнутые Гондурасом в деле пресечения и предупреждения торговли детьми и их сексуальной эксплуатации после первой официальной поездки, совершенной Специальным докладчиком в период с 30 августа по 7 сентября 2012 года. На основе информации, полученной до, в ходе и после данной поездки, которая состоялась в период с 21 по 25 апреля 2014 года, Специальный докладчик рассматривает степень выполнения рекомендаций, которые она сформулировала на основе международных норм и стандартов в области прав человека, выявляет препятствия, возникшие на пути их осуществления, и выносит рекомендации по их преодолению и по улучшению защиты детей, а также по сведению к минимуму рисков их превращения в жертв торговли, проституции и порнографии.

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Annex

[Spanish and English only]

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her follow-up visit to Honduras (21–25 April 2014)

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I. Introduction

A. Programme of the visit

1. At the request of the Government of Honduras, the Special Rapporteur made an official follow-up visit to the country between 21 and 25 April 2014. The aim of the visit was to assess the progress made by Honduras in combating and preventing the sale and sexual exploitation of children since the Special Rapporteur's first official visit between 30 August and 7 September 2012. A particular aim of the visit was to assess the level of implementation of the recommendations made by the Special Rapporteur, to follow up on the measures taken by the Honduran authorities to improve the protection of children from sale and sexual exploitation, to identify the obstacles that have been encountered, and to provide technical assistance to overcome them. The Special Rapporteur wishes to thank the Government of Honduras for helping to arrange the meetings with the pertinent State agencies and for the cooperation shown before, during and after the visit.

2. The follow-up visit was organized around technical working meetings with representatives of the State, civil society, the donor community and United Nations agencies, which took place in Tegucigalpa. The Special Rapporteur met with the Undersecretary for Justice and Human Rights, the Undersecretary for Foreign Affairs, representatives of the Ministry of Development and Social Inclusion, the Ministry of Education and the Ministry of Health, the Director of the Honduran Institute for Children and the Family, the National Institute for Women, the Directorate for Youth, the Ministry of National Security and Defence (National Directorate for Criminal Investigation and National Directorate for Special Investigation Services), the Ministry of Economic Development, the Ministry of Labour and Social Security, the Ministry of Governance and Decentralization (Directorate General for Migration and Foreign Nationals), the Ministry of Foreign Affairs and International Cooperation, the Office of the Special Prosecutor for Children of the Public Prosecution Service, representatives of the juvenile justice system, the Inter-Agency Committee against the Commercial Sexual Exploitation and Trafficking of Children and Adolescents, the Office of the National Commissioner for Human Rights, the Counsel General's Office, the Chairperson of the Congressional Committee on Children, and the University Institute for Democracy, Peace and Security (Monitoring Centre for Violence in Honduras).

3. The Special Rapporteur visited two centres for children in need and child victims of sexual exploitation,¹ where she had the opportunity to speak with the children. During her visit, the Special Rapporteur also met with various representatives of civil society, NGOs and child protection agencies.² At the end of her visit, she organized a feedback meeting for stakeholders, at which representatives of the Honduran Tourist Board and the international community³ were also present. The Special Rapporteur met with the United Nations country team⁴ and would like to thank, in particular, the staff of the Office of the International

¹ The centre for street children run by the Casa Alianza charity and the Casitas Kennedy regional support centre run by the Honduran Institute for Children and the Family, both of which are in Tegucigalpa.

² The Compartir association, Casa Alianza, the COIPRODEN children's rights network, Save the Children and World Vision.

³ The embassies of Canada, Germany, Spain, the United States of America, Japan and Switzerland, and the delegation of the European Union in Honduras.

⁴ The Office of the United Nations High Commissioner for Human Rights (OHCHR), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Food Programme (WFP), the United Nations Development Programme (UNDP), the

Advisor for Human Rights and the United Nations Children's Fund (UNICEF) for their support, and the Office of the United Nations High Commissioner for Human Rights for its assistance.

B. Context

4. The new President of Honduras, Juan Orlando Hernández of the National Party, took office on 27 January 2014, after winning the presidential elections held on 24 November 2013. The principal goal of the new Government is to reduce crime, insecurity, poverty and migration. In the early months of his term of office, President Hernández restructured his Government cabinet to reduce the number of ministries. As a result of the restructure, the Ministry of Justice and Human Rights, created under the previous Government, became part of the Ministry of Human Rights, Justice, Governance and Decentralization, which in turn reports to the Sector Cabinet for Governance and Decentralization.

5. According to the UNICEF report *The State of the World's Children 2014 in Numbers*, which incorporates available data to August 2013, adolescents (persons aged between 10 and 19 years old) make up 23 per cent of the population of Honduras, the child labour rate is 16 per cent, and the rate of early marriage is 8 per cent.⁵ Children aged under 18 years' old account for 44.5 per cent of the population and 49 per cent of them live in rural areas.⁶ According to the United Nations Development Programme (UNDP), based on data for 2012 Honduras ranks 120th out of 186 countries in human development terms, a position unchanged from the previous year. In total, 48.9 per cent of the population lives in poverty and 11.3 per cent lives in extreme poverty. Also according to UNDP figures for 2012, the adolescent fertility rate (births to women aged between 15 and 19 years old) is 19.5 per cent.⁷

6. Alongside poverty, violence and crime remain the country's main problems. The main sources of reference for statistical data are the United Nations Office on Drugs and Crime (UNODC), the Monitoring Centre for Violence at the Autonomous National University of Honduras, and the University Institute for Democracy, Peace and Security. According to the *Global Study on Homicide 2013* published by UNODC in April 2014, based on data for 2012 Honduras has the highest crime rate in the world, with an annual homicide rate of 90.4 per 100,000 inhabitants.⁸ The most recent national report issued by the Monitoring Centre for Violence, which is supported by UNICEF and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), concludes, on the basis of data for 2013, that the number of homicides fell by 5.8 per cent (or 415 cases) relative to 2012. According to data from the same source, in 2013 homicides were the main external cause of death, accounting for 6,757 cases (71.5 per cent of the total). The national homicide rate was 79 per 100,000 inhabitants, 6.5 points lower than in 2012. On average in 2013 there were 563 homicides per month and 19 homicides per day. Of this total, 83.3 per cent

International Telecommunication Union (ITU) and the United Nations Children's Fund (UNICEF).

⁵ UNICEF, *The State of the World's Children 2014 in Numbers. Every Child Counts. Revealing disparities, advancing children's rights*, New York, 2014, available at https://www.unicef.es/sites/www.unicef.es/files/emi_2014_0.pdf.

⁶ First public human rights policy and national human rights action plan, Vol. II, page 27.

⁷ UNDP, *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World*, New York, 2013, available at http://www.ve.undp.org/content/dam/venezuela/docs/publications/undp_ve_IDH_2013.pdf.

⁸ UNODC, *Global Study on Homicide 2013*, available at http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

were committed using firearms.⁹ According to the Monitoring Centre for Violence, 513 children were victims of homicide in 2013 (7.6 per cent of the total 6,757 homicides).

7. Violence and poverty are among the factors which drive migration. In recent years, child migration to the United States of America has risen at an alarming rate. Between 1 January and 31 May 2014, the United States Border Patrol detained a record 47,017 unaccompanied migrant children along the south-west border of the United States. This total included 13,282 children from Honduras.¹⁰ Of the total 8,000 children who emigrated from Honduras in 2011 (approximately 8 per cent of total migrants), 2,000 were subsequently deported from either Mexico or the United States. The migratory route followed by these children and adolescents is severely affected by situations of ill-treatment, sexual and commercial exploitation and trafficking in human beings.¹¹

II. Main findings since the 2012 visit

A. Scale of the sale of children, child prostitution and child pornography

8. Despite the absence of accurate, disaggregated, up-to-date and verifiable statistical data, the lack of complaints and inadequate level of reporting, the Special Rapporteur was able to ascertain that the sale and sexual exploitation of children in Honduras, in its multiple forms (child prostitution, sexual exploitation of minors of diverse sexual orientation and of African descent, sexual exploitation in the street, sex tourism, child pornography), remains widespread. There has likewise been no abatement in the causes and risk factors identified during her first visit, which include poverty, inequality, social exclusion, gender-based discrimination and violence, social tolerance, impunity for perpetrators, insecurity, migration and the transnational dimension of the phenomena. These causes and factors increase children's vulnerability to sale and sexual exploitation. Teenage and early pregnancies remain a concern, and in many cases result in exclusion from education.

9. Figures from the Monitoring Centre for Violence indicate that 2,832 of the total 18,018 requests for forensic medical examinations issued by the prosecution service in 2013 were for victims of sexual abuse (15.7 per cent of cases) and 512 were for child victims of abuse (2.8 per cent of cases). The majority of the child abuse cases (56.8 per cent of the total, i.e. 291 cases) involved girls. According to figures from the same source, the age range most affected in the case of girls was 10- to 14-year-olds (100 cases) while in the case of boys the age range most at risk was 5- to 9-year-olds (93 cases). A comparison with figures for 2012 reveals a significant decline of 51.5 per cent (i.e. 543 fewer cases).¹² With regard to sexual offences, the Monitoring Centre for Violence found that, in 2013, minors aged less than 20 years old were the most vulnerable, accounting for 2,480 cases (87.6 per cent of the total). In the case of girls the victims were most frequently aged between 10 and 14 years old (1,094 examinations, 38.6 per cent of the total) while in the case of boys the victims were most often aged between 5 and 9 years old (3.8 per cent).¹³

10. As the Special Rapporteur indicated in the report on her first visit, the clandestine and often transnational nature of the sale and sexual exploitation of children and the lack of centralized, disaggregated data make it difficult to measure the true scale of these phenom-

⁹ Monitoring Centre for Violence, *Mortalidad y Otros*, January–December 2013 report, edition No. 32, February 2014. Available at <http://www.iudpas.org/pdf/Boletines/Nacional/ned32EneDic2013.pdf>.

¹⁰ <http://www.oas.org/es/cidh/prensa/comunicados/2014/067.asp>.

¹¹ First public human rights policy and national human rights action plan, Vol. II, page 32.

¹² See note 9 above.

¹³ See note 9 above.

ena. However, although published figures remain variable, all stakeholders with whom the Special Rapporteur met acknowledged the lack of any evidence to suggest that the sale and sexual exploitation of children might be on the decline in Honduras. Furthermore, the causes and risk factors not only persist but have increased. In the particular case of child pornography, the Special Rapporteur emphasized that data are almost non-existent, and that the scale of the problem is therefore unknown.

B. Measures to combat and prevent the sale of children, child prostitution and child pornography

1. Political framework

11. The Special Rapporteur was apprised of the Government's new organizational structure, by virtue of which the Ministry of Human Rights and Justice has become part of the Sector Cabinet for Governance and Decentralization. Responsibility for child-related issues is shared between the Sector Cabinet for Development and Social Inclusion and the Sector Cabinet for Governance and Decentralization. All pertinent independent agencies, including the Honduran Institute for Children and the Family, fall under the umbrella of the Sector Cabinet for Development and Social Inclusion.

12. The Special Rapporteur appreciates that this reorganization of the State apparatus, by means of mergers designed to reduce the State budget and the public sector deficit, may constitute a good opportunity to improve coordination in the management and implementation of child-related policies. However, she warns that the restructure should not result in less attention being paid to human rights and child protection, or in a dilution of the importance accorded to the two issues within the newly created super-ministries. With this in mind, she highlights the risk of the mergers resulting in a loss of focus and prioritization in the human rights and child protection fields.

13. The Special Rapporteur noted the new Government's explanation that its aim, in merging the Ministry of the Interior and Population and the Ministry of Human Rights and Justice, was to mainstream human rights and ensure their diffusion at the local level through the country's departmental and municipal administrations. The Special Rapporteur welcomes this approach and urges the new authorities to ensure its effective implementation.

14. The Special Rapporteur was pleased to learn that the new President had approved the first public human rights policy and a national human rights action plan for 2013–2022 at a Council of Ministers meeting held on 22 April 2014. The action plan, which covers the 2013–2022 period, had already been approved by the previous Government on 22 January 2013, following a long process of consultation supported by the international community.¹⁴ With the signature of an inter-agency implementation agreement, also on 22 April 2014, all State ministries of the new Government undertook to implement the human rights policy and the national human rights action plan.

15. The human rights policy and action plan are key instruments which give body to the Government's commitment to adopting a human rights approach in public administration and the implementation of sector-specific policies. The human rights policy is divided into various lines (human security, the justice system, democracy, and population groups in situations of vulnerability, which include children and young people as distinct groups). The action plan, meanwhile, encompasses 27 distinct plans dealing with specific rights or targeting specific population groups and envisages a total of 1,200 specific actions divided up by area of competence.

¹⁴ Canada, Spain, Switzerland, OHCHR, UNDP, UNICEF and the European Union.

16. The Special Rapporteur urges the new national authorities to give life to the human rights policy and action plan by allocating to them a sustainable budget which ensures they can be implemented effectively as soon as possible. The Ministry of Human Rights and Justice has assumed responsibility for coordinating their implementation. However, the Special Rapporteur perceives an urgent need to establish an independent entity responsible for coordinating the implementation of child protection policy and believes that this should be among the actions envisaged under the national human rights action plan.

2. Legal framework

17. The Special Rapporteur was pleased that her recommendations for legislative reform have been acted upon. She particularly welcomed the adoption of the comprehensive reform of legislation on families and children via Legislative Decree No. 35-2013 of 6 September 2013, by virtue of which national legislation was aligned with the international instruments on the rights of the child ratified by Honduras.¹⁵ The comprehensive reform of legislation on families and children entailed amendments to six national codes and laws (the Code on Children and Adolescents, the Family Code, the Civil Code, the Criminal Code, the Code of Criminal Procedure and the Domestic Violence Act) to comply with the international obligations assumed by Honduras in relation to children's rights.

18. On the other hand, the Special Rapporteur recalls that the Government of Honduras has still to ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (The Hague, 29 May 1993) and to pass the national law on adoption. Both these instruments are key to combating illegal adoption. She also notes with concern that the amendment of the Firearms Control Act to regulate and drastically restrict the possession of firearms has still not been passed. In addition, the Special Rapporteur urges the Honduran authorities to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which entered into force on 14 April 2014.

19. The comprehensive legislative reforms have entailed substantial changes in the criminal justice system and juvenile criminal proceedings. As a result of the reforms, minors cannot be held in pretrial detention for more than 6 months without a judicial ruling. Furthermore, decisions concerning social care for minors have been removed from the realms of the court and child protection cases are henceforth handled administratively, through the Honduran Institute for Children and the Family. Similarly, the adoption of alternative measures to detention is encouraged, in line with international standards on the rights of the child.

20. The Special Rapporteur highlights that the age of individual criminal responsibility remains 18 years, which is in compliance with international standards on the rights of the child. She urges the Government not to succumb to the temptation to support any reform that might seek to reduce the minimum age of criminal responsibility on the pretext of combating insecurity, and instead to invest in reinforcing the justice and child protection systems.

21. The Special Rapporteur is also pleased that the comprehensive legal reforms have entailed the prohibition and criminalization of the corporal punishment of children. However, she urges the Government to ensure that the legal reforms are supported by information and awareness-raising campaigns to address the persistent social tolerance of corporal punishment. There has also been an amendment to family law, including, in particular, an increase in the minimum age for marriage to comply with the Convention on the Rights of the Child.

¹⁵ http://www.unicef.org/honduras/14352_26676.htm.

3. Institutional framework

22. The Special Rapporteur praised the work being done by the Office of the Special Prosecutor for Children, which in recent years has been strengthened by funding from the United States of America and support from UNICEF. However, the Office's impact remains isolated, as the resources at its disposal, including for investigations, are limited.¹⁶ In this regard, the Special Rapporteur was troubled to learn of the closure and break-up of the division which formerly worked to combat the abuse, trafficking and commercial sexual exploitation of children and adolescents (DATESI) and had obtained good results in preventing trafficking in human beings and the sexual exploitation of minors. The Special Rapporteur therefore urges the Minister of Security to re-establish and reinforce this division as soon as possible. The Special Rapporteur also urges the Government to open more special units of the Office of the Special Prosecutor for Children and more integrated centres, with a view to diffusing the good practices identified in 2012 and the positive results starting to be achieved in the fight against trafficking and the sexual exploitation of children.¹⁷

23. All parties with whom the Special Rapporteur spoke agreed that more funds and resources were needed to support the Office of the Special Prosecutor for Children. In order to bring cases to court, thorough criminal investigations involving surveillance, tailing and telephone tapping are required. For this reason, as well as police resources, there is a need to train justice officials in children's rights. There is also a need for closer regulation of Internet service providers to ensure that IP addresses are reported. With regard to regional cooperation in policing and the administration of justice, the Special Rapporteur welcomed the news that Honduras, through the Inter-Agency Committee against the Commercial Sexual Exploitation and Trafficking of Children and Adolescents, has joined the Regional Coalition against the Trafficking and Smuggling of Human Beings, established with a view to adopting regional policies for combating trafficking in human beings and improving support for victims.

24. The Special Rapporteur urges the Public Prosecution Service to take a proactive approach to the investigation and criminal prosecution of offences involving the sale and sexual exploitation of children which takes account of the transnational dimension of the phenomenon, despite the limited resources at its disposal. A strategic approach to combating these offences would help to narrow the gap between the true figures and the number of cases that are investigated and brought to justice. The low number of cases investigated and tried attests to a lack of investigative capacity and strategy beyond the commendable commitment to combating the scourge of trafficking and sexual exploitation of minors shown by the Office of the Special Prosecutor for Children. This situation calls for a stronger, more effective system of justice.

¹⁶ The Public Prosecution Service has a special unit tasked with combating the commercial sexual exploitation and trafficking of human beings, which is attached to the Office of the Special Prosecutor for Children. The Human Trafficking Unit of the National Directorate of Special Investigation Services, the Special Crimes Unit of the National Directorate of Criminal Investigation and the INTERPOL Division and Transnational Criminal Investigation Unit of the Directorate General of the National Police all have officers dedicated to the investigation of these crimes. After the Special Rapporteur's follow-up visit, the Office of the Special Prosecutor for Children informed her of the creation of a technical investigation agency dedicated to offences involving trafficking in human beings and child pornography.

¹⁷ Figures provided by the Office of the Special Prosecutor for Children for offences involving commercial sexual exploitation committed between 2009 and October 2014 reveal that 127 cases have been or are being investigated, 39 cases have been taken to court and 31 cases have resulted in convictions.

25. The Special Rapporteur was pleased to learn that, following the comprehensive legislative reforms of 2013, the 12 juvenile courts will henceforth hear the cases of child offenders only, while child victims are referred to the administrative mechanism managed by the Honduran Institute for Children and the Family.

26. As mentioned previously, following the legislative reforms of 2012 (anti-trafficking law) and 2013 (comprehensive reform of legislation on families and children), the State now has the legal arsenal to achieve better results in the fight against the sale and sexual exploitation of children. However, the Special Rapporteur fears that the advances made in recent years on the legislative front have not been matched by institutional adjustments or reforms that might allow for the changes introduced by the legal reforms to be implemented effectively.

27. In this connection, the Special Rapporteur noted with concern that, at the time of her follow-up visit, the establishment of a dedicated entity responsible for child protection policy was still pending. She regretted the lack of real progress since her visit in 2012, at which time the bill to establish the Office of the Children's Advocate as the new State agency responsible for overseeing public policy on children's rights and child protection and designing and coordinating implementation of the related national policies, was already pending approval.

28. After the Special Rapporteur's follow-up visit, at a Council of Ministers meeting held on 4 June 2014 the Government adopted Executive Decree PCM-27-2014, establishing the Directorate for Children, Adolescents and the Family, attached to the Ministry for Development and Social Inclusion, and ordered the closure of the Honduran Institute for Children and the Family. The Special Rapporteur welcomes this advance and urges the Government to assign to the new Directorate, on a sustainable basis, the resources necessary to the effective performance of its functions, which include guiding, formulating, coordinating and overseeing the implementation of national policies on children.

29. In particular, the Special Rapporteur urges the Directorate for Children, Adolescents and the Family to improve coordination with NGOs specializing in child protection and the technical support it provides to them, to establish standards and a methodology for its work, and to exercise independent oversight over children's centres and homes, in order to ensure that children are institutionalized as a last resort only and that care, rehabilitation and reintegration programmes are adapted to the differing situations of the children concerned (victims of sexual exploitation, victims of neglect, at-risk children, among others).

30. The Special Rapporteur welcomed the effective coordination already apparent in the fight against trafficking in human beings thanks to the efforts of the Inter-Agency Committee against the Commercial Sexual Exploitation and Trafficking of Children and Adolescents. The Inter-Agency Committee is composed of representatives of the Office of the Special Prosecutor for Children, the Honduran Institute for Children and the Family, the Ministry of Human Rights, the Ministry of Foreign Affairs, the Directorate for Migration and the National Congress, among others. It was established in 2012 with the passing of the law against trafficking in human beings and since then has received an annual budget of 4 million lempiras (US\$ 186,000) as well as funds appropriated by the Confiscated Property Management Office.

31. In line with the action plan drawn up for 2014, the Inter-Agency Committee will use these funds to open an office and recruit staff, to set up an immediate response unit, to organize training workshops, to create local committees, to monitor legal compliance, to increase the reporting, investigation, prosecution and punishment of offences, and to ensure due support for victims. The role of the immediate response unit, created in September 2014, is to identify victims of trafficking and commercial sexual exploitation and refer them to the integrated care services.

32. The Special Rapporteur welcomed the news that, since 2012, the Office of the National Commissioner for Human Rights has been setting up children's advocate offices in the municipalities to assume responsibility for identifying human rights violations and referring them to the Office of the National Commissioner for follow-up. She also welcomed the work to promote children's rights that the municipal commissioners for human rights, created in 2010 under the revised Municipalities Act, have been carrying out since the comprehensive legal reforms of 2013. She likewise applauded the establishment of local social protection committees, composed of government and civil society representatives, to build community-based social protection systems. The Special Rapporteur saluted NGOs' active involvement and participation in these initiatives, which is proving key to their effectiveness.

4. Policies and programmes

33. The Special Rapporteur was pleased to note that some of her 2012 recommendations have been acted upon, including the recommendations: to adopt and implement protocols and guidelines for investigating cases of trafficking and commercial sexual exploitation; to develop and continue operating web- and SMS-based complaints systems; to organize and disseminate awareness-raising and educational campaigns; to train and build the capacity of staff who provide support for child victims of trafficking and sexual exploitation; and to improve access to education.

34. However, the Special Rapporteur regretted the fact that operation of the "Breaking the Silence" telephone complaints hotline and the telephone helpline for victims of trafficking has been suspended because the support provided by international cooperation partners has come to an end. After her follow-up visit, the Special Rapporteur was informed that the helpline for victims of trafficking (505 89905187) had reopened. The Special Rapporteur reiterates her 2012 recommendation that the competent authorities should develop new complaint and reporting mechanisms that are easily accessible to all children throughout the country without distinction, including those in detention centres for children in conflict with the law.

35. The Special Rapporteur also recalls that two of her recommendations are still pending implementation – specifically, the recommendation to introduce and disseminate sex education programmes, and the recommendation to develop online protection programmes. She therefore urges the competent authorities to develop and implement the relevant programmes as soon as possible.

36. With regard to corporate social responsibility, the Special Rapporteur was pleased to learn that the code of conduct introduced by the Honduran Tourist Board remains in effect. However, she regretted the lack of progress made in engaging Internet service providers and other telecommunications companies in efforts to combat the sexual exploitation of children on the Internet. She therefore repeated her call to the National Telecommunications Commission (CONATEL) to adopt a system of self-regulation to protect children from online sexual exploitation.

37. The Special Rapporteur welcomed the adoption of numerous policies for specific sectors (education, health and social protection) including, inter alia, the State policy for early childhood and the social protection policy. These policies have resulted in the development of a number of programmes, such as the "Bono 10,000" conditional cash transfers programme for families living in extreme poverty, the creation of a single register of beneficiaries, and the adoption of a non-contributory basic social protection floor, which is currently being implemented.

38. The Special Rapporteur understands that the current goal is to use the new institutional structure to put policies already developed into action. She noted the propensity for

creating a multitude of technical committees to discuss how the policies adopted should be implemented. However, the impact of these committees' efforts does not appear to be filtering through to the local level and to children. In addition, the authorities have yet to determine how these policies will be coordinated with the human rights action plan and how synergies between them will be harnessed.

39. In addition, the Special Rapporteur noted with concern that there appears to be no strategic child protection framework which encompasses at-risk children as well as child victims. The Special Rapporteur urges the competent authorities to leverage existing initiatives to establish a comprehensive child protection system which encompasses awareness-raising, prevention, sex education, data collection and analysis, the identification, investigation, criminal prosecution and punishment of perpetrators, the development of advice and complaints mechanisms that are tailored to children's needs, and victim support, rehabilitation and social integration services. Child protection involves many different actors and, if the protection chain is to be effective, it must operate in a coordinated manner, with each agency being assigned a specific role and effectively allocated a budget. With this in mind, the Special Rapporteur expressed concern about the sustainability of the policies adopted, given the extreme dependence on international cooperation and NGO implementation.

40. The human rights action plan constitutes an important tool for leverage. The section dealing with childhood consists of nine parts (on legislation, public policies, human rights culture, skills development, accountability and transparency, and urgent action) which together envisage a total of 178 strategic actions (relating to the fight against trafficking in human beings and sexual exploitation, child labour, migrant children, children with disabilities, among others) and are divided up according to the agency directly responsible and date of execution. However, it is essential that the action plan also includes child protection indicators that can be used to measure its real impact, that the lead agency responsible for public policy on children assumes responsibility for coordination and supervision, and that the resources necessary for the plan's implementation are freed up.

41. Among the inherent weaknesses of the current measures, the Special Rapporteur noted, in addition to the multitude of plans and technical committees, a lack of monitoring and impact assessment mechanisms. In this regard, she views the creation of community-based social protection committees responsible for compiling qualitative and quantitative indicators for measuring progress in social policy as a step in the right direction.

42. Investment in policies and programmes that filter down to the local level is another area that requires increased effort. Mindful of the legislative provision by virtue of which municipalities are required to assign 5 per cent of the funds they receive from central Government to children's programmes and policies, the Special Rapporteur calls on the municipal authorities to use these funds to ensure the effective implementation of prevention and protection programmes benefiting children. The Special Rapporteur also urges the central authorities to establish systems of budget execution oversight and accountability in the area of child protection at the local and national levels.

43. Lastly, the Special Rapporteur expressed great concern about the "Guardians of the Country" programme, which is a Presidential initiative designed to nurture patriotic values among vulnerable populations, especially children and adolescents, through sport, culture and art. The Special Rapporteur is concerned about the role the State has assigned to the Armed Forces in this initiative. The Special Rapporteur believes that the transfer of functions from State to Army reflects a devaluation of public service. The Special Rapporteur understands that these initiatives are framed in a context of insecurity and high crime rates, and reflect the State's efforts to combat them. However, the fight against this scourge must be focused on prevention, that is, on addressing the structural causes and risk factors (poverty, dysfunctional families, lack of access to services, among others), investing in social policies and development, building neighbourhoods with proper infrastructures, providing

opportunities and lasting alternatives for children at risk, offering high-quality vocational training and adopting reintegration measures, among others.

44. Similarly, efforts to combat insecurity and crime must be focused on education. For this reason, the Special Rapporteur welcomes the extension of the school day (with teaching days being extended into the afternoon, and also to Saturday) and urges the authorities to continue adopting measures that will strengthen the educational system. The fight against the sale and sexual exploitation of children needs also to be waged from within the educational system, working with children to address their fears, doubts and ignorance through sensitization and awareness-raising campaigns led by the Ministry of Education. In this connection, the Special Rapporteur commends the efforts of NGOs, with support from OHCHR, to increase awareness of the optional protocols to the Convention on the Rights of the Child and urges them to continue working to empower children through initiatives that educate them in human rights.

45. In conclusion, since the measures adopted will never be inadequate if they do not address the causes and factors which underlie vulnerability, the Special Rapporteur calls for this Presidential initiative, and the funds allocated to it (\$2.8 million), to be re-directed so that prevention, education and child protection become the priorities of the new Government.

III. Conclusions and recommendations

A. Conclusions

46. **On the basis of the information collected during and after her follow-up visit, the Special Rapporteur concludes that the advances achieved by Honduras in the prevention and elimination of the sale and sexual exploitation of children since her first visit in 2012 have not been significant. However, the Special Rapporteur believes that Honduras is currently exceptionally well positioned to make substantive progress in the fight against the sale and sexual exploitation of children. Specifically, it is benefiting from the momentum generated by the formation of a new Government under the leadership of a new President who has a comprehensive package of legal reforms in the pipeline that has yet to be leveraged.**

47. **Among the advances made by the Government of Honduras, the Special Rapporteur highlights the consolidation of the Inter-Agency Committee against the Commercial Sexual Exploitation and Trafficking of Children and Adolescents, the incipient advances achieved by the Office of the Special Prosecutor for Children, the legislative reforms accomplished, and the recent creation of a lead agency for comprehensive child protection policy. However, the Special Rapporteur urges the new national authorities to demonstrate a greater political commitment to children's issues, making them a priority of the new Government which is reflected in the adoption and implementation of a strategic framework for comprehensive child protection which is backed by effective resource and budget allocations, under the supervision of the Directorate for Children, Adolescents and the Family, with a view to achieving real improvements in the situation of Honduran children.**

B. Recommendations

48. **The Special Rapporteur conceived her follow-up visit as a unique opportunity to support the national authorities in their efforts to combat and eradicate the sale and sexual exploitation of children and establish a comprehensive child protection sys-**

tem. Although the majority of the recommendations issued after her first official visit in 2012 remain valid,¹⁸ the Special Rapporteur urges the State of Honduras to prioritize the following three sets of recommendations in order to achieve substantive progress in the fight to prevent and eliminate the sale and sexual exploitation of children and ensure a real impact on the situation and rights of children:

(a) Establish an integrated child protection system by means of a comprehensive framework and strategic plan which improve prevention and guarantee security and protection for children, as well as access to justice, support, rehabilitation and reintegration:

- Leverage existing resources (in particular, the human rights policy and national human rights action plan), replicate burgeoning good practices, and implement outstanding recommendations, including passing the national law on adoption, and ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (the Hague Convention);
- Enhance prevention by increasing knowledge of the risk factors and addressing them through the fight against discrimination, poverty and violence, access to education, including sex education, support for families, online protection for children in conjunction with Internet service providers, and the fight against social tolerance of the sexual exploitation of children;
- Refocus the “Guardians of the Country” programme and redirect the funds allocated to it in order to address the causes and factors of the vulnerability that places children at risk using preventive, educational and child protection measures;
- Encourage accusations and complaints by creating reporting mechanisms that are accessible to children and running campaigns to raise awareness of their rights; ensure the continuity and sustainability of the telephone support hotline for victims of trafficking;
- Reinforce the Office of the National Commissioner for Human Rights to make it more accessible to children throughout the country, and improve the monitoring and assessment of children’s rights;
- Fight the impunity surrounding the sale and sexual exploitation of children by improving and reinforcing criminal investigation processes and punishing the perpetrators; re-establish the division which formerly worked to combat the abuse, trafficking and commercial sexual exploitation of children and adolescents (DATESI), allocate more funds and resources to the Office of the Special Prosecutor for Children, open more integrated justice centres, and adopt a proactive approach in criminal investigations and prosecutions;
- Improve access to justice and reparation for child victims of sale and sexual exploitation and strengthen support, protection, rehabilitation, reintegration and follow-up programmes and services for child victims;
- Establish a centralized, standardized system for the collection of data disaggregated by sex, age, type of offence and legal action taken;

¹⁸ A/HRC/22/54/Add.2.

- **Create an information, follow-up and evaluation system, and designate the agencies responsible for it.**

(b) Provide the Directorate for Children, Adolescents and the Family, on a sustainable basis, with the budget it needs to perform its coordinating and supervisory functions in respect of comprehensive child protection policy effectively, define procedures for aligning the comprehensive child protection policy with the human rights policy and national human rights action plan, and allocate the resources necessary for its implementation, including at the local level;

(c) Create a coordinated framework for cooperation in implementation of the comprehensive child protection policy, with the support of international cooperation agencies and the United Nations system, focussing on harmonization of the information, follow-up and monitoring system, institutional capacity-building, and police and judicial cooperation in the fight against the sale and sexual exploitation of children and online child pornography.
