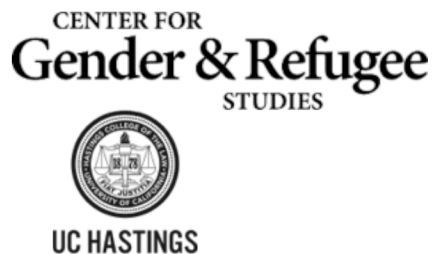


Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges

February 2015



Chapter 2 Honduras

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This chapter is translated from the original Spanish version.

I. Introduction

This chapter analyzes the situation of children and adolescents in the context of migration in Honduras. Two phenomena define this situation: (1) an increasing number of Honduran children and adolescents are leaving their country for Mexico and—especially—the United States; and (2) several structural factors, including violence, poverty, and social exclusion, intertwine to contribute to migration patterns for children and adolescents.

First, we briefly describe migration in Honduras, highlighting the periods when large outflows of Hondurans migrated north. To analyze the current period, we emphasize qualitative and quantitative data that paints a complex picture of how human development, violence, and institutional weakness affect migration.

Next, we analyze in detail the situation of Honduran children in order to explain the increasing numbers of children and adolescents leaving the country. Statistical data about violations of basic rights—such as the right to education and healthcare—and different forms of violence, among other issues, allow us to identify some of the main structural causes that push thousands of children and adolescents to leave the country. Interviews with repatriated children also explain this phenomenon from the perspective of its protagonists, the victims of rights violations in their countries of origin, transit, and destination.

Then, we analyze Honduras' current legal framework on children, as well as on the protection of Honduran migrants abroad. We devote a sub-section to the Protocol for the reception of children who were victims of trafficking and are in a vulnerable situation. In addition to describing the legal framework, this section assesses the government institutions in charge of protecting children in general and migrant children and adolescents in particular.

We devote a core section of this chapter to describing procedures for the reception, protection, and family reintegration of migrant children and adolescents who are repatriated to Honduras, focusing especially on the serious failures of existing mechanisms. On the one hand, these failures reinforce the limitations of Mexican and U.S. procedures for repatriating children to their countries of origin. On the other hand, they also reinforce the vulnerabilities and human rights violations suffered by children when they return to the country under these conditions. We also highlight some specific civil society initiatives to accompany children returning with disabilities.

This chapter also discusses two particular categories of children and adolescents whose lives and rights are affected by migration: Honduran children and adolescents living in the country whose

parents have migrated, and foreign migrant children and adolescents in transit through Honduras as they try to reach the United States.

II. Migration context in Honduras

Honduras' social context, similar to that of other Central American countries, is characterized by political repression, violence, and insecurity created by petty criminals, gangs—*maras and pandillas*¹—and organized crime, as well as by the lack of social and economic opportunities. Irregular migration has become the only way out for hundreds of thousands of Hondurans who seek a future in which they can live freely and without fearing losing their lives due to violence, achieve a decent standard of living, and allow their children to enjoy fundamental human rights.

Central America has historically been a transit zone for migrants seeking to reach Mexico and the United States, with the last three decades particularly intense periods of migration. However, the process of migration has become more complex and has begun to involve groups that are especially vulnerable. Along with the longstanding increase in the number of women and girl migrants, often called the feminization of migration, increasing numbers of children and adolescents at increasingly younger ages are participating in the dynamics of human mobility.

Migration is not a recent phenomenon in Honduras; since the 1980s, at least three historic events have generated significant outflows of Hondurans. First, and on the advice of the U.S. government, the Honduran government implemented the National Security Doctrine (NSD). This doctrine represented a repressive response to left-leaning social movements calling for changes in the political and economic structures of the country. The NSD was fundamentally premised on the existence of an *external enemy*; in this case, the revolutionary movements taking shape in neighboring Guatemala, El Salvador, and Nicaragua. According to NSD ideologues, this external enemy had the potential to influence domestic actors to become *internal enemies* willing to resort to violent means to seize power in order to rebuild the country's political and economic systems.²

To confront this internal enemy, the State was expected to employ all available resources, especially its security and defense agencies, even if their actions fell outside of the constitutional and human rights frameworks.³ Practices implemented by the State included kidnappings, torture, forced disappearances, and murders of leftist militants in the country, carried out by “death squads.” According to the Committee of Relatives of Detained and Disappeared Persons in Honduras (*Comité Familiares de Detenidos y Desaparecidos en Honduras* or COFADEH), during the 1980s, forced disappearances totaled over 200 cases, proving unequivocally that the

¹ While both *maras* and *pandillas* are gangs, they differ in power, scope, and focus. *Pandillas* are gangs whose power structure is local and whose influence does not reach beyond the local vicinity; whereas *maras* are national and transnational criminal organizations with national and transnational—as well as local—reach. *Maras* have a highly organized power structure that includes local leadership, but top leadership is not local. *Maras* have much more power, many more resources, and much greater reach than *pandillas*.

² Meza, V. (2012, February). Honduras: Seguridad y Defensa. *Boletín Especial No. 96, Centro de Documentación de Honduras (CEDOH)*. Retrieved from <http://www.cedoh.org/resources/Publicaciones/Lo-que-publicamos/Boletin-96.pdf>.

³ Meza, Honduras: Seguridad y Defensa.

State not only tolerated these activities, they were in fact a State policy during those years.⁴ The implementation of the NSD in Honduras forced left-wing militants, union leaders, students, workers, and other social movement activists to leave the country with their families and seek asylum abroad to save their lives.

Second, in October of 1998, a natural disaster produced one of the worst humanitarian crises in Honduras' history. The effects of Hurricane Mitch, amplified by vulnerability in most of the Honduran territory, killed more than 7,000 people, left 8,000 missing and 12,000 injured, and affected 1.5 million people in total.⁵ An estimated 35,000 houses were destroyed and another 50,000 were partially affected with damages ranging from 10% to 50% of the structures. In the education sector, damages were estimated to cost 446 million lempiras (33 million dollars in 1998).⁶ The total cost of Hurricane Mitch was estimated at 3.8 billion dollars, equal to 70 percent of Honduras' Gross Domestic Product (GDP) at the time.⁷ Hurricane Mitch also severely affected the country's productive infrastructure, further weakening Honduras' underdeveloped economy and pushing thousands of Hondurans to migrate abroad to seek better opportunities to solve their economic problems.

Third, on June 28, 2009, Latin America's first coup d'état of the 21st century took place in Honduras. During the political crisis created by the coup, the *de facto* government imposed a series of measures to repress social movements that were opposing the coup by mobilizing in the streets and demanding the return of the constitutionally elected president. Among these measures were the suspension of constitutional rights, the closing of opposition media outlets, the use of police and military force to repress social protests, and a strong media campaign to legitimize the events of June 28, 2009 before the domestic and international community. Reports from human rights organizations documented cases of persecution, threats, harassment, and even murders carried out by individuals linked to the State's security apparatus.

In a report titled "The Most Authorized Voice is that of the Victims" (*La voz más autorizada es la de las víctimas*), released in October 2012, the Truth Commission (*Comisión de Verdad*)⁸ stated that the irregular actions attributed to the State's security forces during the 2009 political crisis "were and continue to be part of a State policy that also includes private groups operating

⁴ Comité de Familiares de Detenidos Desaparecidos en Honduras. Desaparecidos. Retrieved from <http://www.cofadeh.org/html/desaparecidos/index.htm>.

⁵ Comisión Económica para América Latina y el Caribe – CEPAL Naciones Unidas, *Honduras: Evaluación de los daños ocasionados por el Huracán Mitch, 1998. Sus implicaciones para el desarrollo económico y social y el medio ambiente*, U.N. Doc. LC/MEX/L.367 (1999, January 26).

⁶ Comisión Económica para América Latina y el Caribe – CEPAL Naciones Unidas, *Honduras: Evaluación de los daños ocasionados por el Huracán Mitch, 1998. Sus implicaciones para el desarrollo económico y social y el medio ambiente*, U.N. Doc. LC/MEX/L.367 (1999, January 26).

⁷ Comisión Económica para América Latina y el Caribe – CEPAL Naciones Unidas, *Honduras: Evaluación de los daños ocasionados por el Huracán Mitch, 1998. Sus implicaciones para el desarrollo económico y social y el medio ambiente*, U.N. Doc. LC/MEX/L.367 (1999, January 26).

⁸ The Truth Commission is integrated by organizations participating in the Human Rights Platform, such as the Committee of Relatives of Detained and Disappeared Persons in Honduras (COFADEH), the Committee for the Defense of Human Rights (CODEH), the Center for Research and Promotion of Human Rights (CIPRODEH), the Center for Women's Rights (CDM), the International Federation for the Right to Food of Honduras (FIANH), and the Center for the Prevention, Reintegration, and Treatment of Victims of Torture (CPTRT).

with procedures and methods reminiscent of the death squads.”⁹ This report was based on 1,966 testimonies collected throughout the country documenting 5,418 human rights violations, which, the authors conclude, show “the patterns of systematically repeated violations. These patterns include the application of repressive measures in a systematic and generalized way against key actors and leaders of the opposition to the coup, as well as the politicization of justice (improper political influence over legal institutions).”¹⁰

The political repression of the 1980s and the repression that took place after the 2009 coup d’état are clear examples of the structural violence embedded in Honduran history. The State has often exercised its power to promote violence by endorsing the concentration of resources in the hands of the few at the expense of the basic needs, the well-being, and the liberty of the large majority of the Honduran people.

Structural violence creates despair and frustration among citizens who cannot develop their potential because they have been deprived of the capacity and skills they need to participate in the productive world, and at the same time are excluded from the social and political dynamics of their country. This despair and frustration are determining factors in their decision to migrate to other countries to seek better economic and social opportunities.

Government institutions’ loss of legitimacy has worsened as a consequence of the infiltration of organized crime into government apparatuses, especially in the National Police (*Policía Nacional*) and the Office of the Attorney General (*Ministerio Público*), drastically weakening their law enforcement capacities. In addition, the expansion and territorial fighting among gangs—both *maras* and *pandillas*, the increase in drug and arms trafficking, as well as the generalized impunity in the country, have led to a significant increase in crime, including homicides, massacres, kidnappings, and extortions. This has resulted in higher levels of violence and insecurity in Honduras.

It is in this context that Honduras has become one of the most violent countries in Latin America, with homicide rates higher than the world average, according to estimates from the United Nations Office on Drugs and Crimes (UNODC): 6.9 per 100,000 residents.¹¹

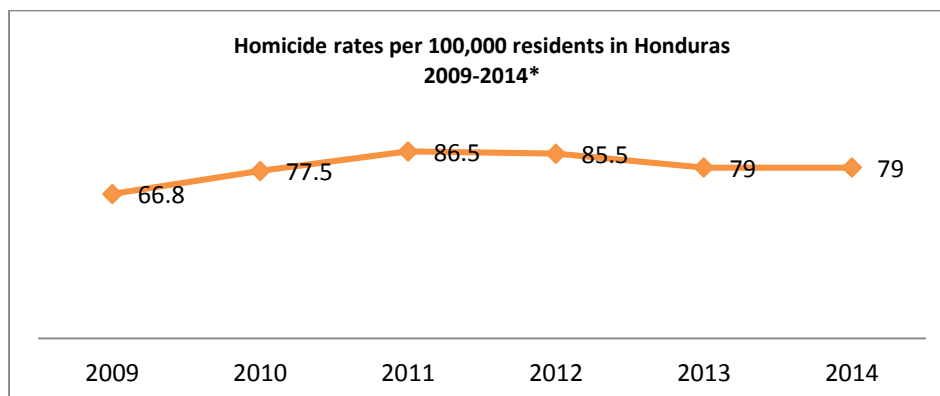
Data from the Observatory on Violence (*Observatorio de la Violencia*) at the Autonomous University of Honduras (*Universidad Autónoma de Honduras* or UNAH) indicate that homicides

⁹ Truth Commission Report (2012). *La voz más autorizada es la de las víctimas*. Tegucigalpa, Honduras.

¹⁰ Truth Commission Report (2012). *La voz más autorizada es la de las víctimas*. Tegucigalpa, Honduras.

¹¹ Oficina de las Naciones Unidas contra la Droga y el Delito UNODC. (2011). Estudio Mundial sobre el Homicidio. Tendencias, Contextos, Datos. Retrieved from http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/BOOK_Global_study_on_homicide_2011_Spanish_ebook.pdf.

have increased in the country, from a rate of 66.8 homicides per 100,000 residents in 2009¹² to 79 by the end of 2013,¹³ peaking at 86.5 in 2011.¹⁴



Source: Casa Alianza's estimate based on data from the Observatory on Violence at the UNAH*
June 2014

In 2013, there were 6,757 homicides, which amounts to 563 homicides per month and 19 victims per day. 59.7 percent of all homicides occurred in the departments of Cortés, Francisco Morazán, and Yoro. 83.3 percent of homicides were committed with firearms; 78.8 percent of victims were between 15 and 44 years old.¹⁵

III. Migration of children and adolescents in Honduras: structural causes and figures

In the context briefly described of a lack of basic rights, institutional weakness, and growing violence, it is important to observe specific aspects of those factors that influence the migration of children and adolescents from Honduras. Undoubtedly, many factors pushing children and adolescents to migrate are not very different from the factors affecting adult migrants. However, some factors are exclusively associated with the migration of children and adolescents. In addition, both child-specific causes and general causes of migration have a particularly acute effect on children and adolescents (for example, with respect to their right to develop adequately and free from violence), or affect them in a more generalized and intentional way, with respect to—for example—gangs that target them for violence, and arbitrary actions by security forces. In

¹² IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2010, March). Observatorio de la Violencia Mortalidad y Otros. *Boletín Nacional*, 17. Retrieved from <http://www.iudpas.org/pdf/Boletines/Nacional/NEd17EneDic2009.pdf>.

¹³ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2014, February). Observatorio de la Violencia Mortalidad y Otros. *Boletín Nacional*, 32. Retrieved from <http://www.iudpas.org/pdf/Boletines/Nacional/NEd32EneDic2013.pdf>.

¹⁴ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2012, March). Observatorio de la Violencia Mortalidad y Otros. *Boletín Nacional*, 24. Retrieved from <http://www.iudpas.org/pdf/Boletines/Nacional/NEd24EneDic2011.pdf>.

¹⁵ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2014, February). Observatorio de la Violencia Mortalidad y Otros. *Boletín Nacional*, 32. Retrieved from <http://www.iudpas.org/pdf/Boletines/Nacional/NEd32EneDic2013.pdf>.

all cases, children and adolescents are more vulnerable—compared to adults—with respect to the primary causes of migration: violence, poverty, and social exclusion in the country.

This section presents some statistical information in order to describe the difficult conditions that compel Honduran children and adolescents to migrate. In Honduras, the number of children between the ages of 5 and 17 is estimated to be 2,661,272, or 31.2 percent of the country's population. 49.8 percent of these children and adolescents are male and 50.2 percent are female.¹⁶

Socioeconomic and cultural circumstances surrounding families and communities affect the health status of children and adolescents as well as their access to education and employment. Conditions such as low birth-weight, serious respiratory infections, and diarrhea occur with high prevalence among Honduran children, especially those from poor and marginalized families. The limitations and deficiencies of health policies also contribute to a bleak picture. These health problems, besides being frequent and chronic, exacerbate malnutrition, which in turn produces a greater predisposition among children and adolescents to fall ill, and hinders their capacity to learn and adapt to a changing social context.¹⁷

A useful tool to assess the Honduran education system is the “Coverage Rate,” which contrasts the number of children who attend school with the total number of school-age children.¹⁸ In 2013, an estimated 1,680,006 children ages 3 to 17 attended school, which represents only 55.4 percent of the total number of children in that age group. Nationwide, this same rate for children ages 6 to 11 was 92.3 percent.¹⁹ Among children between 15 and 17, school attendance is only 27.1 percent. This means that less than one third of children in this age group are enrolled in school. Even more worrisome is the difference between the Coverage Rate in urban areas (44.7 percent) and rural areas (15.1 percent).²⁰

In 2013, an estimated 371,386 children between the ages of 5 and 17 worked, which represents 14 percent of the population in this age group in the country. 74 percent of working children are

¹⁶ Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

¹⁷ Instituto Nacional de Estadísticas. (2013, May). Encuesta Nacional de Demografía y Salud (ENDESA) 2011-2012. Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

¹⁸ Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

¹⁹ Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

²⁰ Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

concentrated in rural areas, and the remaining 25.9 percent live in urban areas.²¹ Working children are employed primarily in agriculture, forestry, hunting, and fishing (59.9 percent), trade (wholesale and retail), hotels and restaurants (19 percent), manufacturing (9.4 percent), and construction and community, social, and personal services (10 percent).²²

At the same time, an estimated more than 6,000 children and adolescents live in the streets in Tegucigalpa and San Pedro Sula. A study by Casa Alianza, released in 2013, identified 364 children and adolescents in Tegucigalpa and San Pedro Sula, of whom more than half affirmed having suffered different forms of mistreatment in their homes that led to their becoming homeless.²³

These data paint a picture of a widespread deprivation of basic rights affecting a sizable percentage of Honduran children and adolescents. The right to development, one of the pillars of the Convention on the Rights of the Child, is seriously compromised by these conditions. The last two decades have witnessed a gradual increase in several forms of violence. While this violence affects the entire society, it affects children and adolescents in unique ways, often directly and exclusively. Under conditions of widespread violence, each and every right that children have as human beings in general, and as children in particular, are constantly violated.

Intrafamilial violence, threats from gangs and other organized crime groups in the communities, or from common criminals, as well as institutional violence, lack of education opportunities, and limited access to quality healthcare, specifically and increasingly affect children and adolescents. For this reason, it is necessary to measure the immediate impact that these conditions have on children, as well as their long-term consequences.

During the last 16 years, 9,881 cases of summary executions and violent deaths of children and youths under the age of 23 have been recorded in Honduras. Of these, 767 cases took place from January 28 through October 31, 2014.²⁴ According to data from the National Bureau of Criminal Investigation (*Dirección Nacional de Investigación Criminal* or DNIC), from January 2010 through September 2012, the most common sexual crimes against children were rape, with 1,886 complaints brought before the police; statutory rape,²⁵ with 1,796 complaints; lascivious acts, with 1,689 complaints; and unlawful acts of sex with minors, with 1,008 complaints.²⁶

²¹ Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

²² Instituto Nacional de Estadísticas. (2013, May). XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM). Retrieved from: <http://www.ine.gob.hn/index.php/censos-y-encuestas/encuestas-todos-las-encuestas-de-honduras/encuesta-permanente-de-hogares>.

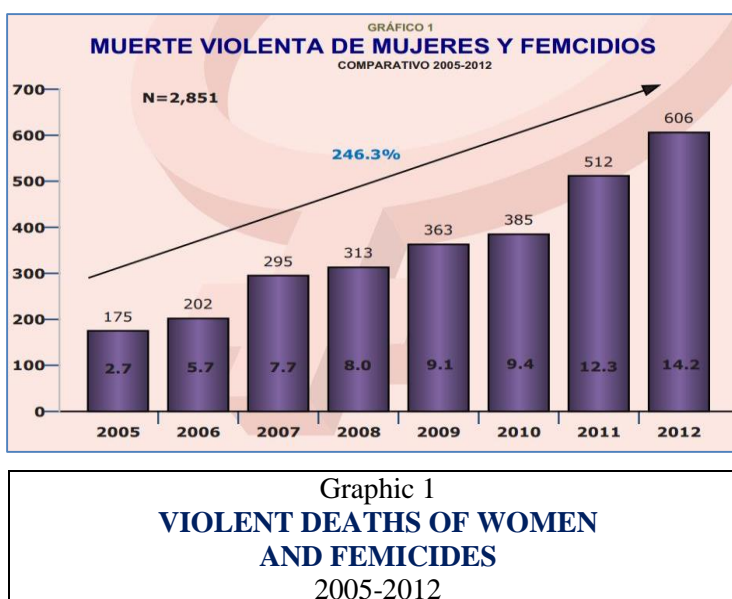
²³ Casa Alianza Honduras. (2013). Niñas, Niños y Jóvenes Sobreviviendo en las Calles en las ciudades de Tegucigalpa, Francisco Morazán y San Pedro Sula, Cortés. Report on file with authors.

²⁴ Casa Alianza Honduras, (2014). Informe Mensual de la Situación de los Derechos de los Niños, Niñas y Jóvenes en Honduras. Retrieved from http://www.casa-alianza.org.hn/index.php?option=com_content&view=article&id=143&Itemid=83.

²⁵ According to the Honduran Criminal Code, decree 144-83, statutory rape (*violación especial*) is defined as a special type of rape involving sexual intercourse without violence or threats in the following circumstances: when the victim is younger than 14; when the victim is mentally incapacitated or cannot resist the assault for any reason,

Domestic violence has also gradually increased, including physical, psychological, and sexual violence, as well as abuse and economic violence against women and children and adolescents. In Tegucigalpa alone, from January through August of 2014, 1,155 complaints of domestic violence were brought before the Special Prosecutor for Women (*Fiscalía Especial de la Mujer*), with an average of 144 complaints per month and 4.8 per day.²⁷ Violence against women and children is widespread, both in the public and the private spheres. In 2012, the Observatory on Women at the UNAH documented 606 cases of women who were violently assassinated in the country. This represents a rate of 14.2 cases per 100,000 residents, and an average of 51 deaths per month and one every 14 hours.²⁸

The figures indicate that between 2005 and 2012, the cases of violent deaths of women grew exponentially, from 175 cases in 2005 to 606 in 2012: a 246 percent increase.²⁹



Source: Observatory on Violence at the UNAH

or when the aggressor is the custodian of the victim and uses his or her authority to coerce the victim into sexual acts. Decreto No. 144-83, 1983, September 26 (Hond.).

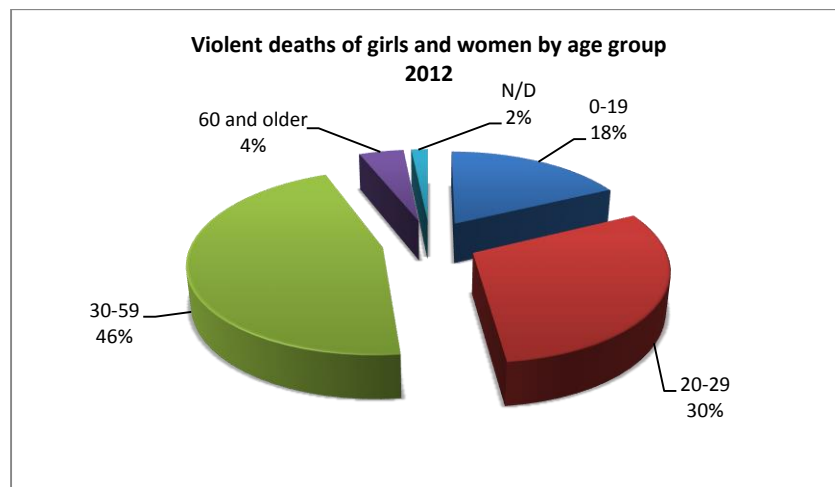
²⁶ Casa Alianza Honduras. (2013, March) Violencia sexual e infancia en Honduras. Un acercamiento a las principales formas de explotación sexual-comercial y trata de niños y niñas. Retrieved from http://casa-alianza.org.hn/images/documentos/Informes.Especiales/Inf.2013/3.%20informe%20violencia%20sexual%20y%20trata_casa%20alianza%20honduras.pdf.

²⁷ El Heraldo. (2014, August 22). Más de mil denuncias por violencia doméstica en la capital de Honduras. *El Heraldo*. Retrieved from <http://www.elheraldo.hn/inicio/740623-331/más-de-mil-denuncias-por-violencia-doméstica-en-la-capital-de-honduras>.

²⁸ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2013, August). Observatorio de Muertes Violentas de Mujeres y Femicidios. *Boletín*, 5. Retrieved from <http://www.iudpas.org/pdf/Boletines/Genero/MMEd05EneDic2012.pdf>.

²⁹ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2013, August). Observatorio de Muertes Violentas de Mujeres y Femicidios. *Boletín*, 5. Retrieved from <http://www.iudpas.org/pdf/Boletines/Genero/MMEd05EneDic2012.pdf>.

In 2012, the violent deaths of girls and young women, ages 0–30 comprised 48 percent of 606 recorded cases of murders of women and girls.³⁰



Source: Casa Alianza’s estimate based on data from the Observatory on Violence at the UNAH.

Femicides/feminicides in Honduras are characterized by their level of cruelty. Many victims display signs of sexual abuse before being murdered, and their bodies are frequently mutilated in ways that show an extreme hatred against women and girls because of their gender.

Honduran children suffer daily the violence generated by adults who are often their own relatives. However, the majority of violence comes from organized criminal groups. Since the 1990s, Honduran gangs began exerting control in many of neighborhoods in the country’s larger cities, gradually expanding their territories and increasing their visibility. These groups have engaged in a series of violent acts, not only as a part of the initiation rituals for new members, but also in disputes against members of rival gangs for territorial control. Another form of violence suffered by children is their cooptation by criminal gangs. Older gang members train children to commit crimes for the gang. Children between 12 and 25 years old are the main targets of gang recruitment, but trustworthy sources claim that children as young as 6 are sometimes targeted. If a child refuses to join the gang, he or she can be forced into participating through threats, intimidation, violence, and other forms of harm, including threats against his or her family.

IV. Causes of migration in the children’s own words

For this report, we conducted 200 interviews with children and adolescents who had been deported from Mexico by land, received at the Corinto border crossing, and assigned to the “Hogar El Edén” shelter, run by the Honduran Institute for Children and Families (*Instituto*

³⁰ IUDPAS – UNAH Instituto Universitario de Democracia, Paz y Seguridad. (2013, August). Observatorio de Muertes Violentas de Mujeres y Femicidios. *Boletín*, 5. Retrieved from <http://www.iudpas.org/pdf/Boletines/Genero/MMEd05EneDic2012.pdf>.

Hondureño de la Niñez y la Familia or IHNFA) in San Pedro Sula. Interviews took place at “Hogar El Edén” between February 27 and March 20, 2014. Out of 200 interviewees, 62 percent were boys and 38 percent were girls. The age range was 10 through 17 years old. 65 percent of the children interviewed stated that the main reason they decided to migrate was to escape from the violence in their communities. The most common forms of violence they mentioned included death threats from criminal groups, the continuous fighting between rival gangs, common crime, and domestic violence.

The children we interviewed frequently mentioned intrafamilial violence, abuse and mistreatment by family members or close acquaintances, lack of education and work opportunities, and the violations of their rights as citizens as factors leading to their decision to leave. The children also mentioned factors indirectly linked to violence, such as the search for better opportunities to improve their families’ economic conditions and the desire to reunite with one or both of their parents living in the United States.

Most of the children we interviewed considered violence to be the main cause of their migration. This conclusion is consistent with the growing level of insecurity in the country, as the data concerning violent deaths and arbitrary executions of children and adolescents demonstrates. The dramatic and recurring child murders have also become more savage in their execution. The below example of a Honduran family’s experience with violence reflects the circumstances of one family among the hundreds that are affected by violent criminal acts every day.

In the span of three weeks from April to May 2014, nine children, aged 7 to 17, were cruelly assassinated in the “Colonia La Pradera” neighborhood of San Pedro Sula. The office of the Attorney General (*Ministerio Público*) carried out an investigation that identified at least five people, all members of the *Mara 18* gang, as the perpetrators.³¹ Two of the nine children killed were the brothers Keneth and Anthony Castellanos, aged 7 and 13. Their mother, Wendy Castellanos, decided to migrate with her remaining two sons, aged 15 and 17. “I ran away so they wouldn’t kill my other two sons,” she said.³² After receiving no support from the government, following the murder of her sons, Wendy had to make the difficult decision to emigrate and leave behind her life and family in order to save her older sons’ lives.

³¹ Pineda, N. (2014, May 7). Hay 5 pandilleros identificados por crímenes de niños. *La Prensa*. Retrieved from <http://www.laprensa.hn/lasultimas24/707212-98/hay-5-pandilleros-identificados-por-crímenes-de-niños>.

³² Mendoza, J. E. (2014, July 16). Madre de niños asesinados en La Pradera: “Hui para que no me maten a mis otros dos hijos.” *La Prensa*. Retrieved from <http://www.laprensa.hn/honduras/apertura/729649-96/madre-de-niños-asesinados-en-la-pradera-hui-para-que-no-me?m=1#panel1-3>.



Source: Diario La Prensa

Wendy's case reflects the hard realities faced by thousands of Honduran and Central American families who decide to emigrate from their countries for fear of losing their lives because of the insecurity, even though they are fully aware of the great dangers they will confront on the migration trail.

Testimony of Wendy Castellanos

I'm very disappointed with the Honduran authorities. Now we can only continue our trek and we're going to get to where God takes us. I haven't lost hope that maybe in the future they [the Honduran government] will help me. Very often, we receive in other places what in Honduras they don't want to give us.

*Everything has been a nightmare. After having my own established home, I lost two children without explanation and had to leave my house, where despite the poverty we had a secure roof. Now I have to sleep anywhere and go hungry just to stay alive one more day because on this trail we never know what will happen.*³³

Through the "Frontera" (Border) program of Casa Alianza Honduras, migrant children and adolescents who have been deported are provided with support, as are their families, especially in the north of the country. In 2012, the team of Casa Alianza's Observatory on the Rights of Children and Youth in Honduras (*Observatorio de Derechos de Niñas, Niños y Jóvenes en Honduras*) had the opportunity to document the living conditions of a boy who had recently been deported from Mexico. He had been constantly exposed to situations of violence, social exclusion, lack of access to education, and problems of alcoholism, among others. His family lives on a plot of land they take care of for another person on the banks of the Bermejo River, one of the most violent zones of San Pedro Sula. The family's members are the boy's mother (a jobless 40-year-old woman), father (a 50-year-old alcoholic former peasant), three school-age girls; and a young man. The boy in this case is 15 years old; he tried to travel to the United States. His mother told us this story:

³³ Mendoza, J. E. (2014, 16 de julio). Madre de niños asesinados en La Pradera: "Huí para que no me maten a mis otros dos hijos." *La Prensa*. Retrieved from <http://www.laprensa.hn/honduras/apertura/729649-96/madre-de-niños-asesinados-en-la-pradera-huí-para-que-no-me?m=1#panel1-3>.

We're very poor so he (referring to her son, the boy) sought to have a better life. We don't have a house, we only take care of the boss's house. We don't have anything here, only yuca. His father doesn't work, he's always drunk. Also, some squatters took over some of our land. The little we grow, we load onto our little donkey to go sell. He (her son, the boy) told us that he wanted to go to the States. It was his decision. He's 15 years old, almost 16. I am the mother. I had 16 children. One of them was killed right there in the grazing area. Another one drowned in the river. And some others died when they were very little.

Testimonies such as this show the hardships many families endure in Honduras. Knowing these stories helps us better understand the causes of migration and how children make migration decisions. In addition to the life stories of people such as Wendy Castellanos and other families, several studies carried out by domestic and international institutions, as well as information collected by the U.S. government, paint a very complex picture of violence in Central America in general, and in Honduras in particular. The next section describes some of those complexities.

A. Some figures about migration outflows of Honduran children and adolescents

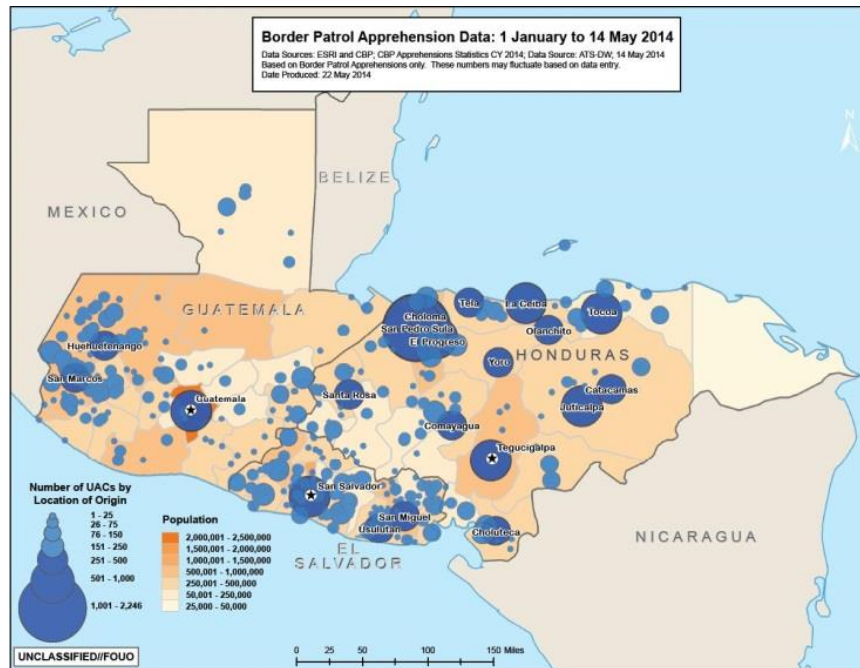
Given the circumstances of children and adolescents in Honduras, it is no surprise that the number who have left the country in search of protection for their basic rights has increased dramatically. Not only has the number of migrant children and adolescents increased, but there has also been an increase, largely due to the same factors that cause migration, in (1) the number of younger migrants, including children under the age of 12; (2) the irregular status of migrants due to the many obstacles to regular migration, the vulnerability of migrants in irregular status, and related issues; and (3) the risks migrants face during the journey, which are linked to the same structural causes.

According to data from the U.S. Border Patrol, in fiscal year 2014, U.S. Border Patrol apprehended 68,631 unaccompanied children.³⁴ These included 16,404 children from El Salvador, 17,057 children from Guatemala, 18,244 children from Honduras, and 15,634 children from Mexico apprehended at the southern border.³⁵ The map below shows the communities of origin of Honduran, Salvadoran, and Guatemalan unaccompanied children apprehended by U.S. Border Patrol from January 1, 2014 through May 14, 2014.³⁶

³⁴ USBP. (2015). USBP Sector Profile – Fiscal Year 2014 (Oct. 1st through Sept. 30th). Retrieved from <http://www.cbp.gov/sites/default/files/documents/USBP%20Stats%20FY2014%20sector%20profile.pdf>.

³⁵ USBP. (2015). United States Border Patrol Southwest Border Sectors. Retrieved from http://www.cbp.gov/sites/default/files/documents/BP%20Southwest%20Border%20Family%20Units%20and%20UAC%20Apps%20FY13%20-%20FY14_0.pdf.

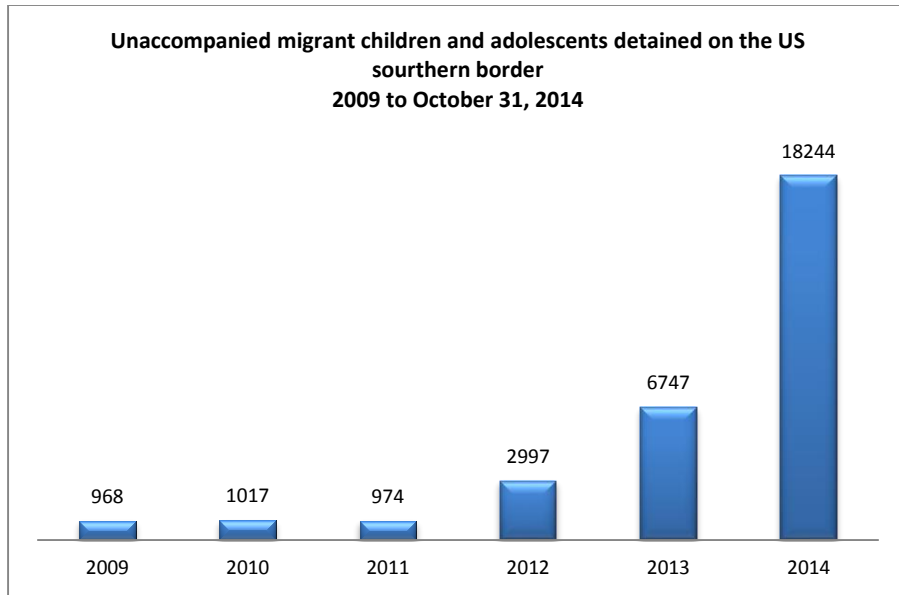
³⁶ U.S. Department of Homeland Security. (2014, May 27). Homeland Intelligence Today Unaccompanied Alien Children (UACs) by Location of Origin for CY 2014: Honduras, El Salvador, and Guatemala. Retrieved from http://www.lib.utexas.edu/maps/americas/central_america-unaccompanied_children-2014.pdf.



Source: http://www.lib.utexas.edu/maps/americas/central_america-unaccompanied_children-2014.pdf

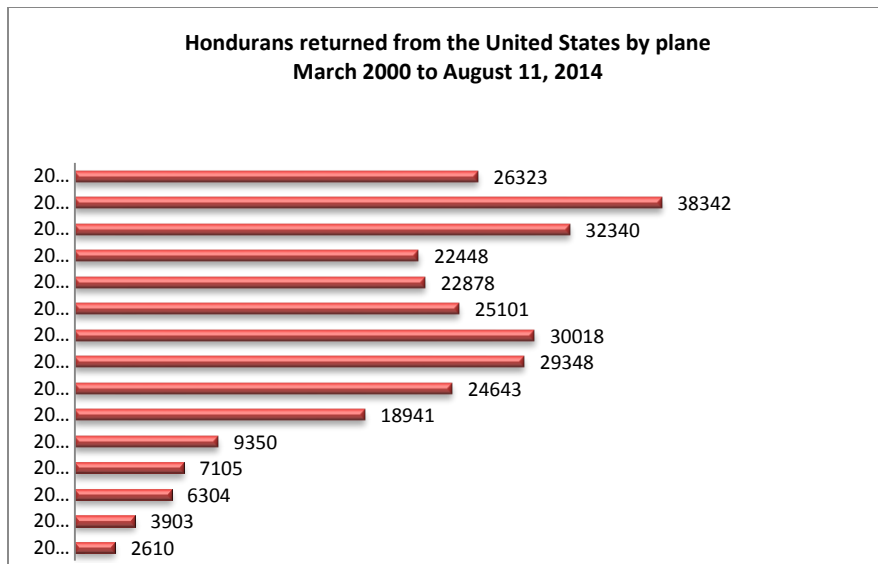
Data from the U.S. Customs and Border Protection Office indicates that from 2009 through October 31, 2014, 185,265 unaccompanied children and adolescents from Mexico, Guatemala, El Salvador, and Honduras were detained at the U.S. southern border. 31,206 (17 percent) of those children were Honduran.³⁷

³⁷ U.S. Customs and Border Protection. Southwest Border Unaccompanied Alien Children. Retrieved from <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.



Source: Casa Alianza’s estimate based on data from U.S. Customs and Border Protection.

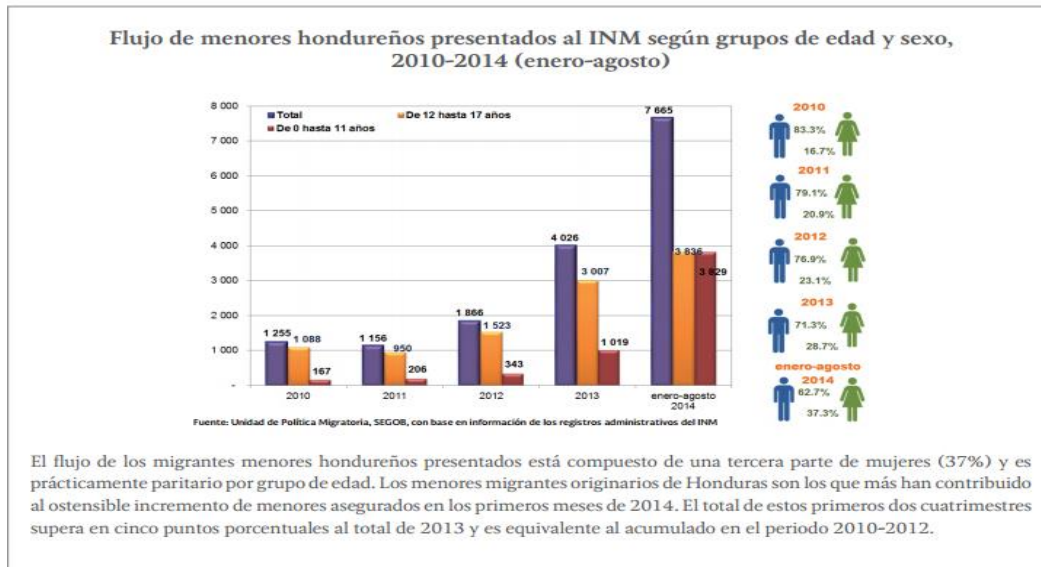
These statistics show significant increases in the number of Honduran migrants deported from the United States in recent decades. Data provided by the Center for Returned Migrants (*Centro de Atención al Migrante Retornado* or CAMR) of Honduras indicate that between 2000 and 2014,³⁸ 299,654 Hondurans were deported by plane. 2013 was the year with the most cases, with 38,342 deportations.



Source: Casa Alianza’s estimate based on data from the Center for Returned Migrants, CAMR

³⁸ March 2000 to August 11, 2014.

Information from Mexican sources confirms the growing trend of deportation. On the one hand, an increasing number of Honduran children and adolescents migrate. On the other hand, Mexican authorities detain and deport more Hondurans than ever before. These figures also confirm that children and adolescents are migrating, alone or accompanied, at an increasingly younger age (note the significant increase in children and adolescents younger than 12).



Title: Number of Honduran minors appearing before INM by age and sex
2010-2014 (January-August)

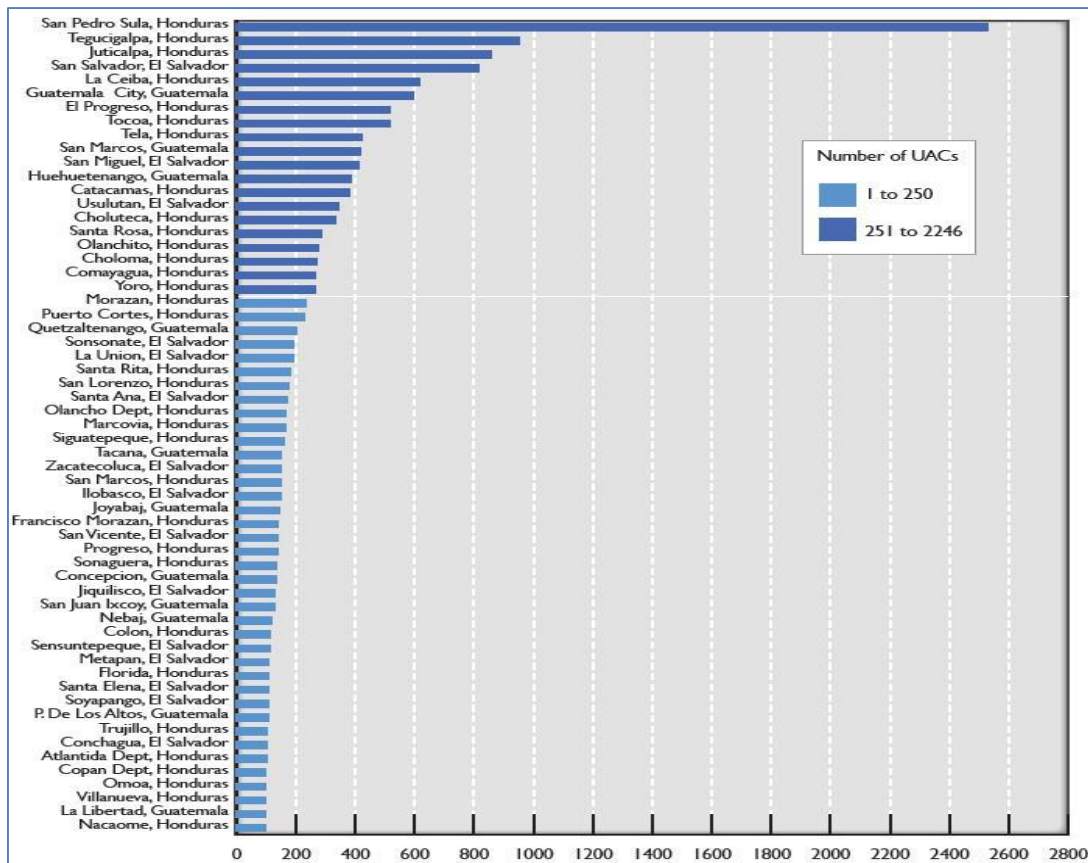
Color Coded Key:
TOTAL
AGE 0-11
AGE 12-17

One third of Honduran children and adolescents brought before the INM are female (37 percent). In 2014, Children ages 0-11 and 12-17 were detained at equal rates. Honduran migrant children and adolescents are the group that contributed most to the significant increase in children detained by the INM in the first 8 months of 2014. The number of children and adolescents detained by INM during the first 8 months of 2014 was 5 percent higher than the total number of children detained by INM in all 2013, and is equal to the aggregate number of children detained from the 2010-2012 period.

Source: Mexican Secretariat of the Interior (*Secretaría de Gobernación*).
 Department of Migration Policy. Statistics
 August 2014

Data reveals that most migrating Honduran children and adolescents come from the departments of Cortés, Francisco Morazán, Atlántida, Colón, Yoro, Comayagua, Olancho, Copán, and

Choluteca. These Honduran children prefer to assume and face the risks associated with the migrant trail rather than to stay in their communities and become victims of some form of violence, or be killed.



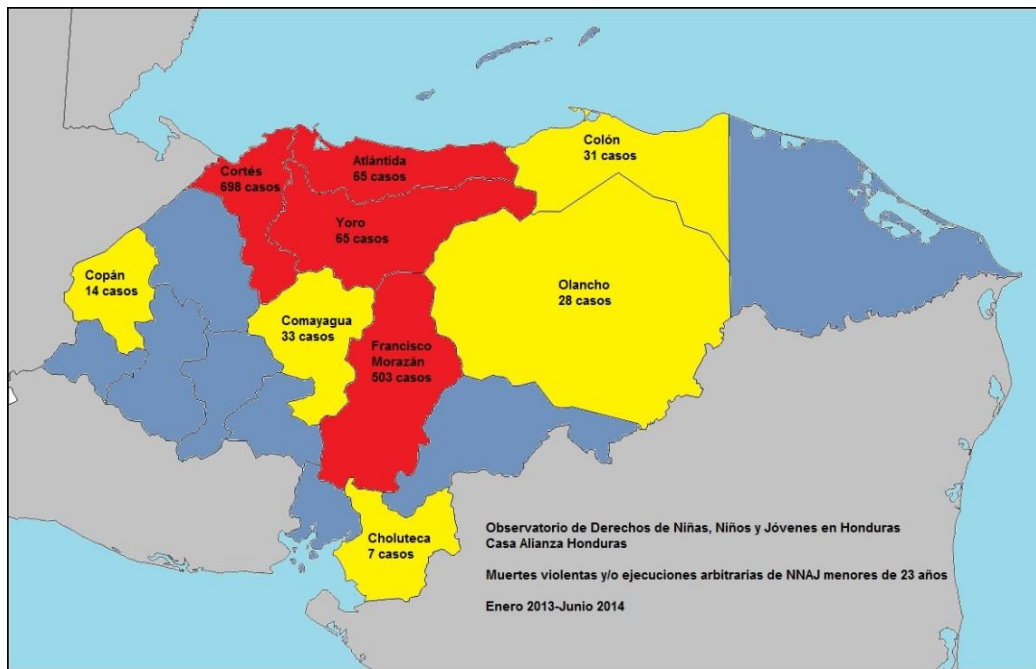
Source: http://www.lib.utexas.edu/maps/americas/central_america-unaccompanied_children-2014.pdf

In 2013, the city of San Pedro Sula in the north ranked as the most violent city in the world, with a murder rate of 187 homicides per 100,000 residents, while the Central District³⁹ was ranked 6th in the same year with a rate of 79.42 homicides per 100,000 residents.⁴⁰ The departments identified by the U.S. Border Patrol as having the highest rates of migration coincide with information generated by Casa Alianza’s Observatory on the Rights of Children and Youth in Honduras regarding the departments with the greatest number of violent deaths and arbitrary executions of children and youth under the age of 23: Cortés, Francisco Morazán, Atlántida, Yoro, Comayagua, Colón, Copán, and Choluteca.⁴¹ The map below corresponds to data on the period from January 2013 through June 2014.

³⁹ The Capital of the Republic of Honduras, the Central District (Distrito Central) is made up of the twin cities of Tegucigalpa and Comayagüela.

⁴⁰ See <http://www.seguridadjusticiaypaz.org.mx/sala-de-prensa/941-por-tercer-ano-consecutivo-san-pedro-sula-es-la-ciudad-mas-violenta-del-mundo>.

⁴¹ Own estimates based on figures from Casa Alianza’s monthly reports on the situation of children and youths in Honduras during the period from January 2013 through June 2014.



Departments
Cortés 698 cases
Yoro 65 cases
Atlántida 65 cases
Francisco Morazán 503 cases
Copán 14 cases
Comayagua 33 cases
Choluteca 7 cases
Olancho 28 cases
Colón 31 cases

Casa Alianza's Observatory on the Rights of Children and Youth in Honduras
Violent deaths and arbitrary executions of children and youth
under the age of 23
January 2013-June 2014

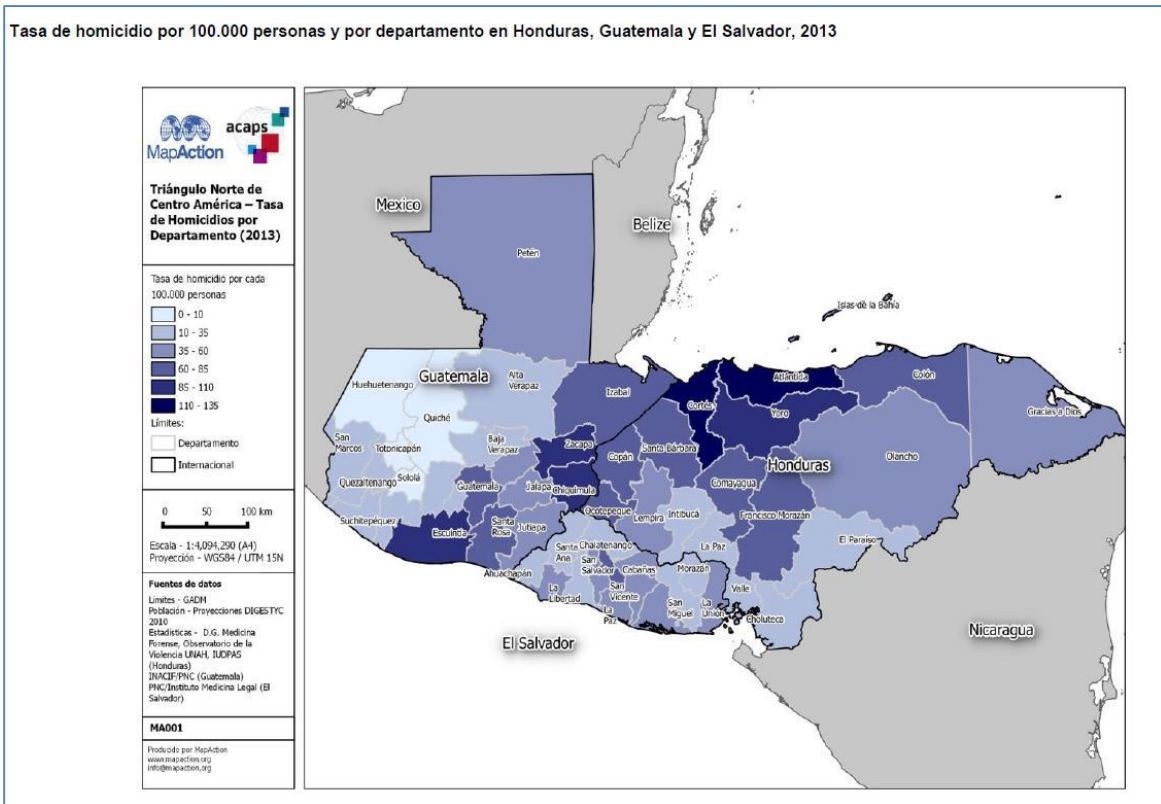
Source: Estimates based on data collected by Casa Alianza's Observatory on the Rights of Children and Youth in Honduras

Similarly, ACAPS, a platform created by three NGOs (HelpAge International, Merlin, and Norwegian Refugee Council) released a report in May 2014⁴² addressing the homicide rates per 100,000 residents by department in the three countries of Central America's Northern Triangle: Guatemala, El Salvador, and Honduras. According to the report, in Honduras, the departments of

⁴² ACAPS. (2014, May). Otras Situaciones de Violencia en el Triángulo del Norte Centroamericano, Impacto Humanitario. Retrieved from http://www.iecah.org/web/images/stories/Otras_situaciones_de_violencia_ACAPS_Mayo_2014.pdf.

Cortés and Atlántida had homicide rates in 2013 of over 110 homicides per 100,000 residents. Yoro’s rate was between 85 and 110 homicides. Colón, Copán, Comayagua, Santa Bárbara, and Francisco Morazán had homicide rates between 65 and 85.

The ACAPS report states that “such levels of violence further exacerbate the situation of vulnerability of a large segment of the population; people who are forced to leave their homes and become internally displaced persons, refugees, asylum seekers, or economic immigrants in other countries.”



Title: Homicide rate per 100,000 people by department in Honduras, Guatemala, and El Salvador, 2013.

Northern Triangle of Central America – Homicide Rate by Department (2013)

Homicide Rate per 100,000 people

0-10

10-35

35-60

60-85

85-110

110-135

Borders

Department

International

Scale

Projection

Sources:

Borders

Population

Statistics

MA001

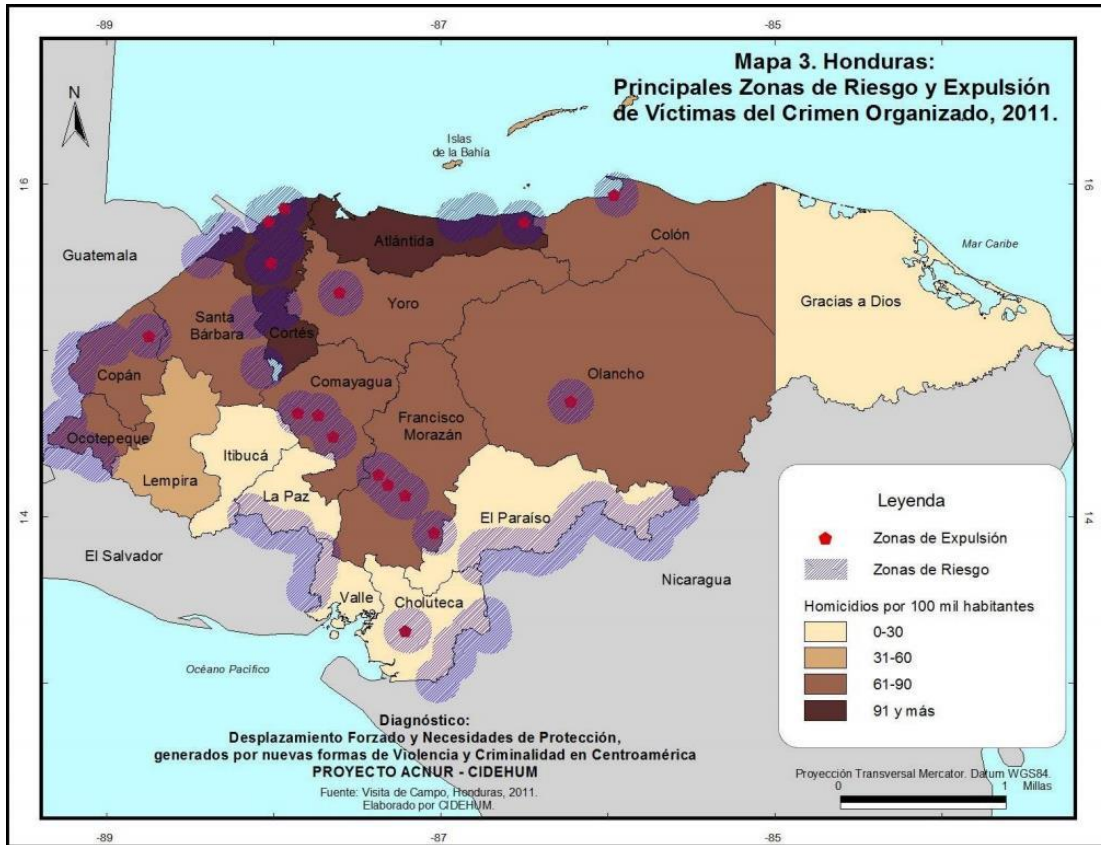
Made using MapAction

Source: ACAPS

May 2014

Another study that identifies violence as a cause of the movement or displacement of persons was conducted by the International Center for the Human Rights of Migrants (CIDEHUM) at the request of the UN High Commissioner for Refugees, UNHCR (ACNUR).⁴³ This study describes the main danger zones in Honduras and the areas that force residents to leave due to violence at the hands of organized crime. These areas, including Cortés, Atlántida, and Francisco Morazán, among others, are the main communities of origin of the unaccompanied migrant children and adolescents who were apprehended in the United States in 2014.

⁴³ Centro Internacional para los Derechos Humanos de los Migrantes, CIDEHUM. (2012, May). Desplazamiento Forzado y Necesidades de Protección, generados por nuevas formas de Violencia y Criminalidad en Centroamérica. Retrieved from <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8932.pdf?view=1>.



Map 3. Honduras: Main Danger Areas and Expulsion Areas of Victims of Organized Crime, 2011.

Diagnostic:
Forced Displacement and Protection Needs due to new forms of Violence and Crime in Central America
UNHCR – ICHRM

Source: Field Visit, Honduras, 2011
Conducted by ICHRM

Key
★ Expulsion Area
▨ Danger Area
Transversal Mercator Projection
0 -----1 miles

Source: International Center for the Human Rights of Migrants CIDEHUM

A recent article titled “Violence and Migration in Central America”⁴⁴ finds that both actual victimization and the fear of crime are significantly linked to the decision to migrate. Although first-hand victimization is a greater cause of migration, fear of the criminal wave currently sweeping across a large part of Central America also contributes to the growing number of people seeking to leave their countries.

V. Legal framework on childhood and migration in Honduras

A. Domestic and international instruments on human rights, migration, and childhood

The legal framework for protecting migrant children and adolescents includes multiple domestic and international instruments whose implementation requires coordination among different institutions in all of the countries involved, whether they are countries of origin, transit, or destination.

At the international level, there are more than 20 relevant instruments, including conventions, protocols, pacts, memoranda of understanding, and regional guidelines. Some instruments for the protection of human rights include the UN Convention on the Rights of the Child, the American Convention on Human Rights, and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

At the regional level, some of the instruments include the Regional Conference on Migration’s General Guidelines for the Protection of Unaccompanied Migrant Children and Adolescents in Cases of Repatriation, and the Memorandum of Understanding among the governments of Mexico, El Salvador, Guatemala, Honduras, and Nicaragua, for the Orderly, Dignified, Expeditious, and Safe Return of Central American Migrants by Land. These two instruments are analyzed in chapter 13 prepared by the National University of Lanús (*Universidad Nacional de Lanús*).

Domestically, Honduras has a significant legal framework for the protection of children and adolescents set out in a range of instruments, including:

- The Code for the Protection of Children and Youth (*Código de la Niñez y la Adolescencia de Honduras*, 1996)
- The Law for the Protection of Honduran Migrants and their Families (*Ley de Protección de los Hondureños Migrantes y sus Familiares*, 2013)
- The Organic Law of the Honduran Institute for Children and Families (*Orgánica del Instituto Hondureño de la Niñez y Familia*, IHNFA, 1997)⁴⁵

⁴⁴ Hiskey, J., Malone, M., & Orcés, D. (2014). Violence and Migration in Central America. *AmericasBarometer Insights: 2014*, 101. Retrieved from <http://www.vanderbilt.edu/lapop/insights/IO901en.pdf>.

⁴⁵ This Law provided for the creation of the IHNFA. However, this agency was supplanted by the Executive Decree N. PCM-26-2014, issued by the Diario Oficial La Gaceta N° 33,446, on June 6, 2014. See Consortium Centro América Abogados. (2014, June). Newsletter Consortium, Leyes Aprobadas en Honduras. Retrieved from: <http://www.consortiumlegal.com/images/news/julio2014/es/notas/leyeshonduras.pdf>.

- The Protocol for the Repatriation of Children and Adolescent Victims of or Vulnerable to Trafficking in Persons, (*Protocolo para la Repatriación de Niños, Niñas y Adolescentes Víctimas o Vulnerables a la Trata de Personas*, 2006)
- The Executive Decree for the Creation of the Department on Children and Families (*Decreto Ejecutivo para la creación de la Dirección de Niñez, Adolescencia y Familia*, DINAFA, 2014)⁴⁶

The next section analyzes some of these legal instruments.

B. Law for the protection of Honduran migrants and their families

On December 26, 2013, the Honduran National Congress passed the Law for the Protection of Honduran Migrants and their Families through Legislative Decree No. 106-. This legal instrument's contents are organized as follows:

Title	Chapter	Articles
Preliminary Title	General Provisions	Object of this Law Subjects of this Law
Title II - Rights	Civil and Political Rights	Right to nationality Right to vote and be elected Assistance and protection of Hondurans abroad Right to lodge a petition Right to appeal to the National Commissioner on Human Rights Right to information. Right to participation in the representative migration bodies. Right to participate in trade unions and employer organizations Right to association
	Social Rights	Right to social security and other benefits Social and labor-related information, and participation in programs of occupational training for returned persons Rights related to employment and occupation
	Rights on Education and Culture	Right to education Mechanisms for the recognition of schooling received abroad Spanish language and Honduran culture
Title III – Comprehensive Policy on Protection and Return	Protection Policy	Objectives of the protection policy
	Return Policy	Objectives of the return policy

⁴⁶ Consortium Centro América Abogados. (2014, June). Newsletter Consortium, Leyes Aprobadas en Honduras. Retrieved from <http://www.consortiumlegal.com/images/news/julio2014/es/notas/leyeshonduras.pdf>.

Title IV – Institutional Framework.	National Council for the Protection of Honduran Migrants	National Council for the Protection of Honduran Migrants (<i>Consejo Nacional para la Protección del Migrante Hondureño</i> or CONAPROHM) Functions of CONAPROHM Intergovernmental collaboration and Inter-Sectorial Technical Commission
	Department of Protection of Honduran Migrants	Department of Protection of Honduran Migrants. Office of Protection of Honduran Migrants (OPROHM) Office of Assistance for Returned Migrants (OFAMIR) Centers for the Attention of Returned Migrants Collaboration among Honduran consulates and communities
	Solidarity Fund for Honduran Migrants	Solidarity Fund for Honduran Migrants (<i>Fondo de Solidaridad con el Migrante Hondureño</i> , FOSMIH)
	Final Provisions	Regulations

Source: Chart created by Casa Alianza based on data from the Law for the Protection of Honduran Migrants and their Families

One of the goals of the law for the protection of Honduran migrants and their families is to establish norms and conditions that make it possible for Hondurans abroad to exercise their constitutional rights and obligations. It also provides for comprehensive protection and return policies for Honduran migrants regardless of their legal status. The law established the institutional framework for protecting Honduran migrants by creating the National Council for the Protection of Honduran Migrants (CONAPROHM). This consulting and advising body has representatives from government institutions, the private sector and non-governmental organizations involved in migration issues. The law also created the Solidarity Fund for Honduran Migrants (FOSMIH), which is to be funded by the profits of the Central Bank of Honduras from its currency exchange operations, in an amount not less than five million dollars.

The law reinforces existing mechanisms to fight child exploitation and expand the Honduran government’s protection actions for Hondurans abroad who are experiencing hardship, especially children. Subjects of this law are defined as the *underage descendants* of Hondurans, whether living abroad, temporarily traveling abroad, or returning to resettle in the country. This term suggests that unaccompanied migrant children and adolescents are not explicitly included among the subjects protected by the law.

Article 11 covers the right to freedom of association and establishes that “the active participation of children and adolescents in the associations established by Hondurans abroad shall be promoted.”⁴⁷ Article 18 covers the objectives of the protection policy and mandates implementation of a special consular protection program to “assist in the repatriation of people with illnesses, disabilities, or in terminal condition, as well as children.”⁴⁸

⁴⁷ Decreto No. 106-2013, 2014, February 15, Ley de Protección de los Hondureños Migrantes y sus Familiares, 2014 (Hond.).

⁴⁸ Decreto No. 106-2013, 2014, February 15, Ley de Protección de los Hondureños Migrantes y sus Familiares, 2014 (Hond.).

Article 22 creates CONAPROHM and requires that the council include representatives of, among others, “non-governmental organizations implementing migration, human rights, childhood, women and youth programs, who shall be appointed by the Secretary of External Relations.”⁴⁹ This article excludes the government institution in charge of protection programs for children and youth from the CONAPROHM.

Regulations governing the implementation of this law are currently being drafted. This process will enable participation and discussion among the different sectors working on migration issues, especially those who work with children and youth.

C. Protocol for the Repatriation of Children and Adolescents Victims of or Vulnerable to Trafficking in Persons

In 2006 the Protocol for the Repatriation of Children and Adolescents Victims of or Vulnerable to Trafficking in Persons was passed. This legal instrument established the procedures to be followed for the repatriation of children and adolescents who have been victims of—or are vulnerable—to trafficking. The new procedures must be followed in every process involving the deportation of Honduran children and adolescents, whether those children were victims of trafficking or are considered to be at risk of being trafficked. Migrant children and adolescents are all considered potential victims of trafficking given the many dangers they face on the migration route.

The subsequent section includes part of the analysis of the protocol, which was completed by Casa Alianza in 2012;⁵⁰ it highlights the processes of reception and reintegration of migrant children and adolescents.

D. Repatriation procedure

The protocol established procedures to guide the actions of the institutions involved in repatriating migrant children and adolescents. The following sections analyze these procedures. The main objective of the protocol is to establish procedures that every institution must follow in the repatriation of children and adolescents who have been victims of trafficking in persons or who are vulnerable to trafficking, either from foreign countries back to Honduras or from Honduras to foreign countries. This repatriation must be carried out in compliance with the principles set forth by the domestic and international legal frameworks.

To comply with the protocol, all public and private institutions involved in repatriation of migrants must abide by the domestic and international legal instruments. They must ensure due attention and protection to repatriated children and adolescents, as well as the reinstatement of their fundamental rights. An analysis of the protocol raises the question of whether the

⁴⁹ Decreto No. 106-2013, 2014, February 15, Ley de Protección de los Hondureños Migrantes y sus Familiares, 2014 (Hond.).

⁵⁰ Casa Alianza Honduras (2012, June) *Análisis de la situación de Derechos de la Infancia Migrante No Acompañada en el marco de los procedimientos de deportación y retorno a Honduras*. Retrieved from <http://casa-alianza.org.hn/images/documentos/Informes.Especiales/Inf.2012/2.%20informe%20infancia%20migrante%202012.pdf>.

repatriation procedures currently applied comply with domestic and international legal norms, governing approaches, and established principles.

Among its governing principles, the protocol sets forth a conceptual approach for institutions and organizations involved in repatriation to take, specifying that they consider access to rights and take into account the gender and age of the child when they design their interventions. The general principles also include considering the children's best interests, respecting confidentiality, ensuring non-re-victimization, having an integral approach, having a perspective of shared responsibility, and adopting the presumption of minority of age of the child. It is important to note the absence of other fundamental principles in the protocol, such as the rights to due process, non-discrimination, and cultural identity.

In addition to excluding some fundamental principles, the repatriation practices on the ground fail to adhere to the principles and approaches established by the protocol. In fact, our findings prove that, in practice, the repatriation procedure has severe gaps and weaknesses in relation to compliance with the protocol's norms. For example, the "return" or "release" of deported children and adolescents to their families is almost immediate, sometimes even occurring at the border crossing. This speed is inconsistent with the claim that the procedure ensures the security and physical and emotional integrity of the children and adolescents, much less serves as a mechanism for social and family reintegration that is efficient, effective, adequate, and legitimate from a rights-based perspective.

The protocol defines repatriation as a process of protection for children and adolescents that guarantees assistance to victims of trafficking or persons who are vulnerable to trafficking, and ensures their dignified, safe, and orderly return, and prioritizes—above all else—their best interests. According to the protocol, repatriation begins with the detection of a migrant child or adolescent, and does not conclude until the return and social reintegration of a child has been secured. We consider it necessary to revise the definition of "repatriation" in the protocol, because the current definition assumes that this process always "begins with the detection of the child," which implies that every child who is "detected" will be repatriated.

However, under the principles of the child's best interest, once a child has been "detected," there should be an exhaustive, individualized evaluation of his or her case (personal, family, and emotional conditions, as well as a risk assessment) in order to determine whether repatriation is the most appropriate choice. Assuming that every detained or detected child or adolescent will be repatriated negates the duty to ensure that every decision protects the rights of the child, both by respecting due process and by adhering to the fundamental principles set forth in the legal framework, which guarantee the rights of children and adolescents.

The protocol emphasizes that whenever an individual or an institution knows about a child or adolescent who was a victim of trafficking or is vulnerable to becoming one, such individual or institution must provide immediate attention to the victim or potential victim and refer him or her to the competent institutions, as stipulated in Article 7 of the protocol (referring to the immediate and temporary attention to child migrants), so that all necessary measures, including urgent ones, can be taken to protect the lives and mental and physical integrity of victims or vulnerable children and adolescents.

We identified the following limitations with respect to current repatriation practices:

- The limited time children and adolescents stay at the shelters of the National Directorate for Children, Adolescents, and Families (*Dirección Nacional de Niñez, Adolescencia y Familia* or DINAF) in San Pedro Sula before being “released” to their families does not allow for a comprehensive assessment to detect whether a child or adolescent has been a victim of trafficking or other rights violations.
- The decision to keep children and adolescents for short periods of time at the DINAF may be due to limited human, financial, and administrative resources to assist deported children and adolescents. Thus, “releasing” children to their relatives as soon as possible is less onerous for the institution.
- After reviewing the format of the interviews conducted by the DINAF, we observed that no interview question is framed so as to detect a situation of victimhood or vulnerability to trafficking. Only the “repatriated” portion of the interview, question 5.21, asks if “there was any problem during their trip to their destination or during the return trip.”
- The context in which the interviews are conducted is inadequate to ensure a climate of trust or empathy that would facilitate children and adolescents’ ability to acknowledge having been victims of trafficking, especially because the large majority of children do not even know what trafficking in persons is.

E. Institutional framework for the repatriation of children and adolescents to Honduras

IHNFA is the government agency in charge of receiving, protecting, and facilitating family reintegration of deported migrant children and adolescents. IHNFA was created in 1997 through the legislative decree number 199-97. It is a social development institution, granted autonomous legal status and control of its own budget. Its main objective is to provide comprehensive protection of children and full family integration.

Since its inception, the IHNFA has undergone a series of internal changes, such as the implementation, among other measures, of review boards to manage the periods of crisis the agency has endured. In 2012, a process began in which government, civil society, and international cooperation agencies drafted a bill to create a specialized agency to design and oversee public policies on children’s issues.⁵¹

In August 2012, the President’s Office (*Secretaría de Estado del Despacho Presidencial*) submitted for congressional discussion a bill to create the National Children’s Ombudsman’s office (*Defensoría Nacional de la Niñez* or DNN),⁵² a public institution in charge of designing,

⁵¹ Casa Alianza Honduras. (2012, October) Contexto Situacional del Instituto Hondureño de la Niñez y la Familia IHNFA. Retrieved from <http://casa-alianza.org.hn/images/documentos/Informes.Especiales/Inf.2012/2.%20informe%20infancia%20migrante%202012.pdf>.

⁵² Secretaría de Estado del Despacho Presidencial. (2012, August 27). Oficio No. SDP 691-2012, dirigido a la Secretaría del Congreso Nacional. On file with the authors.

coordinating, managing, monitoring, and evaluating public policies, programs, and services for children. However, this process has stalled to date.

Following the inauguration of a new administration in early 2014, changes and restructuring in the Honduran government have included the merger of some institutions and the consolidation of ministries according to their area of work. Through this restructuring process, executive decree number PCM-27-2014 (dated June 6, 2014) created DINAF, which will replace the IHNFA as the State institution responsible for children in Honduras.

This new institutional framework was conceived as a decentralized entity within the Secretariat of Development and Social Inclusion (*Secretaría de Estado en los Despachos de Desarrollo e Inclusión Social*), with technical, operating, and administrative autonomy to better carry out its tasks. The DINAF will operate through decentralized local units adapted to the characteristics of each region in the country and will have a basic administrative and technical structure whose operations will be set forth by a special regulation.

However, the responsibilities and functions of the new entity have not yet been clearly delimited. There is uncertainty about the new structure and the service offerings for children, as well as a lack of trust in DINAF to successfully fulfill its role of protecting the rights of the country's children. With regard to assisting deported migrant children, the DINAF has assumed the responsibility of coordinating the process, but IHNFA officials continue to provide services. For this reason, we will refer to IHNFA in our analysis of institutional work with Honduran migrant children and adolescents.

In light of the increased numbers of children and adolescents in detention centers in 2014 in the United States, the Honduran Government's Council of Ministers passed the Executive Decree No. PCM-033-2014, declaring the situation of migrant children to be a "Humanitarian Emergency."⁵³ This resulted in the creation of the Joint Task Force for Migrant Children, made up of several institutions, including the National Department for Children and Families; the Secretariats of Development and Social Inclusion; Human Rights and Justice; the Interior and Decentralization; Education; Health; and Labor and Social Security. Additionally, the Department of Transportation (*Dirección General de Transporte*), the Permanent Commission for Emergencies (*Comisión Permanente de Contingencias*), as well as autonomous entities such as the National Human Rights Commissioner, the Public Ministry, through the office of the Special Prosecutor for Children, the National Registry of Persons, and the Office of the First Lady participated in the Task Force.

Unfortunately, the Task Force operated only during the time the so-called "humanitarian crisis" received media coverage. Currently, attention paid to deported migrant children and adolescents and their families has reverted solely to DINAF and the IHNFA, while the true crisis—as described in the introduction of this report—remains unchanged and is not being addressed in a comprehensive, regional way based on a rights-centered perspective.

⁵³ Centro Nacional de Información del Sector Social. (2014). Informe Estadístico de las Personas Repatriadas/Retornadas a Honduras. Período Enero A Diez De Octubre-2014.

The Honduran government has also militarized the Honduras-Guatemala border as a migration control measure to stop children and adolescents from leaving the country.⁵⁴ Elite units of the Honduran National Police and the Armed Forces are deployed in the border area between Honduras and Guatemala to stop children and youth under the age of 21 from traveling to Mexico or the United States without at least one of their parents. From June 20 through August 11, 2014, these Special Forces detained 134 children aged between 4 and 17 as well as eight adults who were charged with trafficking in persons.⁵⁵ However, officials did not determine whether these adults were “coyotes” or simply adults traveling with children who were not their relatives.

Funds from the U.S. Department of State created these elite units and have trained them since 2012. Their initial tasks were to prosecute kidnappers, narco-traffickers, corrupt politicians, money launderers, and pedophiles. It was not until June 2014 that these units were given the task of stopping children and adolescents at the border from emigrating. The Special Tactical Operations Group (*Grupo de Operaciones Especiales Tácticas* or GOET), one of the elite forces operating in the border areas, outfits its members with bullet-proof vests and badges that read “POLICÍA” (police) and display the slogan “Honor y Patria” (“honor and patriotism”) along with a scorpion. Their weapons include knives and pistols. The Intelligence Troop and Special Security Response Group (*Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad* or TIGRES) also participates in the operations. The members of this unit wear camouflage; they have long-range weapons and telecommunications equipment. The Transnational Criminal Investigative Unit (*Unidad Transnacional de Investigación Criminal* or UTIC), another elite group, is tasked with investigating individuals suspected of being coyotes. The members of these units have been trained by the FBI, the Border Patrol Tactical Unit, and other U.S. agencies, as well as by specialized units from other countries.

“The (U.S.) embassy approved the support requested by the Director of the National Police, General Ramón Sabillón, to succeed in rescuing [from migration] as many children as possible,” said Commissar Miguel Martínez Madrid, the coordination of the GOET.⁵⁶

One of these operations was named “[operation] rescue angel.” It has had three main results: (1) to present as a child protection action what in reality is a migration control mechanism; (2) to promote the militarization of the border, potentially leading to an increase in the vulnerability of children and adolescents, as well as the risks in transit, and to strengthening organized criminal syndicates connected to the trafficking of persons; and (3) to obscure the structural causes of migration of children and adolescents and, consequently, to abstain from taking measures that

⁵⁴ El Nuevo Diario. (2014, October 22). Experto dice que es inadmisibile que EEUU expulse a niños migrantes de CA. *El Nuevo Diario*. Retrieved from <http://www.elnuevodiario.com.ni/nacionales/332923-experto-dice-que-inadmisibile-que-eeuu-expulse-a-ninos-migrantes-de-ca>.

⁵⁵ See El Diario. (2014, August 24). Cacería de ‘Ángeles.’ *El Diario*. Retrieved from <http://www.eldiariodecoahuila.com.mx/notas/2014/8/24/caceria-angeles-451305.asp>; El Telégrafo. (2014, September 4). Honduras ha rescatado 134 niños migrantes en 2 meses. *El Telégrafo*. Retrieved from <http://www.telegrafo.com.ec/mundo/item/honduras-ha-rescatado-134-ninos-migrantes-en-2-meses.html>.

⁵⁶ See El Diario. (2014, August 24). Cacería de ‘Ángeles.’ *El Diario*. Retrieved from <http://www.eldiariodecoahuila.com.mx/notas/2014/8/24/caceria-angeles-451305.asp>.

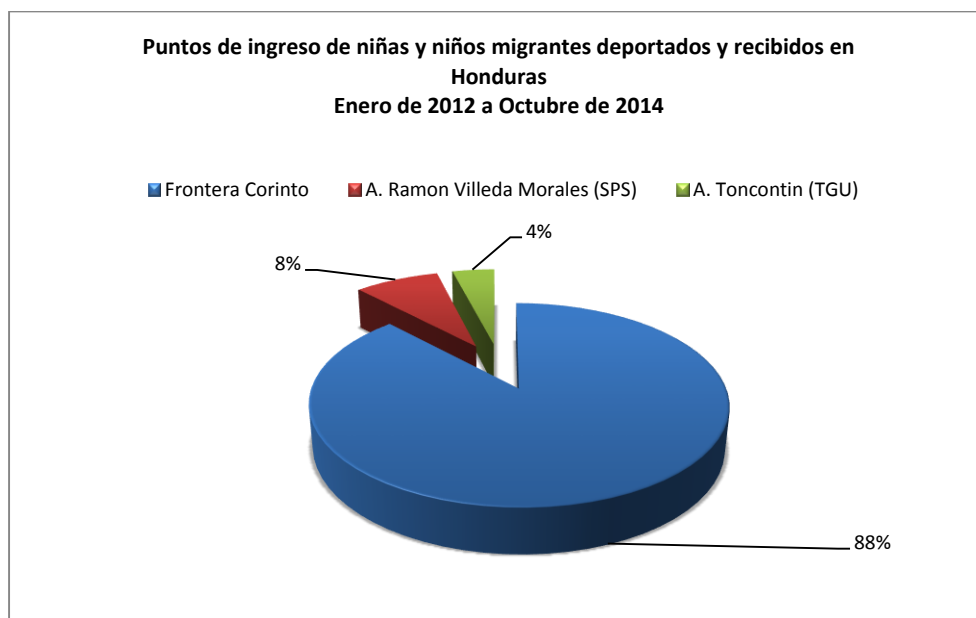
can truly address those root causes in a comprehensive and effective way focused on the human rights of children and adolescents.

F. Statistical information about deportations of children and adolescents to Honduras

Information provided by the Coordinating Committee on Migrant Children at the IHNFA about children who were deported to Honduras from January 2012 through October 2014, indicates that in this period, there were 15,492 deportations of children and adolescents who arrived in Honduras at three specific places:

- The Honduras-Guatemala border crossing at Corinto, in the Omoa municipality of the Cortés department, and from there to the “El Edén” shelter, run by the IHNFA in San Pedro Sula, Cortés.
- The “Ramón Villeda Morales” international airport in San Pedro Sula, Cortés, and from there to the “El Edén” shelter, run by the IHNFA in San Pedro Sula, Cortés.
- “Toncontín” international airport in Tegucigalpa, and from there to the “Casitas Kennedy” shelter in Tegucigalpa.

These figures demonstrate that the Corinto border crossing receives the greatest number of deported children and adolescents.

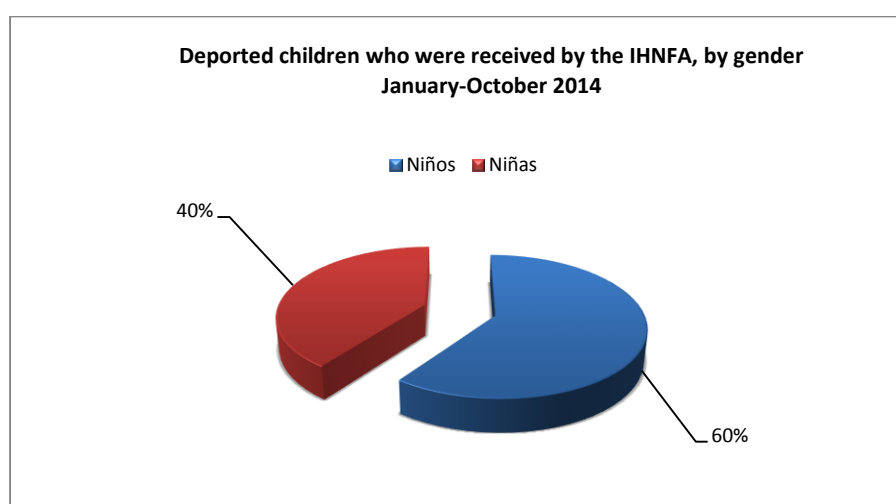


Points of entry for deported migrant children returning to Honduras
January 2012 to October 2014

Corinto Border
A. Ramon Villeda Morales (SPS)
A. Toncontin (TGU)

Source: Casa Alianza's estimate based on data provided by the IHNFA

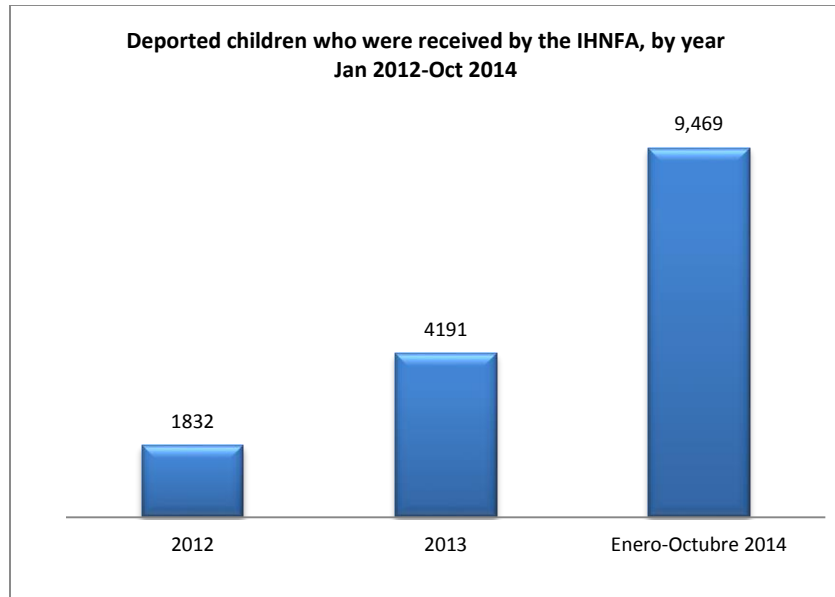
In 2014, the majority of deported children and adolescents were male (60 percent). However, the number of girls who are detained and deported from Mexico and the United States is considerably high (40 percent of the total).



Source: Casa Alianza's estimate based on data provided by the National Center of Social Sector Information

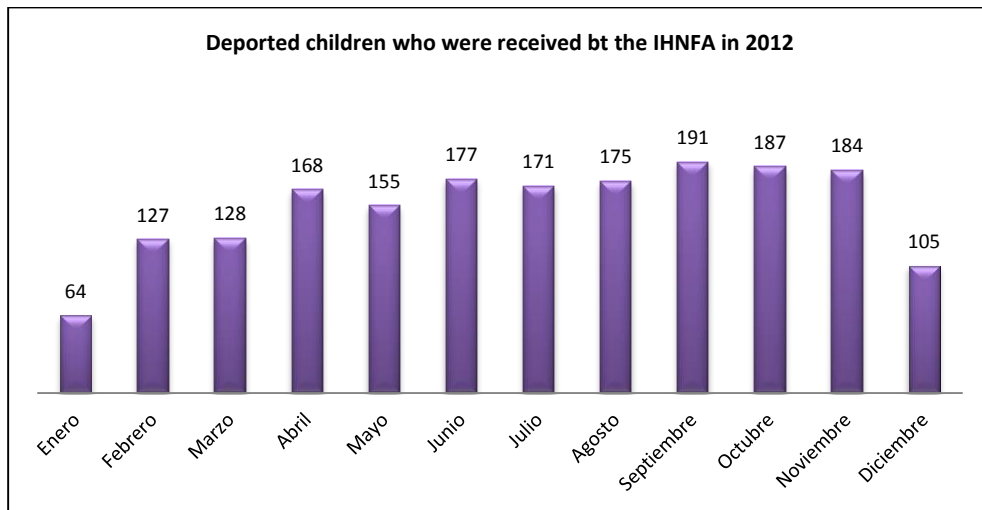
In 2012, 1,832 children and adolescents were deported to Honduras; in 2013, this figure grew to 4,191, and in 2014, the sum of both prior years was surpassed, with 9,469 children and adolescents deported between January and October alone.⁵⁷

⁵⁷ Centro Nacional de Información del Sector Social. (2014). Informe Estadístico de las Personas Repatriadas/Retornadas a Honduras. Período Enero A Diez De Octubre-2014.



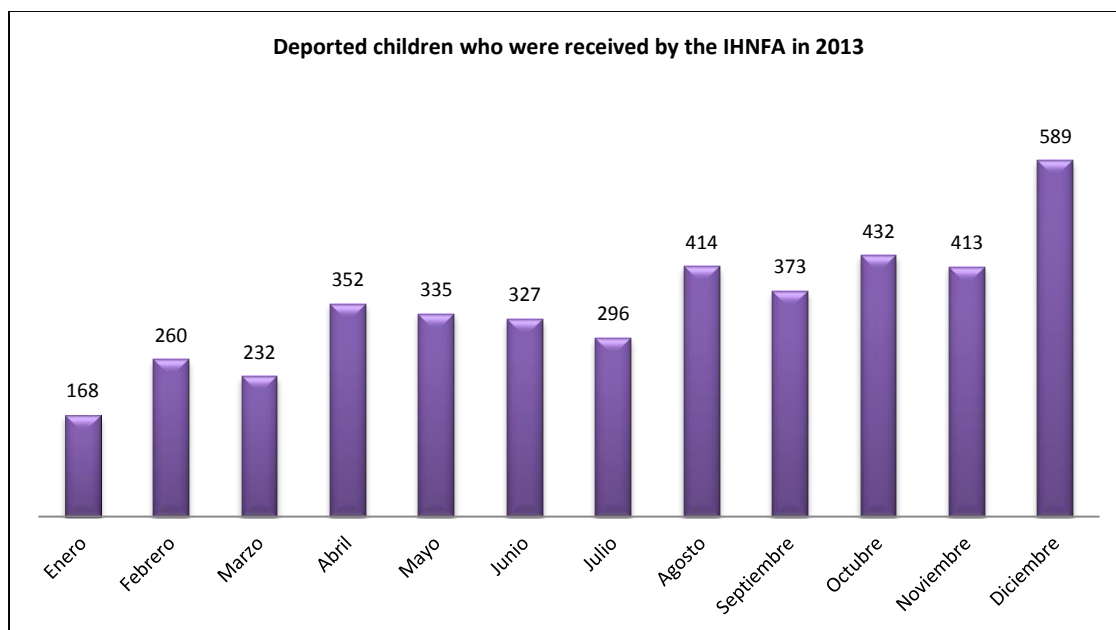
Source: Casa Alianza’s estimate based on information provided by the IHNFA

In 2012, September and October were the months with the highest numbers of deported children and adolescents. Most returns occurred by land through the Corinto border crossing, and from there children were sent to the “El Edén” shelter in San Pedro Sula.



Source: Casa Alianza’s estimate, based on data provided by the IHNFA

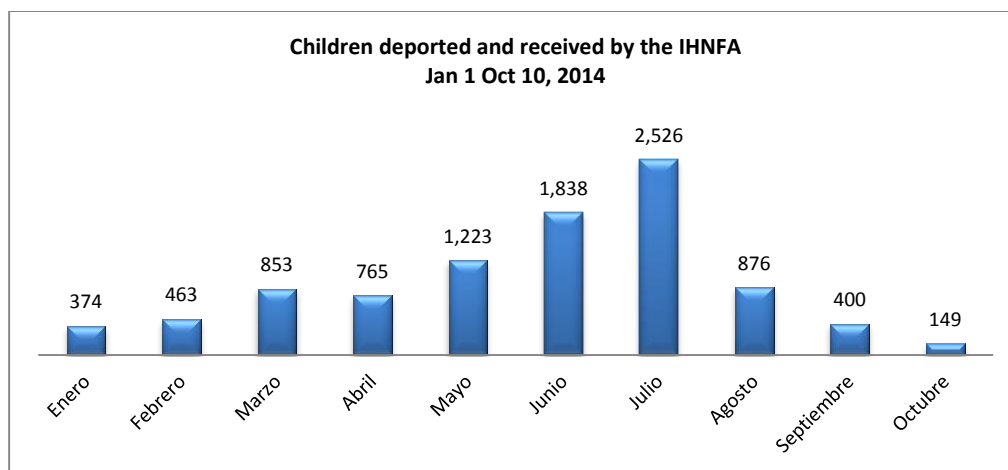
Then in 2013, the months with the highest number of deportations were August, October, November, and December.



Source: Casa Alianza’s estimate based on data provided by the IHNFA

During 2014, this situation grew exponentially, with an upward trend in June and July, coinciding with the so-called “crisis” on the U.S. southern border.⁵⁸

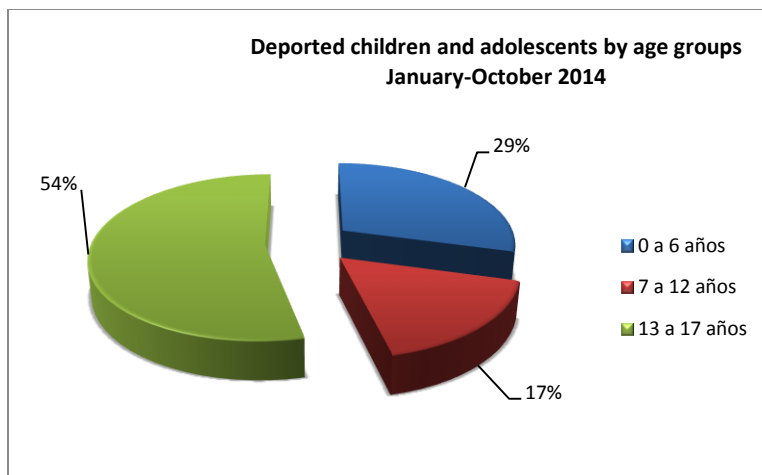
It is important to mention that the figure corresponding to October only covers until October 10, 2014.



Source: Casa Alianza’s estimate based on data provided by the National Center of Social Sector Information

⁵⁸ In the Introduction of this report, we noted that this is a humanitarian, human rights, human development, and refugee protection crisis with a structural and regional character. This is to say, this phenomenon is not centered on the U.S. southern region, and its magnitude and nature demands very different responses, broader than the control measures implemented by the U.S. and other countries under its influence.

Data for 2014 indicate that among all children deported, adolescents between the ages of 13 and 17 are the primary targets of deportations, with a total 5,076 cases. Next come children aged 0 to 6, with 2,765 cases of deportation, and finally 1,618 cases of deportation of children aged 7 to 12 were recorded in the same time period.



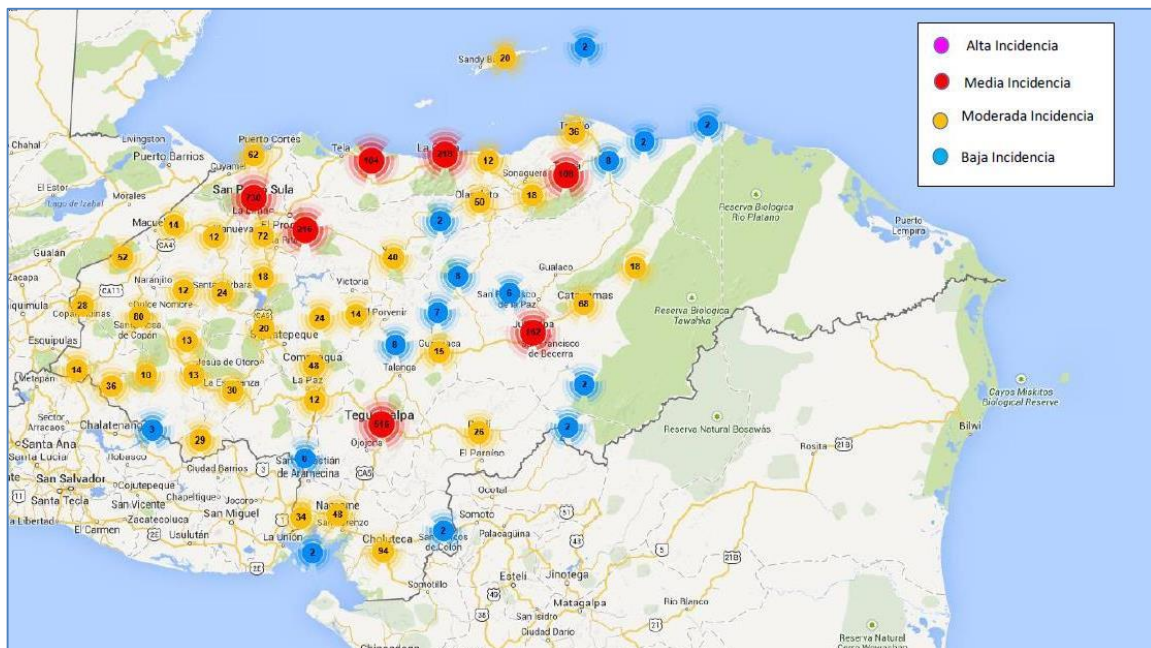
Source: Casa Alianza's estimate based on data provided by the National Center of Social Sector Information

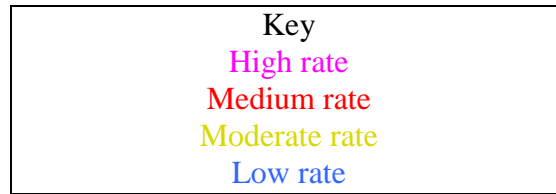
62% of the Honduran children and adolescents deported to Honduras in 2014 came from the departments of Cortés, Yoro, Atlántida, Francisco Morazán, and Olancho.

Deported children and adolescents by department of origin January-October, 2014	
Department	Deported children
Cortés	2,422
Yoro	1,073
Atlántida	869
Francisco Morazán	791
Olancho	703
Colón	616
Copán	476
Comayagua	405
Santa Bárbara	305

Choluteca	254
Valle	224
Intibucá	163
Lempira	159
Ocatepeque	148
El Paraíso	84
La Paz	49
Islas de la Bahía	42
Gracias a Dios	1
No answer	573
Not specified	112
TOTAL	9,469

Source: Casa Alianza’s estimate based on data provided by the National Center of Social Sector Information





Map showing areas of origin of migrant children and adolescents from Honduras. January - October 2014.⁵⁹

G. Reception of children and adolescents upon arrival in Honduras

IHNFA personnel receive deported children and adolescents three days a week at the Corinto border crossing between Honduras and Guatemala. Since May 30, 2014, the deportee convoys from the “Siglo XXI” Migration Station in Tapachula, México have been arriving directly at the “El Edén” shelter in San Pedro Sula.



Source: Photo taken by Casa Alianza Honduras

When the IHNFA receives the lists of deported children and adolescents, it contacts their families to coordinate their release following their arrival in Honduras. IHNFA personnel meet the buses at the border crossing. However, there are also people unrelated to the return process who wait near the buses containing returning children. As discussed below, these individuals can be smugglers or human traffickers.

The IHNFA personnel are not properly identified and so can be easily mistaken by individuals unfamiliar with the process for persons who are not related to the repatriation or reception process or who are not at that moment present for the purpose of ensuring the protection of the children and adolescents and their families.

⁵⁹ Centro Nacional de Información del Sector Social. (2014). Informe Estadístico de las Personas Repatriadas/ Retornadas a Honduras. Período Enero A Diez De Octubre-2014.



Source: Casa Alianza Honduras

Among the dangers at the Corinto border is the constant presence of people involved in human smuggling, commonly known as “coyotes,” who wait for deportee convoys and harass children and their families, offering to take them back on the migrant trail. Individuals involved in human trafficking also pose a danger to returning children. In the photograph below, a group of between 4 and 8 people can be seen trying to convince a mother (wearing red pants and a blouse with blue and red stripes) who had just been deported from Mexico with her 5-year-old daughter to come with them.



Source: Casa Alianza Honduras

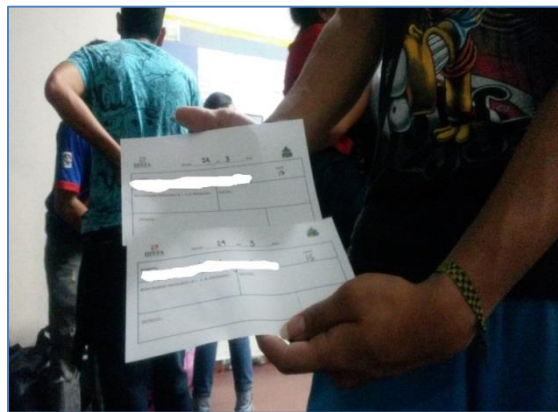
The authorities argue that they cannot do anything to stop these activities because they lack resources and personnel to confront these criminal groups. They also argue that they would be risking their lives if they tried to intervene.

Returning children and adolescents are received at the “El Edén” shelter in San Pedro Sula. Once the bus arrives, the children wait for their relatives. If the relatives do not arrive, the children sleep at the IHNFA, which has rooms adapted for this purpose.



Source: Casa Alianza Honduras

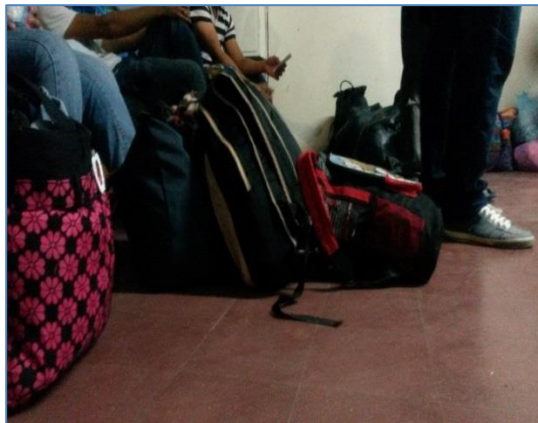
Each child who enters the shelter is given a form which must ultimately show the stamp or seal from the institution's social workers and medical and psychological staff. A child must have a completed, stamped form in order to leave the shelter.



Source: Casa Alianza Honduras

When children have to spend the night at the facilities, IHNFA personnel give them dinner. According to the IHNFA team, "the food budget they have allows only for one meal a day for the children and adolescents."⁶⁰

⁶⁰ Centro Nacional de Información del Sector Social. (2014). Informe Estadístico de las Personas Repatriadas/ Retornadas a Honduras. Período Enero A Diez De Octubre-2014.



Source: Casa Alianza Honduras

When a child or adolescent is deported for the first time, IHNFA always attempts to reintegrate the child or adolescent with his or her family. If the child is deported a second time, IHNFA staff speak with the family to find protection measures and prevent another attempt at migrating. When the same child is deported a third time, he or she is referred to a child protection program according to his or her age and gender. Boys aged 12 or under are sent to the “Hogar Nueva Esperanza” shelter; girls aged 12 to 18 are sent to “Casitas Adolescentes” (adolescent housing). The “El Edén” shelter houses those children and adolescents whose relatives were unable to pick them up, but only for up to 24 hours. It is important to highlight the absence of a program to serve deported adolescent boys between ages 12 and 17, although they comprise the largest group of deported children.

The fact that some children are repeatedly deported proves a failure to determine whether the child really has an opportunity to be reintegrated with his or her family and community circle. If the child makes the same decision to migrate over and over, there must be a very strong reason for him or her to do so. However, arbitrary deportation policies and a lack of procedures to identify the children’s best interests in the destination countries (as the Mexico and U.S. chapters discuss), combined with the lack of an adequate and efficient reintegration mechanism in Honduras, allow the unchanged structural causes to continue to push children and adolescents to leave the country. The repeated deportation of a child demonstrates the State’s inability to ensure meaningful family reintegration for deported children and adolescents. The high levels of violence and insecurity that children and adolescents suffer in their communities of origin provide another cause for this repeated cycle of deportation (and repeated attempts to migrate).

H. “Release” of children and adolescents to their relatives

Some children are picked up by their relatives at “El Edén” shelter in San Pedro Sula. The procedure followed there is the same as the one at the border: documents showing the family relation to the child must be presented in order for a child to be released and a certificate of “release” is signed. At “El Edén,” none of the children waiting for relatives are given a meal while they wait. According to members of the IHNFA team, “our institution has neither the resources nor the responsibility to house children and adolescents whose parents have not picked them up at the bus stations, but sometimes we do it voluntarily Sometimes, the children

have to wait for days and that frustrates them. Our institution does not have available vehicles, and sometimes we also have to wait for days to be able to move the children.”⁶¹ 61 percent of children who arrive at the IHNFA after being deported are “reintegrated with their families” (n=357 reintegrated out of 589 children in total).⁶²

IHNFA uses a concept of “family reintegration” that should be analyzed, because the family reintegration procedure set forth in the protocol and its implementation in practice differ. According to the principles set forth in the repatriation protocol, in order for family reintegration to take place without compromising the child’s best interests, it is necessary to assess each family’s situation in advance. To this end, the IHNFA is required to assess the family situation and identify possible measures in favor of underage persons. This assessment must be completed within 15 calendar days and contain the following information:

1. Identification of the family or assessment of the family’s resources to which the child will return. Assessment of the security conditions for the child, family, and community.
2. Determination of the causes that created the situation of risk (that led the child to migrate).
3. Protection measures to be taken by the IHNFA to assist in the child’s full reintegration to society, school, and everything necessary for his or her comprehensive development.
4. If no relative can be identified to care for the child, the IHNFA will identify alternatives for the child’s social reintegration.

In addition, the Secretariat of Foreign Relations (*Secretaría de Relaciones Exteriores*), in coordination with the IHNFA, will contact the child or adolescent’s family to inform them about the conditions in which the child was found and the next steps to repatriate him or her, establishing to the degree possible direct communication between the child and his or her relatives.

However, our investigation found that the measures required by the protocol on repatriation are not being followed for these reasons:

- The child’s best interests is not the guiding principle for decisions about detention and repatriation. Consular authorities and migration agencies are oriented towards repatriation and fail to consider alternative such as asylum or other forms of international protection.
- This failure is aggravated in the cases of children and adolescents who migrate to rejoin their families in the U.S. Deportation procedures are taking place to repatriate and reintegrate children with their “families” (e.g. uncles, aunts, grandparents) in their countries of origin when those children’s immediate families reside in the U.S.

⁶¹ Centro Nacional de Información del Sector Social. (2014). Informe Estadístico de las Personas Repatriadas/ Retornadas a Honduras. Período Enero A Diez De Octubre-2014.

⁶² Instituto Hondureño de la Niñez y la Familia (IHNFA). Retrieved from <http://www.ihnfa.gob.hn/>.

- Logically, if their families have irregular status in the United States, it will be difficult to promote family reunification by legal means, but the authorities consider only the option of direct return to the country of origin without investigating what the real family situation is in each case.
- Mexican migration authorities are sending information about children who will be deported back to Honduras only three days in advance of their deportation, according to IHNFA officials in San Pedro Sula. This does not comply with the 15-day period established by the protocol as the time frame necessary to conduct an individual assessment of the family situation. Under these circumstances, it is very difficult for IHNFA to investigate the children's family situations.

1. Repatriated migrant children and adolescents with disabilities

Migrant children and adolescents who become disabled due to accidents suffered on the migrant trail and then are deported face particularly complex repatriation issues. In addition to the problems faced by all migrant children and adolescents, they also now have to contend with a disability. The failure of a child's plan to migrate, in and of itself, can have traumatic effects on children and adolescents, and these are exacerbated by the disability. The failure of the migration plan can be particularly devastating in cases where children left the country for reasons linked to violence, family reunification, and other serious human rights violations. Second, new obstacles and problems arise for the children to face in their country of origin as a result of the disability, and these problems affect their community, educational, family, emotional, or labor integration, depending on their ages.

Even without knowing exact figures, it is clear that numerous children and adolescents experience disabling accidents on their North-bound trek. In this context of lack of public policies to serve this particularly vulnerable population, some initiatives offer support, such as the work of the International Committee of the Red Cross (*Comité Internacional de la Cruz Roja* or CICR).⁶³

The CIRC's work in support of individuals who have suffered amputation or other severe injuries on the migrant trail begins with the organization of humanitarian chains for victims and their families, with the support of the National Commission of Support for Returned Migrants with Disabilities (*Comisión Nacional de Apoyo al Migrante Retornado con Discapacidad* or CONAMIREDIS), the Center for Attention to the Returned Migrant (*Centro de Atención al Migrante Retornado* or CAMR), and the Honduran Red Cross in the most severe cases. Among their programs is the pilot project MEI,⁶⁴ which supports repatriated individuals in their social

⁶³ This information was obtained from two focus groups held in June of 2014 at the office of National Forum for Migrations in Honduras (FONAMIH). In these focus groups there was participation by relatives of migrants and migrants with disabilities organized in the Committees of Relatives of Migrants (*Comités de Familiares de Migrantes*) from Colomoncagua, El Progreso, Choluteca, Goascorán, Cedros, Talanga, San Ignacio, Vallecillos, and El Porvenir, which are all part of FONAMIH.

⁶⁴ MEI Project (*Proyecto MEI*): Microeconomic initiatives for severely amputated and injured persons. See <https://www.icrc.org/en/download/file/3669/mexico-rd-icrc-january-august-2014-english.pdf>.

reintegration, in seeking work opportunities, and in finding adaptive equipment such as prostheses in cases of amputations, among other services. The MEI project contributes to the social and economic reintegration of a large number of persons who have endured amputation or severe injury.

Later, CONAMIREDIS provides monitoring, connecting people with disabilities to three centers that offer physical rehabilitation and fit prostheses. The CICR has signed collaboration agreements with Teletón (San Pedro Sula), Fundación Vida Nueva (Choluteca), and San Felipe Hospital (Tegucigalpa). In these centers, repatriated migrants receive prostheses and learn to walk again through physical rehabilitation.

While these programs provide important support, these cases exemplify the high level of vulnerability faced by children and adolescents in search of a life with full rights. The depth of the causes of migrations, the restrictions on regular movement and the difficulty of obtaining asylum through international protection, as well as the growth of different forms of violence in the region, lead to the many dangers that cause disabling accidents. For these migrants, in addition to needing appropriate services related to their migration status, they also need medical, educational, social, and employment services to protect their rights.

2. The situation of other categories of children and adolescents in the Honduran migration context

This section addresses two situations linked to other categories of children and adolescents whose rights are affected by migration. First, we discuss Honduran children whose parents have migrated to the United States. We analyze their circumstances from a human rights perspective, including the rights to education, healthcare, and protection of life, emphasizing the levels of violence and insecurity that these children and adolescents experience.

Next, we briefly analyze Honduras's treatment of foreign children and adolescents who migrate to Honduras, whether in transit or as a destination country. Although the phenomenon of migrant children in Honduras is almost unknown, due in part to limited information and quantitative data available, it is important to acknowledge this category of children and adolescents as part of the regional migration phenomenon.

3. Honduran children whose parents have migrated

There is no doubt that the migration of one or both parents has serious emotional, psychological, and socio-economic repercussions in a child's life, including effects on the protection of his or her life and physical integrity.

Children and adolescents whose parents have migrated suffer the same structural deprivations and limitations that affect the large majority of Honduran children with respect to access to rights. These deprivations frequently lead parents, families, or children to migrate unaccompanied to another country. Family separation caused by migration significantly affects children. The impact of family separation on a child becomes more complex and serious as time passes and can be affected by changing migration policies related to family reunification.

The Honduran legal framework, especially the Constitution, ratified international treaties, and several other laws, grant all children fundamental rights in accordance with the Convention on the Rights of the Child. As current data show, a significant percentage of Honduran children have been deprived of these rights or must exercise them in precarious, uneven, irregular, discriminatory, and fragmented conditions. In the context of these limitations, the children and adolescents whose parents have migrated experience unique difficulties.

For example, with regard to the right to education, relatives of migrants affirm that in their communities, children have problems accessing education when the family members with whom they are left in the absence of parents lack resources. Children and adolescents do not have their own economic means to study, and if family members can't provide these means, they are excluded from education. However, children whose parents have lived abroad for many years and have obtained regular migration status may have greater access to education than other children in their communities because their parents may have the income to pay for private schools in their communities of origin, or to invest more in their children's education. Children whose parents are recent migrants, however, tend to be in the most precarious position with respect to education, because of their parents' tenuous economic and migration status. These children typically cannot even access public education in their communities.

Relatives who are left in charge of children and adolescents whose parents have migrated lack motivation to ensure the children's education. This is clear from the little attention they pay to the children's homework, either because they work or have problems at home. As a result, even children (whose parents have migrated) who do manage to access public education do not have the necessary support from their families to succeed in school, and thus are denied their right to development under the CRC.

Access to healthcare for children and adolescents whose parents have migrated does not differ much from the healthcare reality experienced in a large part of the country. However, the system fails to address aspects of the psycho-emotional health of children whose parents have migrated due to the lack of specific programs that focus on these situations. Similarly, as is the case with education, in the absence of parents, the children's access to healthcare can be affected negatively if the adults in charge do not substitute adequately for the parents' duties.

Teenage pregnancies are a national problem in Honduras, and the communities we studied are no exception. Relatives of migrants affirm that in their communities, girls get pregnant at an early age, as young as 11 years old in some cases. They state that this occurs more frequently in rural areas, because of ignorance about family planning methods, rape and sexual abuse, lack of support from parents, and poverty, among other factors. These testimonies are consistent with figures about the high levels of intrafamilial violence, including sexual abuse, suffered by Honduran children and adolescents.

Abuses against young and adolescent girls by gang members, who force them in some cases to provide sexual services or favors, can especially affect children without parental care (or protection). Similar observations can be made about children and adolescents who are victims of violence or intrafamilial abuse at the hands of adults who are left in charge of caring for them,

such as relatives or neighbors, or even by the parent who did not migrate. According to the families of migrants, the main forms of violence affecting children and adolescents include physical, sexual, and psychological aggression, as well as harassment at school.

4. *Migrant children in transit in Honduras*

As a part of the Central American region, Honduras is also a transit country for migrants from both within the region and from South American countries, and even from other continents. According to information provided by the Office for Coordination of Migrant Children at the IHNFA, between 2013 and 2014, 21 children and adolescents from other nationalities were detained while in transit in Honduras. Of them, 10 were Nicaraguan, 9 Salvadoran, and 2 Ecuadoran. Their ages ranged from 2 to 17. Of 21 children, 12 were male and 9 female.

Year 2013

DATE OF ARRIVAL	M	F	SCHOOL LEVEL (U.S. equivalent)	AGE	COUNTRY OF ORIGIN
18/01/2013	X		2 nd Grade	8	Ecuador
7/03/2013	X		None	16	Nicaragua
7/03/2013	X		6 th Grade	14	Nicaragua
7/03/2013		X	6 th Grade	17	Nicaragua
22/10/2013	X		9 th Grade	15	Ecuador

Year 2014

DATE OF ARRIVAL	M	F	SCHOOL LEVEL (U.S. equivalent)	AGE	COUNTRY OF ORIGIN
26/03/2014	X		None	16	Nicaragua
26/03/2014	X		9 th Grade	16	Nicaragua
26/03/2014	X		4 th Grade	16	Nicaragua
26/03/2014		X	9 th Grade	15	Nicaragua
26/03/2014		X	2 nd Grade	8	Nicaragua
26/03/2014		X	6 th Grade	13	Nicaragua
26/03/2014		X	8 th Grade	17	Nicaragua
10/06/2014		X	None	2	El Salvador
10/06/2014	X		5 th Grade	11	El Salvador
10/6/2014	X		Finished 9 th grade	17	El Salvador
10/6/2014	X		8 th Grade	14	El Salvador
10/6/2014	X		7 th Grade	13	El Salvador
10/6/2014		X	10 th Grade	17	El Salvador
10/6/2014		X	1 st Grade	7	El Salvador
10/6/2014		X	5 th Grade	12	El Salvador
10/6/2014	X		7 th Grade	16	El Salvador

The authorities⁶⁵ claim that IHNFA provides these children and adolescents (migrating from other countries to or through Honduras) with safe and adequate care based on its responsibilities. To this end, the IHNFA operates the “La Misericordia de Dios” shelter for migrant children, located at the IHNFA’s Kennedy Complex. This center provides children with food, medical and psychological attention, legal advice, and protection inside the shelter.

When the shelter receives a child or adolescent, the staff take measures to confirm his or her nationality and to learn why he or she left his or her country of origin. Once coordination is established between the relevant agencies in the country of origin, the shelter contacts the consulate of the child or adolescent’s country. The consulate verifies that the information about the child is correct and obtains all necessary documentation, in order to ensure the child’s safe return.

While all necessary procedures are carried out, the child remains at the “La Misericordia de Dios” shelter. There is no evidence that the shelter provides any kind of legal assistance or a guardian to protect the child’s rights and make sure all decisions made are in the child’s best interests. The day of the child’s scheduled repatriation, the child is transferred from the shelter by IHNFA personnel and the child’s country’s consul to the facilities of the office of Migration and Foreign Nationals (*Migración y Extranjería*), where the child or adolescent’s exit from the country is processed. Once the child or adolescent is delivered to *Migración y Extranjería*, this entity has custody.

The phenomenon of children and adolescents migrating to or through Honduras is of little quantitative relevance, especially in light of the far higher number of Honduran children and adolescents who migrate northward. However, given the antiquated nature of the Honduran laws on migration, the protection of foreign children in transit in the country lacks an adequate legal framework. Also missing is any procedure to determine the children’s best interests or any mechanism to ensure the protection of their rights and guarantees when they are repatriated to their countries.

VI. Conclusions

This analysis of the situation of children in the context of migration in Honduras reveals several serious structural problems that affect the most basic rights of thousands of children and adolescents.

This scenario is determined, in the first place, by the reasons children, families, and adults migrate. The lack of essential rights, such as the right to life, physical integrity, development, health, education, and family life, among others, is a growing danger for a significant percentage of the Honduran population. Lack of protection for basic rights has been gradually aggravated by widespread and diverse forms of violence to which children and adolescents are particularly vulnerable. Available statistics and other information indicate serious shortcomings in the public policies that should ensure the right to comprehensive human development free from violence for all children, as well as the guarantee of their right to family.

⁶⁵ These statements were made by the Coordinator for Migrant Children at the IHNFA.

We also conclude that Honduras lacks a migration policy adequate for the country's migration reality as well as for the human rights commitments that the Honduran State has assumed. The gap between the laws, policies, and the reality includes the absence of programs addressing migrant children and adolescents, and the children of migrants. This results in, among other things, procedures that are insufficient to ensure minimum standards of care necessary for this segment of the population.

The IHNFA's role in protecting migrant children is limited to its reception of deported children and adolescents and their return to their families. There is no real protection for these children, and there are no investigations of family to evaluate whether repatriation is appropriate. There is also uncertainty regarding the new institutional framework, which lacks clarity about DINAF's role with regard to caring for migrant children. It is necessary to provide government agencies with all human, technical, and financial resources to carry out these tasks in order to ensure that children and adolescents can exercise the rights established for them in the legal framework, including international treaties.

In addition to the deficiencies and inadequacies of the norms and procedures to protect the rights of migrant children, another set of problems derives from the lack of adequate funding for State institutions. For example, the protocol for the protection of repatriated children and adolescents does not allocate funding that corresponds to the procedures it establishes. As a result, the agencies in charge of implementing these procedures perceive the protocol as a strictly theoretical tool that is impossible to implement in practice.

The reception of deported children and adolescents by land at the Corinto border crossing does not take place under appropriate conditions to ensure the children's protection and safety. As a result, some children and adolescents immediately undertake the trip north again. The interviews with deported children and adolescents are not conducted under adequate conditions for their privacy, which makes it difficult for them to calmly answer the questions asked by the IHNFA staff. Additionally, the interview format does not include questions to identify children who have been victims of trafficking.

There are serious deficiencies regarding the treatment and protection of children and adolescents under IHNFA custody while they are waiting to be claimed by their families. The conditions at the temporary shelter are far from adequate. The children receive some kind of healthcare and psychological attention, but given the growing demand for these services, they are limited. In practice, the procedures for "release" of children and adolescents to their relatives are more of a requirement to fulfill than a true interest in promoting the reunification of children with their families, much less a process of reintegration into the family.

The most worrisome problem is the lack of policies and mechanisms to guarantee true reintegration from a rights perspective and to ensure a dignified, violence-free life for the children to exercise their right to develop. Children and adolescents who return with a disability due to an accident on the migration route face even greater obstacles, despite the work of humanitarian agencies.

The testimonies of the children and adolescents themselves and of the institutions that serve them during their migratory journey (*Casas de Atención al Migrante*), as well as reports from organizations that have been working on migration issues for years contain much criticism of the passive role assigned to Honduran consular authorities. Deported children and adolescents, as well as authorities such as DIF and civil society organizations in charge of providing humanitarian support and human rights assistance to children and youths share the view that consular support is deficient. Honduran consular officials in Tapachula fail to defend the rights of children and adolescents in the migration process—when they are detected and taken into custody, during their detention (both short and long term), and with regards to their deportation. The consulates' role is limited to bureaucratic management of the repatriation process following issuance of a repatriation order (frequently in the form of a deportation order) by Mexico or the United States, rather than taking actions that protect the rights of children and adolescents.

Finally, we have briefly analyzed the lack of policies aimed at the comprehensive attention to those children and adolescents whose parents have migrated. Although these children face rights violations that are no different from the general conditions of poverty, social exclusion, and violence in the country, the absence of their parents places them in heightened conditions of vulnerability that need to be taken into account in public policies regarding children and adolescents. In addition, practices regarding foreign children and adolescents in transit or residing in Honduras need to be revised in order to conform to the country's obligations, such as the obligation not to detain children and implementation of the principle of the children's best interests, as a guide for decisions and procedures that affect these populations.

Recommendations are included in full at the end of this book. For the full set of recommendations, please visit <http://cgrs.uchastings.edu/Childhood-Migration-HumanRights>.