

Universal Periodic Review

(22nd session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Honduras

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	05/09/2013 Ratification	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not the state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	08/06/1979, Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	24/07/2006, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	31/08/2010, Accession			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. **The Constitution of Honduras of 1982**¹, as last revised in 2011 enshrines the right to education in its **Article 123** which provides that "every child shall enjoy the benefits of [...] education" and "the right to [...] education".² It also stipulates that the State is in charge of promoting education (article 153), eliminating illiteracy (article 154), financing education free and compulsory (article 171), and sustaining the education of disabled (article 169).

Legislative Framework:

3. The legislative framework of Honduras is composed of the following:

- a) The **Organic Law on Education** (*Ley Orgánica de Educación*)³ approved by the **Decree No. 79 on 14 November 1966** regulated education at all levels (preschool, primary, secondary and higher education).
- b) A new **Fundamental Law of Education**⁴ (*Ley Fundamental de Educación*) was promulgated by Decree 262-2011. **Article 1** of the 2012 Law declares: "The Present Law guarantees the Human Right to Education, and establishes the principles, guarantees, objectives and general guidelines of national education. It recognizes the learner as the right-holder and main actor, and establishes that the primordial purpose of education is the development of his or her full potential and personality; and defines the structure of the National System of Education, the duties and obligations of the State, the rights and responsibilities of the people and society in the educational function. [...] The present Law is of public enforcement and social interest, and it is the duty of the State to protect education." **Article 3** establishes that this Law has the purpose of "guaranteeing equal access to all persons without discrimination to an integral and quality education".⁵ **Article 5** provides that it is the State's responsibility

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<http://www.unesco.org/education/edurights/media/docs/b9c48ab286468b6cf2db495a1f8aa9dea0a19989.pdf>

² Unofficial translation

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<http://www.unesco.org/education/edurights/media/docs/29a555bcb307bb576e38456e019de453e18e2625.pdf>

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<http://www.unesco.org/education/edurights/media/docs/d29d2fc5f3ca1929fc21085d40d0d322a6f13ddc.pdf>

⁵ Unofficial translation

to organize the national system of education. Education is free of charge according to **article 7**.

- c) “Higher education is regulated by the **1957 Organic Law on the Autonomous National University of Honduras** (*Ley Orgánica de la Universidad Nacional Autónoma de Honduras*)⁶, the **Law on higher Education of 1989** (*Ley de Educación Superior de 1989*) with its General Regulation and academic norms of education. The Organic Law on Education created the National Council of Education and the Law on higher Education redefined it. The Council carries out the role of coordination between all levels of education.”⁷
- d) “The **Code on Childhood and Adolescence** (*Código de la Niñez y la Adolescencia*)⁸, approved by the National Congress with the **Decree No. 73-96 of 31 May 1996**, reiterated the State obligation to ensure the respect of children's rights, and to adopt cultural, social and economic measures that are necessary to help the family and the community to create the conditions so that the child can develop himself.”⁹ Chapter 5, Section 1 of this Code enshrines children's right to education. Various topics such as equality of opportunities, quality education and children with disabilities are taken into account within this Section. It was revised in 2013 by **decree n°35-2013** of 6 September 2013.¹⁰ Article 244 (e) recognizes the right to education among others for trained professionals to ensure proper physical and psychological development. Article 207 A recognizes education and formation through comprehensive instruction as essential for the overall development of a person.¹¹
- e) “The **Law on Alternative and non formal Education** (*Ley para el Desarrollo de la Educación Alternativa No Formal*)¹² was promulgated by the **Decree No. 313-98** and aims to offer school-aged girls and boys out-of-school, young persons and adults, literacy teaching and education, so that they can catch up and get to higher levels of education.”¹³

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<http://www.unesco.org/education/edurights/media/docs/906ca0d749c5f94208152b38eb1a3cf5f61b8ad1.pdf>

⁷ IBE, World Data on Education, 7th edition, 2010-2011, Honduras, p. 4, unofficial translation

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Honduras.pdf
(Accessed on 6 December 2013)

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<http://www.unesco.org/education/edurights/media/docs/c40c06c0be5824e5c0c18e56493d29e572d84291.pdf>

⁹ IBE, World Data on Education, 7th edition, 2010-2011, Honduras, op. cit., p. 4, unofficial translation

¹⁰ Decree n°35-2013 reforming the code on childhood and adolescence,

<http://www.rnp.hn/wp-content/uploads/2014/01/Decreto-352013-Reformas-Codigo-de-la-Ninez-y-Adolescencia.pdf>

¹¹ Unofficial translations

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<http://www.unesco.org/education/edurights/media/docs/de25c375950386e49423e94a63d04932acb6b2c1.pdf>

¹³ IBE, World Data on Education, 7th edition, 2010-2011, Honduras, op. cit., p. 4, unofficial translation

- f) “The teacher's status is regulated by the **Law on the National Institute for Teachers' Training** (*Ley del Instituto Nacional de Previsión del Magisterio* (INPREMA))¹⁴ and the **Law of the Teacher's Status in Honduras** (*Ley del Estatuto del Docente Hondureño*)¹⁵.”¹⁶
- g) “Special Education is regulated by the **Decree No. 926** which created the National Council of Integral Rehabilitation and the **Law on the Rehabilitation of Disabled Persons of 1987** (*Ley de Rehabilitación de la persona Minusválida de 1987*)¹⁷. More recently, the **Decree No. 160-2005**, approved the **Law on Equity and Integral Development for Persons with Disabilities** (*Ley de Equidad y Desarrollo Integral par alas Personas con Discapacidad*)¹⁸.”¹⁹
- h) A new **Law on citizenship participation and quality education** (*Ley de incentivo a la participación ciudadana y la calidad educativa*)²⁰ was recently passed (2011). It aims to fight against school dropping out and to diminish repetition rate for students by promoting parents and local communities' participation in education (Article 1). The Law institutes a local Council for Education Development (*Consejo Municipal de Desarrollo Educativo* (COMDE)) as an institution to monitor students' effective attendance in school and the Education Council for Development (*Consejo Escolar de Desarrollo*), as the community participatory institution and as an interactive institution between the different education actors. (Article 2).
- i) April 2014 was made the celebration of the African Heritage in Honduras Month by **Decree No. 330-2002** in recognition of contribution of the culture afro-honduran.

Institutional Framework:

4. The National Directory of institutions working with young people and adolescents in Honduras²¹ lists the private, external and governmental institutions working with young and

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<http://www.unesco.org/education/edurights/media/docs/dc058f595c631902dc0fb38d9cb43abfcf10af.pdf>

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<http://www.unesco.org/education/edurights/media/docs/93bb0a315e451058705fd469557aea2451f498a3.pdf>

¹⁶ IBE, World Data on Education, 7th edition, 2010-2011, Honduras, op. cit., p. 4, unofficial translation

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<http://www.unesco.org/education/edurights/media/docs/6f791633039eb76e8608d5ed3b9bc38d46d2d22b.pdf>

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<http://www.unesco.org/education/edurights/media/docs/aec3346f7feab94d4d17b704a5569eaae2c46a9f.pdf>

¹⁹ IBE, World Data on Education, 7th edition, 2010-2011, Honduras, op. cit., p. 5, unofficial translation

²⁰ Law on citizenship participation and quality education (in Spanish)

[http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20de%20Fortalecimiento%20a%20Educacion%20Publica%20y%20Participacion%20Comunitaria%20\(2,1mb\).PDF](http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20de%20Fortalecimiento%20a%20Educacion%20Publica%20y%20Participacion%20Comunitaria%20(2,1mb).PDF)

²¹ Unofficial translation , *Directorio Nacional de Instituciones que Trabajan con Adolescentes y Jovenes en Honduras*,

adolescents. In addition, *El Secretaria de Educación de Honduras* (Ministry of Education) is in charge of the educational sector²².

Policy Framework:

i) General information

5. In 2010, The Republic of Honduras has issued two major long-time plans, which are **Country Vision 2010 – 2038** (*Visión de País 2010 – 2038*) and **Nation Plan 2010 – 2022** (*Plan de Nación 2010- 2022*).²³ The first objective of Country Vision aims at making Honduras educated, healthy, without extreme poverty and with strong social preventive systems. Goal 1.3 aims at extending average education to nine years. While Nation plan focuses on education and culture as ways of emancipation.

6. In 2005, Honduras launched the **2005-2015 Strategic Plan of the Education Sector** (*Plan estratégico del sector educación período 2005-2015*)²⁴. According to this Plan it is urgent to transform the education system in Honduras to be able to face the new challenges of globalization. Therefore, the Strategic Plan is supposed to be a guide to achieve "Education of Quality for all Men and Women". The plan aims to promote the collaboration between the government, the civil society and external cooperation and establishes the most important challenges, which are:

- 6.1 to approve the new General law on Education
- 6.2 to ensure the financing to implement the Strategic Plan
- 6.3 to establish a National Pact for Education that would grant:
 - 6.3.1 the continuity of the Plan within the different governments
 - 6.3.2 the support of the Teaching leadership.

ii) Inclusive Education

7. The **re-education and social reinsertion Project**²⁵ aims at changing mentalities and behaviours of students after conflict the penal law through development of an educational process systematic, continuing and integral.

iii) Teachers

<http://www.bvs.hn/bva/fulltext/DirectorioNac.pdf>

²² Official website,

<http://www.se.gob.hn/index.php>

²³ Visión de País 2010 – 2038 & Plan de Nación 2010- 2022,

http://www.unicef.org/honduras/Vision_de_Pais_2038.pdf

²⁴Plan estratégico del sector educación período 2005-2015,

<http://www.unesco.org/education/edurights/media/docs/d6c5eb6abe8414c10ba43b9a712700446c4abe8c.pdf>

²⁵ Unofficial translation, Proyecto de Reeducción y Reinsección Social,

<http://www.redetis.org.ar/node.php?id=139&elementid=3200>

8. Point four of the **2005-2015 Strategic Plan of the Education Sector** aims at developing formation and training of teachers to achieve quality education. In order to do so, the objectives are to train the trainers, to set an initial and permanent formation of teachers and to also train investigators and inspectors.²⁶

iv) Quality education

9. As for quality of education, the **2005-2015 Strategic Plan of the Education Sector** aims at extending annual school days from 160 to 200 by 2015, as well as general education from 5-6 years to 9 years. It also aims at improving performances of students.²⁷

v) Curriculum

10. The **literacy and Basic education for young and adults programme**²⁸ (*Programa de Alfabetización y Educación Básica de Jóvenes y Adultos – PRALEBAH*) of 2006, reviewed in 2009, is a response to the high rate of illiteracy of Honduras. It targets the isolated communities who are excluded from the regular educational system. It aims at fighting against illiteracy and poverty through alphabetization, basic education and the training of young people and adults involved in the programme.

vi) Financing education

11. The **2005-2015 Strategic Plan of the Education Sector** has established targets in terms of budget allocations to reduce the gap between the plan and the sector budget.

vii) Gender equality

12. A **Secondary Education Programme (Honduras Sistema de Aprendizaje Tutorial (SAT))**²⁹ was launched in Honduras in 2005 and attempts to “undo gender” by encouraging students to rethink gender relations in their everyday lives in a way that reflects their increased consciousness of gender equality. According to a study of 2009, of Erin Murphy-Graham³⁰, SAT has increased women’s gender consciousness and this heightened their desire for change in the domestic sphere. In some instances, women were able to negotiate a new sharing of responsibilities with their spouses. There are several features of SAT that make it a transformative innovation in education: (1) gender is mainstreamed into the curriculum; (2)

²⁶ Plan estratégico del sector educación período 2005-2015,

<http://www.unesco.org/education/edurights/media/docs/d6c5eb6abe8414c10ba43b9a712700446c4abe8c.pdf>

²⁷ Plan estratégico del sector educación período 2005-2015,

<http://www.unesco.org/education/edurights/media/docs/d6c5eb6abe8414c10ba43b9a712700446c4abe8c.pdf>

²⁸ Unofficial translation, Programa de Alfabetización y Educación Básica de Jóvenes y Adultos – PRALEBAH, <http://www.redetis.org.ar/node.php?id=139&elementid=3200>

²⁹SAT,

<http://www.redetis.org.ar/media/document/sat.pdf>

³⁰ 2009 Study by Erin Murphy-Graham

<http://proquest.umi.com/pqdweb?index=1&did=1960148131&SrchMode=1&sid=1&Fmt=6&VInst=P ROD&VType=PQD&RQT=309&VName=PQD&TS=1288599322&clientId=15357>

gender is linked with the larger concept of justice; (3) students engage in reflection, dialogue and debate; (4) teachers are given the opportunity to reflect critically on their understanding of gender in professional development sessions; and (5) it emphasizes that undoing gender requires change among individuals and in social structures such as the family.

viii) Health education

13. The **Presidential Programme on Health, Education and Nutrition, called "Bono 10,000"**³¹, was launched under **Decree No. PCM-024-2010**. This Programme aims to “Contribute to breaking the intergenerational cycle of extreme poverty and poverty through the creation of opportunities and development of skills and competences in education, health and nutrition for families in extreme poverty and poverty [...]”³²

14. The **National Plan for Global Management of Risk in the Education Sector**³³ (*Plan Nacional de Gestión Integral del Riesgo del Sector Educación 2011- 2021*) is a leading strategic tool to achieve the formation of a culture of solidarity, prevention, reduction of disaster risk and resilience in Honduran society, by building knowledge and procedures providing protection of life, property and the environment.³⁴

Cooperation:

15. Honduras is **party to** the 1960 UNESCO Convention against Discrimination in Education since 05/09/2013.

16. Honduras **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the periods 2000-2005)
- c) **Eighth Consultation** of Member States (covering the periods 2006-2011)

17. Honduras did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

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<http://www.unesco.org/education/edurights/media/docs/f47d58c5c448df811533a0fe1f2871954dbc46b8.pdf>

³² Unofficial translation, Organisational Structure Sheet, accessible on the official website of Honduras Presidential Office’s Secretariat of State:

<http://www.sdp.gob.hn/sitio/transparencia/descargas/funciones/Atribuciones%20del%20Programa%20Bono%2010,000.pdf> (Accessed on 6 December 2013)

³³ Unofficial translation

³⁴ Plan Nacional de Gestión Integral del Riesgo del Sector Educación 2011- 2021, accesible on:
<http://www.se.gob.hn/planes.php>

18. Honduras did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011)

19. Honduras **is not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

20. Freedoms of thought and expression are guaranteed under Title III Articles 72 and 74 of the Honduras Constitution (2005).³⁵

21. There was a criminal defamation law in the Penal Code of Honduras (*desacato* law – Article 345). In 2005, the Constitutional Chamber of the Supreme Court of Honduras decided the existing *desacato* law, which penalized offensive expressions directed at public officials with two to four years imprisonment, was unconstitutional. However, as recently as December 2013, the Supreme Court of Justice sentenced journalist Julio Ernesto Alvarado to 16 months in prison on criminal defamation charges.

22. There is a freedom of information law in Honduras. The Transparency and Access to Public Information Law came into effect in 2007³⁶.

Media Self-Regulation:

23. The existence of professional organizations such as El “Comite por la Libre Expresión (or C-Libre)” and the “Colegio de Periodistas” provide a basis for further development of self-regulatory mechanisms of the media in Honduras.

Safety of Journalists:

24. Honduras remains a very unsafe place for journalists. UNESCO recorded 23 killings of journalists or media professionals in Honduras between 2008 and 2013, including Manuel Murillo Varela, Anibal Barrow, José Noel Canales Lagos, Adonis Felipe Bueso Gutiérrez, Alfredo Villatoro, Eric Martínez Ávila, Noel Alexander Valladares, Fausto Elio Valle Hernández, Luz Marina Paz Villalobos, Medardo Flores, Nery Jeremías Orellana, Adan Benítez, Israel Zelaya Diaz, Luis Arturo Mondragón Morazán, Jorge Alberto Orellana, Luis Antonio Chévez Hernández, José Bayardo Mairena, David Meza Montesinos, Manuel Juárez, Nahúm Palacios Arteaga, Joseph Hernandez Ochoa, Gabriel Fino Noriega, and Juan Carlos Argeñal Medina.³⁷ The Director-General of UNESCO condemned these killings and called

³⁵ <http://www.honduras.com/honduras-constitution/>

³⁶ <http://www.ccit.hn/wp-content/uploads/2013/12/LEY-DE-TRANSPARENCIA-Y-ACCESO-A-LA-INFORMACION1.pdf>

³⁷ See the public statements made by UNESCO Director-Generals Koïchiro Matsuura and Irina Bokova on the killings at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/honduras/>.

on the government to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO³⁸. Based on the information provided by Honduras to UNESCO, 22 out of 23 cases are considered as ongoing where the perpetrators have yet to be convicted. According to the information provided to UNESCO by Honduras, one case, that of Jorge Alberto Orellana (killed on 20 April 2010), has been resolved and the perpetrator convicted.³⁹

III. RECOMMENDATIONS

25. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)⁴⁰

26. The following recommendations enjoy the support of Honduras, which considers that they have already been implemented or are in the process of implementation:

- i) A - 82.14. Incorporate strategies for **human rights education** and training, focused in particular on the armed forces (Costa Rica);
- ii) A - 82.15. Promote human rights education and training, particularly among such administrators of justice as police officers, judges and prosecutors (Thailand);
- iii) A - 82.16. Devise programmes of human rights education on behalf of the police and the security forces, and constantly monitor the effectiveness of such programmes (Italy);
- iv) A - 82.53. Take effective measures to improve conditions of detention, in particular to reduce overcrowding and violent crime in prisons, as well as to **improve prisoners' access to educational** and health services (Austria);
- v) A - 82.102. Address the root causes of poverty, unemployment and **lack of education, particularly those affecting children and juveniles**, which would help to combat violence and organized crime – which, not infrequently, are the consequences of disappointment and the hopeless future of unemployed young people - as well as to prevent migration and the involvement of persons in drug trafficking and human trafficking (Holy See);
- vi) A - 82.105. **Increase budget allocations** for the education and health sectors (Azerbaijan);

³⁸ See Resolution 29 adopted by the 29th General Conference of UNESCO in 1997.

³⁹ See the official response from Member State Honduras on the enquiry made by UNESCO Director-General Irina Bokova at

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Condemns_Killing_of_Journalists/Honduras_16July2013.pdf.

⁴⁰ <http://www.upr-info.org/en/review/Honduras/Session-09---November-2010/Review-in-the-Plenary-session#top>

vii)A - 82.107. *Ensure that the eligibility criteria for indigenous and Afro-Honduran peoples to receive the benefits of the Presidential Programme on Health, Education and Nutrition in a culturally appropriate manner are made fair, non-discriminatory and all-inclusive (Ghana);*

27. Analysis

Honduras ratified the Convention against Discrimination in Education in 2013. It also has adopted a special plan to give access to education to persons with penal records and increased budget allocations for the education sector, though not reaching the targets to achieve coverage of education. However, Honduras has not taken sufficient specific measures to include minorities in the educational system nor to further promote human rights education.

28. Specific measures

- 28.1. Honduras should be encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**
- 28.2. Honduras could be encouraged to further promote human rights education.**
- 28.3. Honduras could be encouraged to take additional measures to include people from vulnerable groups into its educational system.**

Freedom of opinion and expression

29. Honduras must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards⁴¹. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

30. Honduras is recommended to go further than decriminalizing *desacato*, and also decriminalize defamation, and place the latter within a civil code that is in accordance with international standards⁴².

Cultural rights

31. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Honduras is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative

⁴¹ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

⁴² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Honduras is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

32. With regard to contribution of science and technology to development, Honduras is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.