



Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Intersectoral Response for the prevention, search and location of missing children – Honduras.



FINAL ASSESSMENT



Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Intersectoral Response for the prevention, search and location of missing children – Honduras.

Copyright © 2022, International Centre for Missing and Exploited Children (ICMEC)

National Capacity Building Program

The opinions, results, conclusions, and recommendations expressed in this document belong to ICMEC and do not necessarily reflect the points of view of ICMEC donors.



TABLE OF CONTENT

ACRONYMS	5		
INTRODUCTION	6		
About ICMEC	7		
APPROACHING THE PROBLEM	8		
Global Context	8		
National Overview	8		
About ICMEC 's MODEL MISSING CHILD FRAMEWORK	10		
MRC 's General Objective			
MRC 's Specific Objectives	11		
Methodology	11		
RESULTS	12		
Area: DEFINITION	13		
Capacity: National Legislation	13		
Area: REPORTING MECHANISM	17		
Capacity: Denounce and Support Line	17		
Area: RESEARCH	21		
Capacity: Immediate response	22		
Capacity: Response and Research Procedures	24		
Capacity: Family and Child Support	26		
Capacity: Formal agreements between agencies involved in the investigations of missing children, and the protection of children in general.	27		
Area: RECORD	29		
Capacity: Comprehensive Missing and unidentified children database.	30		
Capacity: Internal Case Management System for the Organization and Recording of Information.	31		
		Area: ENTRY AND DEPARTURE REQUIREMENTS	32
		Capacity: Legal regulations for cross-border travels with children.	32
		Area: PUBLIC NOTICE	34
		Capacity: Photo Distribution System	35
		Capacity: Rapid Emergency Alert System	36
		Area: Prevention and awareness	39
		Capacity: Awareness	40
		Capacity: Training for Key Professionals	41
		Capacity: Educational Campaigns	42
		Capacity: Education Programs for Parents	42
		CONCLUSIONS	43
		RECOMMENDATIONS	47



ACRONYMS:

AMHON Association of Honduran Municipalities (AMHON, for its acronym in Spanish - Asociación de Municipios de Honduras)

AMC Honduran Media Association (AMC, for its acronym in Spanish - Asociación de Medios de Comunicación de Honduras)

CDN Convention on the Rights of the Child (CDN, for its acronym in Spanish - Convención de los Derechos del Niño)

CICESCT Inter-Institutional Commission to Combat Commercial Sexual Exploitation and Trafficking (CICESCT, for its acronym in Spanish - Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas)

CICR International Committee of the Red Cross (CICR for its acronym in Spanish - Comité Internacional de La Cruz Roja,)

CNA Code of Childhood and Adolescence (CNA for its acronym in Spanish - Código de la Niñez y la Adolescencia,)

COHEP Honduran Council of Private Enterprise (COHEP, for its acronym in Spanish - Consejo Hondureño de la Empresa Privada)

COIPRODEN Coordinator of Private Institutions for Girls, Boys, Adolescents, Youth and their Rights (COIPRODEN, for its acronym in Spanish - Coordinadora de Instituciones Privadas Pro las Niñas, Niños, Adolescentes, Jóvenes y sus Derechos)

CONADEH National Commissioner for Human Rights (CONADEH for its acronym in English - Comisionado Nacional de los Derechos Humanos)

CONATEL National Telecommunications Commission (CONATEL for its acronym in English - Comisión Nacional de Telecomunicaciones)

DINAF Directorate for Children, Youth and Family (DINAF for its acronym in Spanish - Dirección Nacional de la Niñez y la Familia)

DNI National Identity Card (DNI for its acronym in Spanish - Documento Nacional de Identidad)

DPI Police Investigations Department (DPI for its acronym in Spanish - Dirección Policial de Investigaciones)

FEP-NIÑEZ Prosecutor's Office for Child and Adolescent Protection (FEP-NIÑEZ for its acronym in Spanish, Fiscalía Especial de Protección a la Niñez y Adolescencia)

ICMEC International Centre for Missing and Exploited Children

INM National Migration Institute (INM, for its acronym in Spanish - Instituto Nacional de Migración)

INTERPOL The International Criminal Police Organization

MP Public Ministry (MP, for its acronym in Spanish - Ministerio Público)

MRC Multisectoral Study of Responses and Capacities (MRC for its acronym in Spanish - Estudio Multisectorial de Respuestas y Capacidades)

NACMIC Automated Registration and Case Management System Database (NACMIC for its acronym in Spanish - Base de Datos del Sistema Automatizado de Registro y Control de Casos)

NCMEC National Centre for Missing and Exploited Children

NNA Child(ren) and Adolescent(s) (NNA for its acronym in Spanish - Niña(s), Niño(s) y Adolescentes)

OCN National Central Bureaus, NCB (OCN for its acronym in Spanish - Oficina Central Nacional)

OEA Organization of American States, OAS (OEA, for its acronym in Spanish - Organización de los Estados Americanos)

SEDS Ministry of Security (SEDS, for its acronym in Spanish - Secretaría de Seguridad)

SERCI Ministry of Foreign Affairs and International Cooperation (SRECI for its acronym in Spanish - Secretaría de Relaciones Exteriores y Cooperación Internacional)

SIGADENAH Comprehensive System to Guarantee the Rights of Children and Adolescents (SIGADENAH, for its acronym in Spanish - Sistema Integral de Garantía de Derechos de Niñez)

SNE National Emergency System (SNE for its acronym in Spanish - Sistema Nacional de Emergencias)

UCTESCTP Unit against Trafficking, Commercial Sexual Exploitation and Human Trafficking (UCTESCTP, for its acronym in Spanish - Unidad contra la Trata, Explotación Sexual Comercial y Tráfico de Personas)

INTRODUCTION

Every day all around the world, there are children and adolescents¹ (NNA, for its acronym in Spanish) who, due to various reasons, are designated as "missing children", a term that refers to a person under 18 years of age whose whereabouts are unknown. They may have run away from home, been victims of abduction by family or non-family members, been abandoned or unaccompanied, or they may have simply gotten lost or disappeared due to reasons that could be justified, among others. Whatever the reason, it is indicative of underlying problems in children's lives, often traumatic events which undermine their fundamental human rights.

Experience and data regarding this problem indicate that the majority of children who are reported missing through a formal report return or are found within a short period of time. At the same time, it shows that the longer a child is missing, the more vulnerable they become and the greater their risk of becoming a victim of violent or criminal activities, including: sexual exploitation, trafficking, illegal/insecure work, participation in criminal activities as victims or offenders, deterioration of physical and emotional health, risk of physical and sexual abuse, and in certain circumstances, even death.²

The issue of missing children is worrisome. Despite the progress made in recent years on addressing the problem to ensure a comprehensive response, there are still major challenges in the conceptual, legal and institutional frameworks.

In the absence of: 1) a coordinated international strategy that guides how to address the problem, 2) specific qualitative and quantitative information on the scope and dimension of the problem, and 3) the government's obligation to ensure the

protection of children, the International Centre for Missing and Exploited Children (ICMEC), developed the **Model Missing Child Framework** which focuses on the best interests of the child and the protection of their rights as set forth in the Convention on the Rights of the Child and its Optional Protocols.³ The aim is to contribute to a more effective approach and, at the same time, aid countries to build solid national responses, while facilitating the investigations, management, and resolution of missing children cases to be more efficient.

The model drives the global community's ability to protect children from violence, including sexual exploitation and trafficking, crimes which are linked to cases of missing children. It also contributes to the achievement of the UN Sustainable Development Goals, specifically Goal 16.2 of the United Nations to end abuse, exploitation, trafficking and all forms of violence and torture of children, through the strengthening of institutions.

For Honduras, the development of the **Multisectoral Study of Responses and Capacities (MRC) for the prevention, search and location of missing children and adolescents** represents an opportunity to improve how to approach the issue through a technical tool that presents an analysis of the framework of missing children's problem, in a joint effort based on the inputs from government institutions and civil society organizations which bind them in accordance with their respective powers and responsibilities.

The results presented in this report reflect the government's efforts to address the problem of missing children, as well as the gaps identified for which a series of conclusions and recommendations are presented. The MRC aims to be an input for the strengthening of the country's capacities and efforts, so that no Honduran child, at any time in their life, should find themselves missing, and even less, that this situation jeopardizes their rights, especially their safety, dignity or life.

¹ Henceforth, even if the acronym NNA is not used, when "child" is mentioned, it will be referring to "both children and adolescents of different genders under 18 years of age", as stated by the CDN.

² ICMEC, MRC, Version 2, September, 2019. Kelly Dedel, Fugas Juveniles, Guías orientadas a problemas para la policía. Serie de guías específicas de problemas No. 37, Departamento de Justicia, August, 2010, p. 4, at http://www.cops.usdoj.gov/files/RIC/Publications/e12051223_Juvenile.pdf. (last visit: July 18, 2019)

³ United Nations General assembly November 20, 1989.

Sobre ICMEC



The International Centre for Missing and Exploited Children (ICMEC) is a non-governmental organization that fights against the disappearance, abuse and sexual exploitation of children and adolescents around the world. The organization headquarters are in Alexandria, Virginia (USA), with regional representation in Australia, Brazil, Colombia, El Salvador, Guatemala, Honduras, India, Kenya, London and Singapore. Since its creation in 1999, ICMEC has worked hand in hand with governments, law enforcement, industry and civil society organizations to build institutional, legislative and public policy frameworks to protect children and adolescents from going missing, from abuse and sexual exploitation. ICMEC's work in more than 120 countries has led to the strengthening of capacities to prevent and respond more adequately to the disappearance, abuse and sexual exploitation of children. ICMEC's mission is to protect children around the world from going missing or being abducted by providing resources for governments, law enforcement, non-governmental organizations (NGOs) and families on prevention, as well as the appropriate actions to take in the event that a child goes missing.

For ICMEC, even a single missing, abused or exploited child is one child too many. For this reason, ICMEC offers countries its experience and capabilities so that they may counteract through different approaches the tragedy that children, families, communities and society in general can experience as a result of this scourge that can end in criminal actions.

APPROACHING THE PROBLEM



Global Context

There is no specific convention on missing children. The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (1980 Hague Convention) is limited to issues relating to parental kidnapping. There is also no global consensus on how to define "missing child" or how to investigate cases of missing or abducted children. Although there is awareness that the problem affects thousands of children and families, there is a lack of data and accuracy on the problem at a global level.

This, however, should not detract from the important advances and efforts made at the international, regional and individual levels in many countries. One such advancement is the widespread approval and dissemination of emergency alerts to search for missing children, which are implemented by the collaboration of government institutions and communities. This has allowed for the strengthening and hastening of search, location and investigation efforts, among other strategic actions that are allowing a more effective approach to the problem.

In 2021, the National Centre for Missing and Exploited Children (NCMEC)⁴, assisted authorities and families in 27,733 cases of missing children, most of whom had run away from home and were vulnerable to becoming victims of sexual exploitation, trafficking, gangs and other dangers.⁵ Many cases are dismissed because the children are located unharmed in all regards except for the shock and anguish of the moment. Unfortunately, there is a significant percentage of located children that have been harmed or abused, either

emotionally or sexually. Others are found lifeless, or there are even children who never appear. All these uproots the life of the child, the family and society.

A study from the United States indicates that out of 735 cases of homicides of missing children, 76.2% were murdered within the first three hours of their disappearance⁶, which indicates the seriousness of the problem and that, when it comes to missing children, every minute counts.

Panorama Nacional

Honduras is no exception to the global situation, missing children are reported daily and unfortunately, some cases end in tragedy. This urgent situation calls for the strengthening of capacities and for an institutional, inter-institutional, sectoral and intersectoral response. It is key to have adequate legislation and specific institutional and social measures for the prevention, reporting, search, location and timely investigation of cases of missing children, through the commitment and concrete actions of all stakeholders with competencies in the matter.⁷

The country ratified the Convention on the Rights of the Child, an instrument that brings together the essential principles to guarantee children access to their general welfare. Along with the approval of this international standard, it approved the

4 National Centre for Missing & Exploited Children, <https://www.missingkids.org/HOME>, (Last visit on October 7, 2022).

5 La Voz de América. EEUU: rescatan a 70 niños desaparecidos en Texas. June 1, 2022.

6 Washington State Attorney General's Office, Case Management for Missing Children Homicide Investigation 7, 13, May 2006, at <http://www.atg.wa.gov/child-abduction-murder-research>. (Last visited July 18, 2019)

7 Decree No.75-90. May 31, 1990.

Code of Childhood and Adolescence⁸, which defines as a child all persons up to eighteen (18) years of age.⁹

Currently, close to 30% of the total population is under 18 years of age. Seventy-four percent live in poverty-stricken households and only 50% of school-age children attend an educational center;¹⁰ these numbers reflect high levels of precariousness for this age group, which can lead to situations of vulnerability and great risks, caused by their economic and social situation.

This issue is extremely sensitive. The causes and problems related to the disappearance of a child range from conflicts with or between parents or guardians, running away from home, being abducted by a guardian, getting lost, being an unaccompanied migrant child, to issues linked of organized crime through actions such as kidnapping, abduction, sexual exploitation and trafficking.

Honduras, along with El Salvador and Guatemala, make up the Northern Triangle of Central America, a region that is going through difficult times due to being countries of origin and passage for the phenomenon of irregular migration, a situation that now appears as one of the causes of disappearance of people in general and children in particular. In 2020, out of 499 Honduran persons reported missing along the migratory route, 59 were children, which indicates that, of the total number of missing persons, about 12% are children¹¹. There are reports indicating that missing Honduran girls were found in Guatemala and Mexico in centers for sexual exploitation or subjected to trafficking, which shows the link between the disappearance, especially of girls, who are seized to commit these crimes.

Often, there are press publications that report on missing children, including some that become emblematic¹²; but there is no exact data that indicates the magnitude of the problem, since the sources are varied and of different nature. Officially, the closest data are those handled by the Missing Persons Tracking and Reporting Unit of INTERPOL, by the Police Investigations Department (DPI)¹³, which indicates that in 2022, from January to August, 224 reports of missing persons had been received, of which 151 (67%) were recovered in a short time, of these 151, 29 were persons under 18 years of age (19%). There are still 73 people missing.

The integral protection of NNA is an obligation of the Government of Honduras, as established in the constitution of the Republic through the Convention on the Rights of the Child and the Code of Childhood and Adolescence. This should be done through a series of measures aimed to protect individual children and their rights which are the result of the relationships they maintain with each other and with adults. It is the responsibility of the government to create the necessary organisms and procedures to ensure such protection. In this context, there is an imminent need to demonstrate the political will to address the problem of missing children by means of decisions and actions that strengthen the capacity to respond in terms of prevention, reporting, location, investigation and protection in cases of missing and localized children.

8 Legislative Decree No.73-96 Official Journey La Gaceta No: 28,053, September 5, 1996. Amended by Legislative Decree No.35-2013, Official Journey La Gaceta No. 33,222, February 27, 2013.

9 Article 1, Code of Childhood and Adolescence, 1996.

10 Instituto Nacional de Estadística (INE). LXXIII Permanent Multipurpose Household Survey (Encuesta Permanente de Hogares de Propósitos Múltiples), October, 2021.

11 Diario Tiempo, September 27, 2020.

12 As in the case of Enoc Misael Perez, missing since December 2, 2019, when he was abducted by unknown persons and is still missing.

<https://www.tunota.com/migracion/articulo/enoc-perez-nino-desaparecido-honduras-padres-karina-chinchilla-kevin-perez-exigen-justicia-muestren-cadaver>

13 Throughout the document, when indicating "Missing Persons Unit", reference is made to the INTERPOL Missing Persons Tracking and Reporting Unit of the Police Investigative Department (DPI).

About ICMEC 's MODEL MISSING CHILD FRAMEWORK

This model focuses on the best interests of the child, and the protection of their rights. It is designed to guide the strategic activities that a country should implement to prevent and address cases of missing children, while recognizing the strengths and weaknesses of the current responses in terms of prevention, search, location and post-location support of missing children. The way to achieve this is by reviewing the actions taken, both individually and in a coordinated manner, by the main responsible and co-responsible actors in charge of comprehensive response.

The framework outlines the need for local involved parties to collaborate in guaranteeing the availability of all resources when a child goes missing.

The areas or elements that comprise it must be reviewed periodically to ensure that they continue to be effective and have the desired impact. Similarly, in order to conform to new trends and changes in research, additional elements may be added. Since the protection of children never stops, it is expected that the framework for the protection of missing children will be part of the national child protection strategy of each country.

The ICMEC 's Model Missing Child Framework guides actions in seven core areas or elements, each of which includes key capabilities to ensure that the problem is comprehensively addressed, as reflected in the following diagram:



AREA	CAPACITY ¹⁴
 1. Definition	1. National Legislation
 2. Reporting Mechanism	2. Denounce and support line
 3. Research	3. Immediate response 4. Response and research procedures 5. Family support 6. Formal agreements between investigation and protection organizations
 4. Record	7. Missing and unidentified children database 8. Internal case management system
 5. Entry an departure requirements	9. Cross-border travel regulations
 6. Public Notice	10. Photo distribution system 11. Rapid Emergency Alert System
 7. Prevention and Awareness	12. Awareness 13. Training for Key Professionals 14. Educational Campaigns 15. Education Programs for Parents

General Objective of the MRC

To have a reference framework for the creation of a strategic and guided plan, based on the review, evaluation and analysis of the current response of Honduras, in terms of prevention of disappearances of children, and of management and response regarding the search and location of girls and boys reported as missing and the follow-up after location. Said plan is expected to allow ICMEC, the government and the other actors to prepare an institutional, interinstitutional and intersectoral plan of action that leads to the development of a National Response Model based on the findings and gaps identified.

Specific Objectives of the MRC

Identify the country's efforts in prevention, investigation and assistance to cases of missing NNA.

1. Identify the country's efforts in terms of prevention, investigation and assistance in cases of missing children
2. Determine the gaps in prevention, investigation and assistance to missing children within the national response.
3. Pinpoint top-priority actions that will lessen the impact of the identified gaps.
4. Develop a strategic work plan to guide the development of a National Response based on ICMEC 's Model Missing Child Framework.

¹⁴ Referring to the institutional, legal and professional resources required to perform or achieve the task established in each of the areas, as well as the key synergies and coordination to advance in the direction that allows promoting and achieving the necessary results to comprehensively address the problem of missing children.

Methodology

Taking into account the areas defined in the Model Missing Child Framework, the methodology used in the development of the study include:

- Creation of a directory of institutions and organizations focused on addressing the problem of missing children and its different areas: prevention, reporting, denouncement, search, location, research and post-location follow-up.
- Design of surveys according to institutional competencies.
- Interviews, face-to-face and online meetings with key actors.
- Follow-up through calls, emails or messages upon delivery of information.
- Feedback on the information provided.
- Verification of the submitted information.
- Review of institutional and legislative frameworks.
- Search for open sources of information.
- Analysis of the inputs provided or remitted following the Model Missing Child Framework and identifying strengths, weaknesses and gaps.
- Drafting of the document.
- Drawing of conclusions and recommendations aimed at strengthening capacities in accordance with the Model Missing Child Framework.

The following agencies participated in the process during at one or more of the steps outlined above:

- Directorate for Children, Youth and Family (DINAF, by its acronym in Spanish)
- Ministry of Security (SEDS, by its acronym in Spanish)
 - Police Investigations Department (DPI, by its acronym in Spanish)
 - National Central Bureaus, NCB (OCN, by its acronym in Spanish) / The International Criminal Police Organization, INTERPOL
 - Missing Persons Unit
 - Cybercrime Unit

- Public Ministry (MP, by its acronym in Spanish)
 - Prosecutor's Office for Child and Adolescent Protection (FEP-NIÑEZ for its acronym in Spanish, Fiscalía Especial de Protección a la Niñez y Adolescencia)
 - Unit against Trafficking, Commercial Sexual Exploitation and Human Trafficking (UCTESCTP, by its acronym in Spanish)
- National Telecommunications Commission (CONATEL, by its acronym in Spanish)
- National Migration Institute (INM, by its acronym in Spanish)
- National Emergency System (SNE, by its acronym in Spanish)
- National Congress – Family, Childhood, Youth and Older Adult Commission
- Inter-Institutional Commission to Combat Commercial Sexual Exploitation and Trafficking (CICESCT, by its acronym in Spanish)
- National Commissioner for Human Rights (CONADEH, by its acronym in Spanish)
- International Committee of the Red Cross (CICR, by its acronym in Spanish)
- Coordinator of Private Institutions for Girls, Boys, Adolescents, Youth and their Rights (COIPRODEN, by its acronym in Spanish)
- Honduran Media Association (AMC, by its acronym in Spanish)

In this section we present the results from the analysis of the information gathered regarding each of the seven areas and the capacities established in the Model Missing Child Framework.

The key tenets and guidelines contained in each area are presented briefly at the beginning as a frame of reference. Additionally, the relevant factors that contributed to the achievement of the capabilities are described, as well as the gaps that were identified. On this basis, the following conclusions and recommendations are made in order to strengthen the national response in terms of prevention, search, location, investigation and post-tracing assistance for missing children.



Area: **DEFINITION**

Reference framework

To have clear and legally binding legislation that facilitates the internal processes of reporting and investigating cases of missing children.

This includes having a legal definition for "missing child" and in turn, specifying and categorizing different instances of missing children, including but not limited to: escaped or runaway child, family abduction or kidnapping, non-family abduction or kidnapping, missing child, abandoned child, unaccompanied child, the list may vary according to local needs and context.

This area also includes having clearly defined legislation on crimes that may be linked to the disappearance of a child, such as abuse, sexual exploitation and trafficking, among others.

Capacity 1: National Legislation

This includes having an effective and comprehensive regulatory framework that accurately addresses the problem, taking into account its particularities, facilitating the protection of children and adolescents and the investigation of cases from the different categories in which it occurs.

Relevant Aspects

International binding regulations

» Honduras ratified the **United Nations Convention on the Rights of the Child (CDN)**¹⁵ and its facultative

Protocol on the sale of children, child prostitution and using children in pornography¹⁶, committing to making the human rights of children a reality so that they can develop their full potential and be protected from any form of violence, abuse, exploitation and harm.

» Honduras is a State party to the **1980 Hague Convention on the Civil Aspects of International Child Abduction**¹⁷, which is limited to jurisdictional issues related to the abduction of a child by a non-custodial parent.

¹⁵ Signed on May 31, 1990 and ratified on August 10, 1990. Published in the Official Journey La Gaceta No. 26,259 on August 10, 1990.

¹⁶ Approved by Agreement No. 21-DT of the Executive Power on September 27, 2001. Ratified by Decree No. 62-2002 of April 2, 2002. Published in the Official Journey La Gaceta No. 28, 777 of May 3, 2002.

¹⁷ Ratified on December 20, 1993.



» The country is also a signatory to instruments of the Inter-American Commission on Human Rights of the Organization of American States (OAS) that are binding on the issue, including: **Inter-American Convention on the International Return of Children, Inter-American Convention on International Traffic in Minors¹⁸, Inter-American Convention on Forced Disappearance of Persons¹⁹ and the Inter-American Convention on Conflicts of Laws Concerning the Adoption of Minors²⁰**

» Furthermore, Honduras has also ratified the **Declaration on the Protection of All Persons from Enforced Disappearance²¹**, the **International Convention for the Protection of All Persons from Enforced Disappearance²²** and at the regional level, the **Inter-American Convention on the Forced Disappearance of Persons²³**, applicable when the deprivation of a person's liberty is committed by agents of the State or by persons or groups of persons acting with its authorization.

Specific National Regulations

» The national regulatory framework with specific guidelines on missing children is limited, however, there is the **AMBER Early Alert Act, to Locate and Protect Missing or Abducted Children and Adolescents²⁴**, which aims to activate the early warning system through a set of coordinated and articulated actions between institutions in order to expedite and ensure the search, location and protection of missing, abducted, kidnapped or abducted children.

» In addition, DINAF offers the **Guide for the restitution of rights of NNA in situations of abduction and/or illicit retention by one of the parents in an administrative instance²⁵** which, as the name suggests, is an instrument with specific guidelines for cases of NNA abducted by a parent who does not have legal custody.

National Binding Regulations

» The country has a series of **general regulations which, while not specific to missing children, contain rights and guarantees applicable to the problem.**

-The **Constitution of the Republic** includes the following mandates:

-The State has the obligation to protect children. Children entitle the protection provided in international agreements that ensure their rights. (Art. 119).

-Abandoned minors are subject to special legislation and protection depending on the case. (Art. 120).

-Every child must be protected against any form of neglect, cruelty and exploitation. They will not be subjected to any kind of trafficking. (Art. 124).

-In any circumstance, every child must be among the first to receive aid, protection and assistance. (Art. 126).

-Honduras endorses the principles and practices of international law that are inclined towards human solidarity. (Article 15).

-Every person has the right to have their physical, mental and moral integrity respected. No one should be subjected to torture or cruel, inhuman or degrading treatment or punishment. (Article 68).

-Personal freedom is inviolable. (Article 69).

» In coherence with the ratification of the CDN, in 1996 the Code of Childhood and Adolescence²⁶ was approved, which establishes specific guidelines on the protection and

18 Ratified on October 23, 2008.

19 Signed on June 10, 1994 and ratified on April 28, 2005.

20 Ratified on July 7, 2008.

21 Adopted on December 18, 1992.

22 Signed on February 6, 2007 and ratified on April 1, 2008.

23 Ratified on October 23, 2008.

24 Legislative Decree No. 119, 2015. Official Journal La Gaceta No. 34,226. December 30, 2016. Hereinafter named in the document as AMBER Act.

25 This technical tool approved by DINAF is of mandatory application for this institution in its capacity as Central Authority of Honduras for the Conventions related to the international restitution of NNA.

26 Legislative Decree No.73-96. Official Journal La Gaceta No: 28,053, September 5, 1996.



comprehensive care of children, especially those who are in a situation of vulnerability and require special safeguard measures to uphold the best interest of the child. Among other definitions, this standard establishes:

“Children shall be understood as all persons up to eighteen (18) years of age”.²⁷

In addition, it includes certain guidelines:

– Abandoned children²⁸ a child is considered abandoned if: a) They were abandoned in a public place; b) They have no legal parent or guardian; and c) They have not been claimed by their parents or legal guardians once they are discharged from hospital or social assistance establishments. (Article 141).

–Any person or institution that becomes aware of the abandonment of a child must report it to the corresponding authorities, in order to guarantee the protection of the child, as well as file a report if the case is considered criminal. (Article 142)

–Abuse through neglect, defined as a breach in the parents’ duties to the child, including both the exclusion of a child from home, and failure to guarantee the child’s freedom and rights. (Article 164).

–Requirements and control for children’s travel and departure authorization. International Cooperation in the Matter of Child Abduction. (Arts. 101 – 106).

–Any boy or girl who is a victim of sexual abuse, sexual exploitation in pornographic shows, sex tourism, trafficking or other illegal sexual practices is to receive medical, psychological and/or psychiatric care from the State. (Art. 173).

–Cases of international child abduction will be processed in accordance with this Code, until the special Law on the matter is issued. (Art. 282).

» **The Criminal Code²⁹** codifies and classifies some criminal actions linked to the disappearance of a child. It establishes punitive provisions on:

-Abandonment of minors. (Art. 228).

-Kidnapping, which constitutes a crime in which a person is deprived of liberty and the parties which are doing so, put forward demands in exchange for their release. (Art. 239).

-Forced disappearance of persons, aggravated when the disappeared person is under eighteen years of age. (Art. 141).

-Aggravated kidnapping, when the victim is under eighteen years of age. (Art. 240).

-Abandonment of home through induction. (Art. 285).

-Abduction of minors or disabled persons who require special protection. (Art. 286).

-Rape, sexual assault, incest, statutory rape, contact with minors through electronic means for sexual purposes. (Arts. 249-254)

-Crimes related to sexual exploitation and child pornography. (Arts. 257 -264).

-Omission of the duty to help especially vulnerable people, among whom are counted lost or abandoned children under 14 years of age. (Art. 205).

-Establishes general provisions for children, abandoned people or social risk. (Art. 611).

27 Decreto Legislativo No.35-2013, Diario Oficial La Gaceta No. 33,222, 27 de febrero de 2013. Artículo No.1.

28 Título II de la Protección Especial de la Niñez, Capítulo I, Incumplimiento y Violación de Derechos, Sección Primera de la Niñez en Situación de Abandono. Código de la Niñez y la Adolescencia, Reforma, Decreto Legislativo No. 35-2013. Artículos 141-153

29 Legislative Decree No. 130-2017. Official Journal La Gaceta No. 34,940, May 10, 2019.



- » This regulation includes the crime of **Illicit Trafficking**, which punishes those who promote, favor or facilitate the illegal trafficking or clandestine immigration of persons, who are in transit through or destined for Honduras or another country, as violating the law upon entry, permanence, transit or departure. (Art. 297).
- » The Criminal Code also classifies and codifies the crime of **Trafficking** and **degrading forms of human exploitation**, outlining aggravating circumstances when the crime is committed against a person under 18 years of age. (Arts. 219-224).
- » Sexual abuse is punished through defining and specifying the crimes of **rape, assault, incest, contact with minors for sexual purposes through electronic means, statutory rape and sexual harassment** (Penal Code, Arts. 249 – 255).
- » Crimes related to **sexual exploitation** and child pornography are also criminalized in the Penal Code. (Arts. 257 -262).
- »In migratory matters, the **Migration and Aliens Law**³⁰ establishes precise guidelines on the regulations and controls on the entry and exit of children from the national territory.
- »In civil matters, the **Civil Code**³¹ contains guidelines referring to habitual residence (Art. 60); and the **Code of Civil Procedure**³², for the measures of custody, care and food, applicable to cases of parental abduction. (Art. 664). The **Family Code**³³ also establishes binding mandates for parental authority. (Arts. 185-187, 191-194).

Gaps

» Despite the existence of a broad national normative binding framework on missing children in terms of children's rights, civil, criminal, migratory and family rights, **there is no national norm which contains a specific definition for "Missing Child", or for "Missing Person"**, which constitutes a legal void in address the problem in a clear and concise manner, while also considering the particularities of each case.

»There are definitions that may fall under one of the categories of cases of missing children, such as **abandoned children**, but the interpretation may lead to ambiguity and may not facilitate the internal processes of reporting, locating and investigating cases of missing children.

»There is a **conceptual void** regarding the following concepts: escaped or runaway child, kidnapped child, family abduction, non-family abduction, lost child, abandoned child, and unaccompanied child, among others, that the State of Honduras considers relevant to the problem, and because of the lack of a holistic definition, the attention and follow-up of cases becomes more complex.

» In the absence of a definition of missing children and of the categories in which the problem may occur, the collection of qualitative and quantitative information is of a general nature, **therefore, there is no specific data that would provide an official account of the magnitude and dimension of the problem.**

30 Legislative power, Decree 208-2003.

31 Legislative Decree No. 76, 1906.

32 Legislative Decree No. 211, 2006.

33 Legislative Decree No. 76, 1984.



Area: **REPORTING MECHANISM**

Reference framework

A mechanism that would allow for the public to report or denounce immediately and easily provide clues about the disappearance of a child at no cost, available 24/7, easily accessible and staffed by trained personnel. The mechanism should allow children to call when they need help, while at the same time making materials and information available to the public.

The mechanism could be a toll-free hotline, a website, managed by law enforcement, a non-governmental or governmental entity, with a **standardized registration form**.

This mechanism should be governed by **principles** of confidentiality, with the Greatest Interests of the Child at all times, including immediate coordination with the responsible investigative agency.

This mechanism can become a **platform for prevention campaigns** that highlight the importance of public support in the search for missing children.

Capacity 2: Hotline for Reporting and Support

This includes having an efficient mechanism for the filing of reports³⁴ on cases of missing children, administered by professionals with the capacity to gather information that facilitates the investigation of the case, the protection of the child. And, at the same time, that can provide attention and support to the children and family members who come to them.

Relevant Aspects

The country has:

» **Nine, one, one (911) from the National Emergency System (SNE)**. Toll-free hotline, staffed by operators

who receive all reports of incidents that compromise the freedom, integrity, security and life of people. They coordinate with the National Police and redirect cases immediately.

In some cases, they also coordinate with the corresponding institutions as established in Article 14 of the National Emergency System Law.³⁵ “Once the emergency communication is received, the receiver must refer it to the specialized unit assigned to the SNE in the institution or institutions that constitute the SNE and are competent to handle it according to the nature

³⁴ Also known as reporting hotline. It refers to a report because it starts from the legal scoop that the fact of the disappearance of a child itself is not a crime. Therefore, it is not configured as such in national legislation.

³⁵ Decree No. 58, 2015. Official Journal La Gaceta No. 33,828, September 7, 2015.

of the event". The aforementioned institution must act as expeditiously as possible, so that each reported emergency is resolved.

This body has experience reporting and coordinating cases of missing children with DINAF, the Public Prosecutor's Office (MP) and CICESCT, but in general, communication is limited to activating the National Police, informing them of the facts reported, and providing information from security cameras installed at key points in the national territory, which is a valuable input in cases of missing children.

One task of 911 is that of receiving and filing reports and calls. This filing emphasizes the **data that can attest or provide evidence of the facts that are being reported.**

DINAF, the Public Prosecutor's Office, CICESCT and COIPRODEN have trained SNE managers and operators on how to receive reports about different situations, problems and crimes affecting children and the varied approaches they should take in dealing with them. This training has led to better coordination and more effective follow-up of cases.

» **The Missing persons Unit of the DPI**, provides the general public with the number **(504) 9462 8612**, which is also promoted through the website: alertaamber.gob.hn. This hotline is cellular, meaning that it requires available credit or an internet connection to make the call. The line is staffed by personnel of the Unit, once they receive a report, they activate the investigation process from the same instance.

» **DINAF's 110 hotline** is a free hotline to identify and respond to situations in which children's rights are being infringed. When a report related to missing children is filed, it is immediately forwarded to the DPI for investigation and follow-up. This hotline is staffed by psychology professionals who also provide support to the person filing the report. It operates from 8:00am to 5:00pm, Monday through Friday. This hotline is financed with USAID funds.

» **Mobile hotline (504) 8990 5187 for CICESCT's Immediate Response Team**, which requires cell credit or internet connection to call, and is operated by professionals who are part of this team, but who, in turn, assume other functions. They try to be available at all times, but since there are no shifts, if they are unable to answer a call, they return the call and contact the person promptly. They receive reports on cases of missing children who are suspected of being victims of sexual exploitation or trafficking, and if this is not the case, they refer the report to the corresponding authorities.

Each case, depending on its particularities, is processed and coordinated with the Unit against Trafficking, Commercial Sexual Exploitation and Human Trafficking (UCTESCTP), The Prosecutor's Office for Child and Adolescent Protection (FEP-NIÑEZ for its acronym in Spanish, Fiscalía Especial de Protección a la Niñez y Adolescencia), the Missing Persons Unit- INTERPOL/DPI, and DINAF. They have had positive results in locating and rescuing victims who were initially reported as missing. This hotline provides emotional support, guidance and support to children and adults who require it.

» Reports regarding missing children can also be filed directly through the **Central and Regional Offices of the Public Prosecutor's Office and National Police Stations**. In addition, through the Comprehensive Care Module (MAI), they provide 24/7 assistance, in a coordinated manner through a set of management procedures that promote comprehensive care for victims of crime, minimizing secondary victimization through the articulation of protective actions to help victims and those affected by the criminal act, within the first 24 hours.

–The following e-mail addresses are also available for reports:

- denuncias@cicesct.gob.hn of the CICESCT
- Trata_personas@mail.mp.hn of the UCTESCTP of the Public Prosecutor's Office



The information will be received in the emails and the receiving institution follows up on each case.

- In addition, on its website of CICESCT (www.cicesct.gob.hn) there is a direct page for reports. This page uses a basic format for crimes of sexual exploitation and trafficking.

» All the aforementioned hotlines receive reports immediately; handling and redirecting each case as quickly as possible. They implement the necessary mechanism of coordination through an official letter, an email, a call or a WhatsApp message via official telephone numbers. Each institution keeps the information of the report in its files and any coordination actions undertaken. With the exception of DINAF, which receives support from USAID, the rest of the available lines and channels are financed with government funds.

» In addition, CONADEH handles ex officio reports in any of its delegations in the 18 departments of the country. Its deputy representatives or their delegates may present themselves at any public administration center, civil or military, to verify as much information as necessary, conduct personal interviews or proceed to the study of the files or documentation required. In addition, when a family files a report, due attention is rendered by coordinating with the Public Prosecutor's Office, CICESCT, Forensic Medicine and the DPI.

» **Canal Hable Como Habla (HCH) receives and publishes information on missing persons** through telephone numbers that it makes available to the public. This is done as a mechanism of corporate social responsibility and community service. They use a billboard format that includes a photo, personal data, the place where the person was last seen and the telephone number of those involved in receiving information about the case. This broadcast, although not

permanent, is usually done in two formats: a space in their daily programming dedicated exclusively to it, or an announcement broadcast in one of the news programs, according to the request made to the channel by a family member.

» It should be noted that some national radio media also sporadically receive and broadcast reports on missing persons.

Gaps

» The only services available 24/7 are the SNE and the MAE, the former by phone and the latter by the filing of a report in person. The DINAF operates on a schedule, the CICESCT returns the call if the call was not answered, and the Missing Persons Unit line operates in a similar way, since the phone is answered by officers who are also involved in the investigation. Since the latter are the agencies that specialize in the subject and in children's issues, by not always being available, there is a significant gap in the specialized and tailored response, given that not all of the aforementioned hotlines have professionals with the skills or knowledge to handle cases of missing children and provide emotional support to their families.

» **Staff turnover in the SNE, CICECT, and DINAF** has weakened training efforts, especially in years when there is a transition to a new government. A similar situation occurs in the **National Police**, where there are also frequent movements of personnel.



» Everyone receives and requests preliminary information about the incident, but it **is the DPI who investigates and is in charge of monitoring the cases.** If a new channel of communication is opened to receive additional information, such information is relayed by the police and they do not always coordinate with the agency that submitted the report.

» **The Public Prosecutor's Office deals with citizens who report cases of missing persons only if it is evident from the report that a crime may have been committed;** otherwise, it immediately refers the case to the DPI - Missing Persons Unit so that the report may be filed and an investigation for missing persons may be initiated.

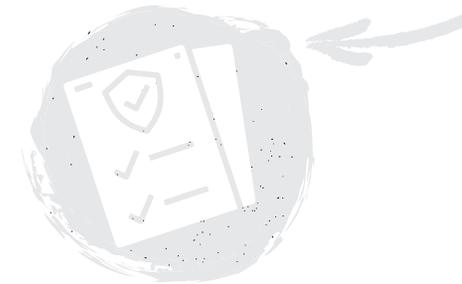
» No **awareness campaigns** have been developed or implemented in order to encourage the reporting of cases and the promotion of cooperation through the existing hotlines and channels. Moreover, no effort has been made to emphasize the importance of counting on the support of the entire population in investigations of missing children. In the web page alertaamber.gob.hn some messages of prevention and the call to denounce are posted.

» **The obvious willingness of the media to help with this problem is not being taken advantage of.** The practice of HCH and other means of communication can be improved by generating or strengthening public-private partnerships, since the resources that it makes available. These, which could be managed in a coordinated manner with the authorities, and with the support of the population, can strengthen the process of reporting and location of disappeared children.

» There is no **specific format for receiving reports** about

missing children. Nor is there a specific protocol for coordination and delegation of tasks. Each case is handled in accordance with the experience gained or the internal guidelines of each institution. This can make it so that the speed and the forms in which cases are handled will not be uniform. The handling of a case could even be left to the whims of the individual who answers the call.





Area: **RESEARCH**

Reference framework

Immediate response. Time is critical when reporting a missing child. The investigation must begin immediately. The response must be coordinated and swift, so that every hour is used efficiently, given the fact that the risk of damage or injury to the child increases every hour. A child whose whereabouts is unknown is a highly vulnerable person. Whatever the reason for their absence, they could be the target of crimes, and their life could be at risk.

Response and Research Procedures. There must be policies and procedures for the investigation process, including at least: setting up immediate actions once the case is registered; interviewing suspects, family members, friends, and witnesses; conducting a risk assessment immediately after receiving the report, which will provide an understanding of the seriousness and urgency of the case; defining a strategy for the investigation; defining which resources are needed to search for the child; determining who to notify and coordinate with internally and externally; the gathering and management of forensic evidence; the establishment of special procedures in the case of missing children outside of the country; determining how and when to activate the public appeal, previously carrying out a risk assessment to see if it is pertinent; the management of media engagement; interviews with the children after their recovery to determine what happened.

The personnel of the instances with competences must be duly trained regarding the indicated responses and procedures. No matter the age, gender, race, or circumstances of a child's disappearance, it should always be assumed that the child is in danger unless otherwise confirmed.

Family and child support. The priority in a case of a missing child is the child, but this does not mean the child is the only person affected. Therefore, a support system must be created for the sake of the family during and after the investigation. The family member who reports or who participates in the investigation may need guidance, information about the process, and emotional support due to the situation they are going through. It is necessary to have professionals trained for this purpose as a point of contact, or if appropriate, as family liaison officers, which can significantly help in the investigation, since they can obtain detailed information about the family dynamics and the possible reasons on why the child is missing.

Once the child appears, it is important to investigate and understand what happened while the child was missing, to provide support, follow-up, and make decisions based on what happened. Any interview with the child should take place in a neutral environment, without judgment or prejudice. This will allow us to gain their trust and make them more willing to share information about what happened while they were missing.

Formal agreements between agencies involved in the investigations of missing children, and the protection of children in general. A coordinated, articulated and complementary approach is required between justice operators and child protection agencies, in order to guarantee a comprehensive and effective response. Establishing formal agreements is a good practice that achieves optimal results, when taking into account the best interests of the child and the guarantee of their rights.

Capacity 3: Immediate response

This includes defining the legal provisions and resources needed to immediately attend to cases of missing children, establishing the necessary coordination so that, from the outset, an intervention plan is designed and implemented.

Relevant Aspects

» The Missing Persons Tracking and Reporting Unit, which is part of **DPI's OCN-INTERPOL**, initiates the investigation in cases of missing children. A case is formalized when a family member reports the disappearance of a child, thus initiating the investigation process ex officio or by means of a report filed or referred by another agency. **There is no delay between the receipt of the report and the initiation of the investigation;** the DPI is based on the principle that the sooner a missing child is reported as missing, the sooner the

investigation can begin. According to the information provided by the DPI, all cases involving NNA are dealt with immediately, which represents a significant advance for their location and recovery.

» **The search is conducted at the local and national level by the different investigative agents of the DPI**, of the Secretary of Security, and at the international level, by the Secretary of State in the Office of Foreign Relations and International Cooperation (SRECI, for its acronym in Spanish), departing from the reports made by the National Police.

» **In cases where an immediate investigation is not required**, because the reported facts indicate that there is no risk, the report is always considered and the case will be followed up with.



Gaps

» Although it is indicated that there is no waiting time, **operationally the capabilities to respond may be limited by the availability of agents, as well as by the time and resources of the Unit and of the DPI in general.** The Unit only has seven members counting both administrators and investigators in the Tegucigalpa regional office, and there also are some agents in charge of investigating the cases in the San Pedro Sula regional office.

» In the rest of the Departments, at the national level, there is no Missing persons Unit. Therefore, any DPI agent takes charge of the cases, which indicates that **most of the investigations are carried out by agents who are not specialized in cases of missing children.** For this reason, it is necessary to improve the training on immediate action, as well as to gauge the level of impact that the effort has during the first few hours of the search.

» **The assessed level of urgency can vary from case to case.** Because it depends on the assessment made at the time the report is received, it is likely that there are cases that are placed on hold and not attended to immediately.



Capacity 4: Response and Research Procedures

This includes having policies, procedures and the capacity to carry out the investigation process, following the actions needed to gather the facts, information and evidence that allow the resolution of the case in a positive manner. This capacity is oriented to employ techniques, resources and coordination to ensure the location and recovery of children, while ensuring the best interests of the child. It includes having specialized units and professionals fully trained in the responses, procedures and coordination required for each case.

Relevant Aspects

» The investigation of missing NNA cases is carried out under the guidelines of the **Uniform Criminal Investigation Manual**, an instrument that contains general guidelines to be followed by prosecutors, forensic experts, investigators, police and other experts. The investigators in charge of a missing child case, under the guidelines of this manual, will decide which strategy of investigation will be followed, identifying the resources, as well as the internal and external coordination needed to conduct the search.

» **In order to respond to cases of missing NNA the gold standard is the Amber Early Alert Act, to Locate and Protect Missing or Kidnapped Children and Adolescents.**³⁶This regulation establishes the main points to be followed for immediate action in these cases.

» In terms of time, the DPI points out the following:

–In the first three hours, administrative procedures such as statement taking, profiling, and activation of the different notifications and alerts are carried out.

–In the first 24 hours, field searches, the location of cameras, and subsequent requests for videos to be sent to 911 and others are made.

–In the first 48 hours, the information collected is analyzed in order to conduct additional field searches.

–After 72 hours, if the NNA is still missing, new requests and searches are made.

» **Interviews with family members, friends, witnesses and**

suspects are conducted within the first hours of the report. Any person who has information on the missing NNA is interviewed; these interviews are conducted by the different investigation agents in charge of the case, in accordance with the guidelines of the Uniform Criminal Investigation Manual.

» **Once the child is recovered, an investigation is conducted to determine what happened. This, together with the information obtained from the investigation, makes it possible to follow up and prosecute those responsible.** This is done by forwarding the documentation to the specialized unit or, alternatively, the respective arrest warrant is requested from the DPI to initiate the prosecution process. When a crime is suspected, immediate coordination is made with the FEP-NIÑEZ of the Public Prosecutor's Office.

» In relation to the recovery and management of **forensic evidence**, medical forensics professionals have the responsibility to conduct interviews with the purpose of gathering elements that help protect the child and prosecute

³⁶ Decreto Legislativo No.119-2015. Diario Oficial La Gaceta No. 34,226 del 30 de diciembre de 2016.



the criminals, issuing the corresponding opinions. When there is a suspicion of abuse, the child is always examined by a forensics professional from Medicina Forense.

» For missing children presumed to be outside the national territory, **the mechanisms for the search and management of special procedures for children missing abroad** are established through INTERPOL and SRECI. Depending on the case, children's agencies are notified and may assist with the search or provide appropriate protection if the child is located, while starting the process of returning the child home, if required.

The Missing Persons Unit of the DPI launches an appeal to the public on a case-by-case basis, being careful not to put the missing child at greater risk by doing so. At the Central District level, it is managed and administered by the investigators of the different cases through phone calls and the WhatsApp social network. According to the DPI, unfortunately, in 90% of the neighborhoods and districts there are organized crime groups, and it is not beneficial for the neighbors of the communities to be seen cooperating with the police.

The agents cross-check the information in order to establish if there is involvement from criminal organizations.

» **The DPI contacts the FEP-NIÑEZ when they need technical direction in cases where it is difficult to locate the missing child or when it is necessary to conduct a proceeding under jurisdictional control.** When a specific crime is suspected or recognized during the course of the investigation, or when the victims have already been recovered, the investigators request technical advice from the prosecutor's office, which has jurisdiction over that crime. Should there be evidence of human trafficking, a crime against life, family abuse, or crimes

against the sexual indemnity of a child, a referral is made to the corresponding prosecutor's office or unit.

If the NNA was taken by an armed group (by a gang or drug traffickers), or is suspected to be missing to be executed and in the course of time does not appear, the case may be referred to the Prosecutor's Office for Crimes against Life. If the person involved in the disappearance is a public authority, the case is referred to the Human Rights Prosecutor's Office.

» When the FEP-NIÑEZ receives a report from the DPI **stating that the child has been located and that no crime has been committed, the case will be filed under the label of "self-motivated."** Likewise, the FEP-NIÑEZ coordinates with the SRECI in cases of missing children along the migratory route.

» With **unresolved cases**, the DPI places a pending status on the case if the child is not found. According to current legislation, the time established to declare a person deceased is 10 years as per Art. 84 of the Civil Code. **The DPI is responsible for unsolved/long-term missing cases** as the agency in charge of conducting the criminal investigation.

» DPI officers working in the Missing Persons Unit are **trained** in the investigation of these cases.



Gaps

» **There is no specific protocol containing official guidelines for the investigation of missing children cases.** The AMBER Act, in its Art. No. 14, establishes that the Coordinating Commission must issue the necessary regulations and narrative for the implementation of the Law, which may include the elaboration and approval of guidelines for the investigation of cases.

» **Risk assessments are not performed**, this may limit the understanding of the severity and urgency of the case, linked to the response and resources required.

» There are no specific guidelines for police officers on **what information they can share during an ongoing investigation**, which can lead to confusion about what can and cannot be shared with other agencies involved in the case.

» For search and investigation of cases of missing children, **there are no specialized resources** such as canine units, mobile tracking, roadblocks. Budgetary, human, technical and logistical resources are very limited.

» **There is no protocol for the participation of the media** and, in accordance with the above, it should be assessed to ensure that it is beneficial and not counterproductive.

» **Any DPI agent can be in charge of the investigation** of the disappearance of a child, despite the fact that they may have some training on the

subject, they hardly specialize on it due to the different issues they have to deal with, this can be a limitation when it is their turn to carry out the proper investigation of a case

Capacity 5: Family and Child Support

This includes having designated professionals or liaison with the capacity to provide support, information, guidance, containment and encourage the cooperation of family members affected by the child's disappearance while the investigation process is underway and, when the child is found, having the capacity to inquire about what happened in order to provide the appropriate follow-up.

Relevant Aspects

» The agents in charge of the case try to maintain constant communication with the family. If some family members are deeply affected, they are recommended to seek specialized support. **Whenever possible, agents try to provide them with guidance, support and information** about the case.

» When a child who was reported missing and has not been the victim of a crime is found, as long as conditions are suitable and the family environment is not detrimental according to the analysis carried out, the police will reunite the family in the shortest possible time. As indicated by the DPI, the agents are trained to carry out this process.

» When there are **signs that a crime was committed**, the FEP-NIÑEZ and DINAF are immediately contacted. If the child appears, as a result of the investigation, showing evidence of a crime having been committed upon them, apart from the



prosecutorial work and follow-up of the case against the aggressor, the police and the FEP-NIÑEZ refer the victim to the DINAF to provide the care or therapy that the child and his/her family require, as well as to provide the corresponding protective measures.

» If the child is missing or ran away from home, once the child's location is traced, and **it is determined that DINAF is the appropriate custodial agency, the police will no longer be involved in the case at that point.**

Gaps

» **Due to the burden on investigators, support and accompaniment is usually temporary and not planned for.** In general, according to the testimonies of family members of missing children, little information is provided about the progress of the case, often due to the pace of the police investigation and the pressure to solve the case, where the main interest is the recovery of the child. This usually means that the family will be neglected throughout the process.

» **Social support services are limited. After the child's recovery, and once family reunification has taken place, support from the police ends.** It should be noted that the police, although they have some basic knowledge and practices, are not specialists in care and support for these populations.

» **DINAF's attention to children and families is limited to the protection of children who do not have a legal representative,** providing short, medium and long term protection measures.

» **In general, there is no coordination of comprehensive care for families and children after**

location, except for those cases where there are indications of crimes having been committed, a referral is made to the appropriate authority, DINAF, CICESCT, an NGO, or others, depending on the case.

Capacity 6: Formal agreements between agencies involved in the investigations of missing children, and the protection of children in general.

This includes the capacity to establish synergies and coordination amongst research, protection, NGO and private sector partners in order to guarantee the rights and the comprehensive care of children.

Relevant Aspects

» As result of the willingness to address this issue, there is a mechanism for collaboration established in the AMBER Act called: **National Coordinating Commission of the AMBER Early Warning System,** which is made up of agencies undertaking investigation and care: DINAF, SEDS, FEP-NIÑEZ, INM, INTERPOL, CONATEL, AMHON, National Congress - Commission of Childhood and Family, two representatives of NGOs and a representative of the Private Sector. All are agencies committed to giving the problem their utmost attention.

» Thanks to the leading role of DINAF, the **Comprehensive System to Guarantee the Rights of Children and Adolescents (SIGADENAH)** is being promoted. This system is composed of 15 State Institutions, and is willing to invite representatives of NGOs involved in children's issues. This space is used to



promote comprehensive care for children.

» **CONADEH** works in coordination with all regional delegations and key actors to follow up on the case and issues recommendations to the relevant institutions.

» In the case of a missing child being the target of crimes of sexual exploitation or human trafficking, there is **close coordination** between the CICESCT team that assists the victim and his or her family, the National Police, the UCTESCTP of the Public Prosecutor's Office, DINAF and relevant NGOs.

Gaps

»The AMBER Act coordination forum has not been functioning properly since the start of the pandemic, but it was recently reorganized and it is expected that, through a coordinated approach, it will be able to promote the regulation, protocolization and implementation of the Act, as well as comprehensive care for recovered children and their families based on its powers, competencies and jurisdictions.

»Although there are a variety of organizations, in general terms, there is an overall weakness in the institutional framework for dealing with the care of children in the country.

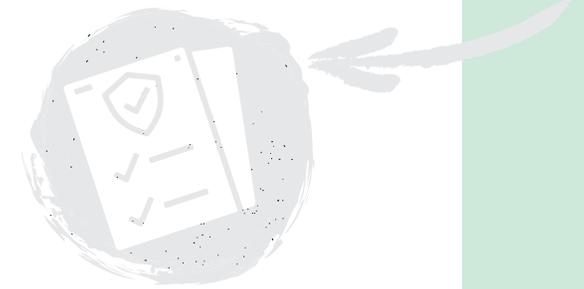
»**DINAF's role in matters of missing children is tenuous.** Its leadership and role in implementing actions for the prevention, search, location and post-location support need to be strengthened, given that this is a problem that jeopardizes the fundamental rights of NNA.

»The expertise **offered by several NGOs** is not fully being utilized to strengthen the institutional framework responsible for providing a comprehensive and effective response in cases of missing children.





Area: **RECORD**



Marco referencial

Comprehensive database of missing and unidentified children. With increased mobility and interconnectivity around the world, registries are extremely useful in investigations, especially in situations of a child traveling within or across national borders. There may be cases of children who are found, but whose name or personal information is unknown. In these cases, it is important to register them in the system that the authority deems appropriate, until they have access to the information that properly identifies them.

A centralized national database or registry of all missing children that is accessible to all law enforcement agencies is a valuable resource for cross-searching for missing children.

Case Management System. This is a valuable mechanism for organizing, recording, and tracking key information. It also allows for cases to be attended to in an integrated, coordinated and continuous manner, emphasizing shared responsibility in coordinating actions, resources, access to information, thus facilitating the identification of gaps or new lines of investigation, and aids in avoiding confusion through the duplication of reports, cases or efforts.

Ideally, this system should include: categorization of missing children; updated information on circumstances of disappearance, the searches carried out, possible people who may be with the child, possible addresses where the child may be; custody status information; information about unidentified children in child care facilities or morgues; a constant reviewing and updating of the information and of the status of the investigation; biometric information, including DNA, fingerprints, and dental records of missing children and their families for cross-referencing when visual identification is not possible; media activity; and details of other interested parties who are involved in the case.

The proper training of personnel who have access to the case management system is essential to ensure the information is properly handled.



Capacity 7: Comprehensive database of missing and unidentified children.

This includes having access to tools that facilitate collect and organize information related to the cases of missing children, through the registering and storing of interconnected data, and that can be made available to interested parties.

Relevant Aspects

» The National Police's **Automated Registration and Case Management System Database** (NACMIC, for its acronym in Spanish) is available. All members of the National Police with prior authorization have access to this system. It is intended for private use by the institution, so other agencies do not have access to this data. The agents involved in the investigation of cases of missing children have access to the information that is registered in the system.

» This database **stores information related to:** name, DNI, photo, description, physical characteristics of the disappeared child, the events as they were reported, place where the disappearance took place, telephone number, sex, age. In the Central District, the investigators in charge keep a record of the cases of missing children.

» **INTERPOL has access to the international database on missing persons.** In order to search for children reported missing and who are possibly outside of the national territory, coordination with the 195 INTERPOL member countries **is done through a yellow notice, which means that a missing person is being searched for.**

» The members of the work team of the Missing Persons Tracking and Reporting Unit are members of **INTERPOL** and receive training from this organization.

» **The National Migration Institute (INM) has access to information on impediments in entering or leaving the country.** The case will be shared and reported to the DINAF authorities and the National police in the case that the missing person is a minor in a vulnerable situation due to not meeting the requirements established by law, regardless of their nationality.

Gaps

» The NACMIS System does not meet all the **specifications sent by the AMBER Early Alert Act**, in Article 13, where it states that the SEDS is to keep a registry of missing, kidnapped or abducted children in the national territory, in order to support families in locating their children and to record the actions carried out at the local, national and multilateral levels. The current system does not allow for the sharing or expanding of information. Basically this information can only be accessed by members of the National Police.

» Although the NACMIS system exists and is being used, **a specific system that allows having a registry of missing children is still needed.** This would facilitate communication and speed up the exchange of information with other agencies responsible for enforcing the Law, similar to the INTERPOL yellow notices. Currently the coordination and exchange of information on cases of missing children is done through calls, notes, messages, with each agency having its own records.



Capacity 8: Case Management System for the Organization and Recording of Information.

This includes having a system that allows to organize, record, and track key information, that facilitates coordination, identifies gaps, avoids confusion and duplication of efforts, and is constantly accessible to all the parties involved. The training of personnel who have access to the case management system is essential for the proper handling of information.

Relevant Aspects

» **The DPI has an internal system for managing cases of missing children**, which includes: name of the child, current photograph, DNI, name of the person filing the report, description, reason/circumstances of the disappearance, the events and facts as they were reported, place where they disappeared, telephone number, sex, age, status (investigative actions), relevant data, and agent assigned to the case. The agent in charge of the administrative area of the missing persons unit has restricted access to the case management system.

» In the case of children that disappear recurrently, a **data entry** is made for each event. In this way each event of disappearance is given the proper attention.

» When it is a case of **parental abduction**, information related to custody is included in the system.

» To close a case in the DPI system the child must have been **located, found, recovered, or confirmed dead**.

» **INTERPOL has an internal case management system through the yellow notice**, which is intended to locate missing persons, often NNA, or help identify people unable to identify themselves. It is an international search mechanism that

works by distributing the information to all 195 countries that are part of this body. The relatives need to authorize its publication on the INTERPOL website www.interpol.com, or privately, which means that only INTERPOL officials have access to the information.

The notifications constitute **requests for international cooperation**, which allow the police of the member countries to exchange crucial information on cases with alerts. This is very useful in cases of missing NNA, especially when NNA are displaced to different jurisdictions inside or outside the national territory.

» **INTERPOL may also make the notification non-public** in order to alert law enforcement and other relevant authorities about missing children cases using the secure messaging system, through which clues regarding the notification are sent and received. These messages are received and managed by the person in charge of the investigation of the disappeared NNA.

» **INTERPOL notifications can remain in effect for 5 years**, and within that period they can be re-evaluated by the person responsible for the investigation of the case. **INTERPOL has procedures to end these notifications**. The agent in charge of the investigation does it once the case is concluded.

Gaps

» The Missing Persons Unit's system is a good internal effort, but it needs to be **strengthened and improved, as well as technologically enhanced in order** to have additional key information. It does not include biometric information, DNA, fingerprints and dental records of missing children and their relatives for cross-referencing when visual identification is not possible. There is no DNA evidence base of relatives of missing children to establish relationships with other children or with corpses that are found. There is also no system in place to periodically update the information.



Area: **ENTRY AND DEPARTURE REQUIREMENTS**



Reference Framework

Cross-border Cases. Identify and implement clear and comprehensive regulations regarding cross-border child travel to prevent international abduction. Entry and departure procedures can prevent and deter potential abductions.

The legal guardian can determine whether a court decision is necessary to restrict the travel of a child to avoid the possibility of abduction by the non-legal custodial parent.

The entry/departure database, ideally interlinked with missing children's databases, is a valuable tool for law enforcement.

Hague Convention³⁷ Establishes guidelines on international child abduction, provides guidelines to help prevent these crimes and return the child to their regular residence if abducted by one of their parents.

Capacity 9: Legal regulations for cross-border travels with children.

This includes having specific legal measures in place to control the entry and departure of children at land, air and maritime borders.

Relevant Aspects

» **The Migration and Aliens Law**³⁸, and its bylaws contain specific guidelines on migration control and regulations on children's entry and departure to and from the country. INM authorities supervise, monitor and enforce compliance with the established regulations.

» **A person under 18 years of age cannot travel alone without authorization from both parents or legal**

guardians. If a case of an unaccompanied child is detected, it is referred to DINAF. **Official documents attesting to the relationship between the child and the adult** are mandatory. Children must travel accompanied by the persons exercising parental authority or guardianship over them and otherwise, they must present an official authorization in order to leave the country. In the event that both or one of the parents is abroad, the authorization must be authenticated by the Honduran diplomatic or consular representative. Article 118. Requirements to leave the country.

³⁷ Convención de 1980, sobre los Aspectos Civiles de la Sustracción Internacional de Menores, 25 de octubre de 1980.

³⁸ Acuerdo 018-2004, 03 de mayo de 2004.



» **In order to obtain a passport inside or outside the country, minors under 18 years of age**, must be accompanied by both parents or by the parent with legal parental authority. In the absence of their parents, they must be accompanied by their guardians or legal representatives, who must present their identity card, the original birth certificate of the minor, and a passport issuance authorization signed by both parents, by the parent with parental authority, or by their guardians or legal representatives. This authorization must be stamped by a public notary. Articles 97 and 98. Requirements to obtain a passport.

» All personnel of the air, **land and maritime offices of the INM** receive training in the Migration and Aliens Law and its Regulations.

» From the **age of 5**, children go through the **immigration control system and biometric data control**.

» **There is a database that records every entry and exit** to and from the country. The INM can access INTERPOL's Yellow Notices on missing children and court rulings preventing children from leaving the country, which facilitates the identification of cases.

» DINAf, the National Police and Human Rights **are obliged entities** to act in coordination with the **INM**.

Gaps

» Due to the high migratory flows in the country, it is common to cross borders through points called "**blind spots**" that **escape from regulations and migratory control**. An increasing number of foreign citizens, accompanied by children, are transiting through the national territory without the required legal documentation, in the same way, Hondurans are migrating with their children without proper documentation, most of them using blind spots, which represents a disproportionate risk and leaves them vulnerable to rights infringement.

On the migratory route, many children end up missing, lost or are targeted by criminals for the purpose of sexual exploitation, trafficking or other criminal activities, according to published reports of exploited migrant children in Guatemala, Mexico and other countries.³⁹

» Although INM border control point personnel are trained in Migration Law, **it is necessary to permanently expand training regarding control mechanisms, as well as on missing children and crimes that** are under the jurisdiction of border personnel, which include migration delegates, police agents, professionals from transit centers or migrant care centers, NGOs that provide services in border areas



Area: **PUBLIC NOTICE**

Reference Framework

The involvement of the community is a crucial step in the process.

Photo distribution system. Every entity working on missing children cases should have some means for distributing the photo and description of a missing child to those involved in the search, in some cases this distribution may only involve law enforcement, while in others, the public may be called upon for support. Not all missing-child cases are disseminated, however, it is advisable to have all necessary forms and procedures in place to ensure a rapid response when photo distribution is needed.

The photo distribution system should include vital information for distribution through websites, social networks and apps, screensavers, RSS feeds and java banners, registered email distribution lists and corporate partners that display information on TV screens, bulletin boards, other information displays, service vehicles, etc. A well-established distribution system will provide widespread coverage, offer indispensable leads, and help keep information regarding missing NNA in the minds of the public until they are recovered.

Important data that may be included in flyers along with pictures of the NNA are: date of birth, gender, weight, height, current age, eye color, hair color, date of disappearance, last known location, circumstance of disappearance, if there is any information on who they may be with or had been seen, type of case, contact information.

Rapid Emergency Alert System. Establishes means of transmitting and disseminating information about the most serious missing children cases. Their goal is to immediately reach an entire community in order to assist in the search and safe recovery by providing detailed information about the child and the alleged abductor, the vehicle in which the child was taken, etc. Each warning system has its own approach, but it must at least take into account the following: If the child is under 18 years of age; if information indicates that the child is in imminent danger of serious harm or death; if sufficient information is available to allow the public to assist in locating the child.

Neither the distribution of missing children notices nor the rapid emergency alert are sufficient on their own. It is necessary to establish a comprehensive and coordinated response, with mechanisms to notify the public synergizing with the overall response to the case.



Capacity 10: Photo Distribution System

This mechanism is intended to facilitate the widespread dissemination of the image and key data about the missing child to the public through a notice or poster to request and promote public collaboration in efforts to locate the child.⁴⁰

Relevant Aspects

- » The AMBER Act contains specific guidelines on the **information and data that a missing child alert message must contain**, including a recent photograph of the child.
- » The notice, in addition to the picture of the child, **must contain at least the following information**: day, time, and place where the disappearance is presumed to have occurred, name, age, gender of the child, a physical description (height, weight, skin color, eye color, scars, moles or other identifying characteristics), a description of the clothing worn at time of disappearance, a description of the suspect, in the case a vehicle is involved, a description of the vehicle, the number to be called, among other information that may contribute to the identification of the missing child.
- » Depending on each case, the National Police, **through the Missing Persons Unit, will make an assessment as to whether it is appropriate to notify the public** or at what time to do so, taking into account the risk that the child may face.
- » All the institutions that make up the Coordinating Commission of the AMBER Early Alert System **are willing and able to publish the missing child poster** or announcement on their websites.
- » There are **TV channels such as HCH and other radio stations nationwide that already broadcast information about missing persons**.
- » To alert the public about missing children, we **rely on the**

INTERPOL platform and, although it is not currently updated, the Amber Alert also has a website that can be used for this purpose: alertaamber.gob.hn

» **CONATEL designed a poster format to be used for the notice**, which complies with the requirements established by the Law for the dissemination of information on missing children's cases.

Gaps

- » The law is not yet implemented, therefore, the provisions of the law are not yet activated as outlined above. Once the mechanism is approved, it must have the resources and partnerships to design, print, distribute and post the corresponding notices. It should also have the resources to disseminate the notice on websites, social networks, online advertisements, among others.
- » For long-term cases, the DPI does not have the resources to recreate the age progression changes in physical and facial appearance of missing children. There is also no experience in the dissemination and removal of distributed photos, this action should be contemplated in the protocol that will be developed for this purpose.

⁴⁰ AMBER Alert Act. Article 8. AMBER Alert Message.



Capacity 11: Rapid Emergency Alert System

This includes having a mechanism in place to immediately alert the population about serious cases of missing children by providing basic information to citizens to enable them to participate in the search and recovery.

Relevant Aspects

» Through the AMBER Early Alert Act to locate and protect missing or kidnapped children and adolescents, Honduras approved the **Rapid Alert System for cases of missing children. This system received the name AMBER**, for its acronym in English: America's Missing Broadcast Emergency Response, which is understood as an emergency broadcast that is disseminated in the case of a missing person, following a set of coordinated and articulated actions that make it possible to expedite and concretize the search, location, and protection of missing children, and at the same time act as a preventative measure to avoid further harm to missing children.

» In accordance with the guidelines established in the AMBER Act, **the activation of the alert is the responsibility of the SEDS, through the Missing Persons Unit**, with the purpose of notifying the public and the community about the disappearance of a child. Likewise, the SEDS is the institution responsible for implementing a plan and determining whether or not to issue the alert.

» **The requirements for issuing an alert established are:** that the disappeared person be under 18 years of age; that there is reasonable evidence of his or her disappearance; that sufficient information on the missing child is available so that the public appeal can yield positive results; and that the parent, legal guardian, or relative up to the fourth degree of consanguinity gives authorization to issue the alert.

» The AMBER Act establishes that **the activation of the alert is to be coordinated** through the responsible public

institutions and municipalities, and will promote the collaboration of civil society organizations, private companies and the media. In accordance with the provisions of the Act, all the institutions and organizations that make up the AMBER Alert Coordinating Commission will be involved.

» **Regarding the duration and dissemination of the alert, it is established that** it must be decreed from the moment the disappearance is reported, and its duration must be no less than 5 hours nor more than 24 hours. If it is necessary to extend the time, a new alert will be issued including additional information. Dissemination can be local, national or international, depending on each case.

» The Law establishes that **the message must have a distinctive sound** when it is published and then the title: *"This is an AMBER Alert for a missing minor."* It must contain the following information:

- Day, time and place where the disappearance is presumed to have occurred,
- Name, age and gender of the child; most recent photo,
- Physical description of the child: height, weight, hair and eye color, scars, Moles or other characteristics that serve to identify them,
- Description of the clothing in which the child was last seen,
- If a vehicle was used, a description of it: model, brand, color, license plate,
- Description of the suspect,
- An approach which draws the attention of people in the area where the event occurred. ,
- Any other data of importance or relevance,
- An appeal establishing 911 as the designated number to call or otherwise, alternative methods and channels established to receive information on the case,
- if deemed pertinent, a sentence can be added warning about the possible danger of the situation in case of direct contact.

The message can be updated depending on how the information regarding the case evolves

» The AMBER Act states that **the alert message must be disseminated as soon as possible and repeated frequently** by television channels, radio stations, social networks, web pages, electronic posters, cell phones, among other means. For state media, it is mandatory to disseminate alerts immediately.

» **The alert will create and distribute announcements electronically on electronic announcement screens** along public roads, airport entrances, ports and bus terminals.

» **CONATEL has a procedure for the dissemination and deactivation of the AMBER Alert message**, as established in Article 9 and 10 of the AMBER Act - Dissemination of the Alert Message by TV service operators, radio broadcasters, social networks (Internet) and telephony, and its subsequent deactivation, while maintaining communication with said operators.

» **The deactivation of the alert is under the responsibility of the SEDS.** This can happen if: the child has already been located, if the issuing of the alert will place the victim at greater risk, if there is evidence that the child is not in danger; or if other means must be taken due to the time elapsed. The average time established to keep the alert active is up to 48 hours. This does not imply that other decisions cannot be made regarding the time period in which the alert is disseminated.

» **CONATEL has approached mobile phone operators** (TIGO and CLARO), as well as broadcast service operators (TV and radio) regarding the dissemination of AMBER alert messages. And in general, they have been receptive. All have expressed agreement and are willing to provide full collaboration and compliance with the Law, making their platforms available for this purpose.

»CONATEL, along with personnel from the telematics and strategic communications departments of the National Police,

worked on the audio and digital templates that would be used at the time of dissemination of the **AMBER Alert Message**.

» Since the efforts made by ICMEC, **transnational corporations which make up the META group have shown their willingness to support Honduras with the dissemination of the AMBER Alert** on their Facebook platform.

» The **complete document of the AMBER Early Alert Act to locate and protect missing or kidnapped children and adolescents** is available at:

https://www.tsc.gob.hn/web/leyes/Ley_alerta_temprana_AMBER.pdf

Gaps

» **This Law is not currently legislated and there is no protocol to ensure its effectiveness once it is implemented.** The information which has been shared indicates that there is a significant effort to prepare to regulate and implement the Law. **It is necessary to review, adjust and carry out the corresponding process in order to approve it.** Not having this regulation, or a protocol, prevents the alerts to be fully operational if activated.

» **It is important to define more rigid sets of criteria within protocol in order to evaluate when it is appropriate to activate an alert** in order to avoid the activation of multiple alerts, which, instead of generating collaboration from the population, generates disinterest and fatigue due to the continuous alerts about missing children.

» It is important to keep in mind that **the alert constitutes an emergency because it implies an imminent danger of**





serious harm or death, in that sense, giving a period of up to 5 hours to be activated and having authorization for its issuance only by the legal guardian or a relative within the fourth degree of consanguinity, may be counterproductive and may lead to authorities losing valuable time to recover the missing child unharmed.

» Although the Law indicates who participates as part of the Coordinating Commission, **in the regulations of the Law or in the protocol, it should be defined which agencies make up the committee that makes the decision to approve an alert under the coordination of the SEDS**, including the functions or responsibilities of each one. Given that these are persons under 18 years of age, the role of the DINAF is very relevant.





Area: **PREVENTION AND AWARENESS**



Reference Framework

Prevention Framework. The population should be educated about the problem of missing NNA and the effects that this experience has on their lives and on the lives of adults.

This area includes a variety of core components such as campaigns to **promote greater awareness** and inform the community about the available services, resources, educational and awareness campaigns conducted for students and educators, about the **training** of border agents and other law enforcement on possible indicators of abduction, sexual exploitation, and trafficking (including profiles of victims and perpetrators,) judicial mechanisms/tools such as custody orders, protection orders, and neutral party passport custody. These tools can help prevent and deter child kidnapping.

Awareness campaigns should inform children and adults about the risks and perils associated with this issue. They should also highlight collaboration efforts and work towards building a unified voice with coherent and consistent messages from government, law enforcement, private enterprise and NGOs. These materials should offer advice to parents and children on how to stay safe and avoid harm, including basic safety practices such as not opening the door or accepting gifts from strangers without an adult's permission, not giving out personal information over the phone or internet, as well as having the child memorize an emergency phone number.

Parents should be encouraged to keep their children's information and identification up-to-date, including medical and dental records (whenever possible), government-issued documents, photographs, etc. If available, fingerprint records and biological samples can also be stored through a child identity kit. Additional tips can be tailored to address specific areas of concern, such as children who run away from home, online grooming, trafficking, parental kidnapping, among other issues.

Capacity 12: Awareness

This capacity is oriented to the development of actions to raise awareness of the problem of missing children, as well as to inform the population about how to prevent it through the use of mechanisms tailored for the identification and minimization of potential risks.

Relevant Aspects

» Because DINAF is the Governing Institution of Childhood Policies, it is responsible for the coordination and **activation of an awareness campaign for prevention and for the protection of children**. This is achieved by coordinating actions with 79 agencies at the national level via the program for the protection of children with infringed rights, as well as promoting the Subsystem of Protection through **a program that is activated in the community, from homes, schools, health centers, protection centers and any space in which children are a part of**.

When a situation arises in which there is a direct risk of children's rights being infringed on, **the SIGADENAH promotes preventative actions aimed at ensuring the protection of children**.

»The **National Police**, with agents from different units or directorates, carry out **preventative campaigns in communities and educational centers**, within the framework of work plans or partnerships with other institutions or civil society organizations. This addresses both the risk factors involved in disappearances as well as how to protect oneself, thus providing a horizontal focus for a number of problems that plague families and communities. .

»In its campaigns to prevent sexual exploitation and human trafficking, the CICESCT includes a series of **protective measures to avoid both disappearance and the becoming a potential victim of related crimes**.

»CONADEH, through its promoters, carries out **preventative campaigns among groups which are vulnerable to human**

rights at the national level, including awareness about how to protect children against the dangers they face. The Ombudsman for Children and the Family has the role of disseminating information about, advocating for, and monitoring the rights of children and adolescents, as well as promoting and guaranteeing the implementation of the CRC. The Ombudsman's Office is part of the UNICEF Child Protection Sub-Cluster, the Local Childhood Board, the Technical Council against Child Labor, the CICESCT, the INAMI Technical Council and the SIGADENAH, all of them spaces from which preventative campaigns are promoted in coordination with the government and civil society.

»The courts issue **custody orders in cases that come to court due to conflicts between parents or legal guardians**, detailing the solutions put forward regarding care, visitation rights, etc. Legally, these orders can prevent or deter the abduction of a child by their parent or a non-custodial person.

Gaps

» Some **scattered efforts** have been made to prevent and raise awareness of the problem of missing children. However, no specific actions have been implemented to sensitize the population or to directly address the problem.

» **There is no clear understanding of what the disappearance of a child means and the effects it has on the child's life**. In many cases, due to lack of knowledge, the public tends to make generalizations and minimize the problem, or attribute responsibility for the child's own disappearance to the child.

» There is no full knowledge of the **existing resources to report** cases of missing children.

» There is no **specific safety material** to inform children and adults about the potential risk of a child being missing or abducting.



Capacity 13: Training for Key Professionals

This capacity aims to ensure that all the professionals in institutions responsible for the issue have the knowledge, tools, skills and attitudes to provide comprehensive, effective and efficient responses to the problem of missing children, in accordance with their competencies.

Relevant Aspects

- » The members of the DPI's **Missing Persons** Unit inform that they receive training to develop their work professionally, and as part of INTERPOL, they frequently participate in training processes.
- » The CICR works to strengthen the **capacities of national authorities so that they can respond efficiently** to the search for missing persons, especially in cases associated with a migration process. They have prepared documents on legal matters which are designed to guide families and facilitate access to information and decision-making in the institutional and legal spheres.

Gaps

- » The problem of missing children is only one of the problems relating to the infringement of children's rights. The institutions, with the exception of the DPI, do not have professionals with **precise or specialized knowledge** on the subject, and even within the DPI, those with knowledge are only found in the Missing Persons Unit. There is a specific need to strengthen and broaden knowledge and capacities for a comprehensive understanding of the problem.

» To date, professionals representing the **member bodies of the AMBER Alert Coordinating Committee** have received no training on the problem of missing children. According to the Act, this must be coordinated by the Ministry of Security.

» Professionals with responsibilities in the areas of prevention, protection, investigation, and others with binding competencies, do not have training on the problem of missing children.

» There is a lack of **technical tools** that support or facilitate the work of professionals working on the subject.

Capacity 14: Educational Campaigns

This includes the ability to disseminate specific messages on the problem of missing children aimed at a particular sector of the population or the general population, through various strategies of information and communication.

Relevant Aspects

» The **AMBER Alert** web page disseminates some messages of prevention, protection and reporting on missing children.

Gaps

» To date, there is no evidence of any **specific targeted or massive communication campaign** regarding disappeared children which is directed at the general population or at particular groups to persuade them and generate changes in attitude regarding the issue.

» The AMBER Alert website is not being used to its fullest as an easily accessible **communication platform** with great potential to inform the population.

Capacity 15: Education Programs for Parents

An ability aimed at encouraging parents or guardians to care for their children in the face of the risk of disappearance or kidnapping, and keeping their children's information and identification documents updated.

Relevant Aspects

» The ICRC works **in communities which are more susceptible to migration and with family members directly affected** by the disappearance of a family member. Preventive actions are carried out so that the population becomes aware of the risk of disappearance during the migratory journey. Information is prepared to serve as a guide for relatives of disappeared migrants, which proves to be a highly supportive document for this population.

» The **National Police** carries out **preventative awareness efforts in communities and educational centers**, which focus, among other topics, on the risk of disappearing and how to protect oneself.

Gaps

» There are no **systematic efforts aimed at guiding parents** in obtaining the information that allows them to change their ideas, practices or behaviors about the safety of their children.

» Children do not have an **ID with a photo**.

» The Honduran population does not generally keep **files with the personal information of each child**. In general, and in the best of cases, the documents are usually limited to their birth certificate and vaccination card.

CONCLUSIONS

General

1. When a child disappears, they are at risk of their rights being infringed, and that should represent for everyone a situation that requires urgent attention, until the facts indicate otherwise. In addition to the irreparable damage that this might cause the child, the family is directly affected by the uncertainty, pain and anguish they experience as a result of the event. **Both the child and their family become victims. Therefore, they both require support, accompaniment and psychological, social and legal assistance. The problem requires comprehensive attention within the institutional framework of investigation, and protection, while taking an approach to help families recover from the damage suffered.**

2. In recent years, **Honduras has made some progress** in addressing the problem of missing children. Among the most relevant: there is legislation to search for missing children; there is a specialized Investigation Unit for cases of missing persons; there has been progress in the immediate investigation of cases; there are various channels to report cases; there are specific requirements regarding the entry and departure of children in the country; there is greater institutional coordination; there is a fairly broad legal framework in terms of child protection, especially when referring to binding crimes; the issue has become more relevant for the authorities and for Honduran society, because of a repeated confrontation with the problem.

3. Despite the above, **the country has many challenges to overcome. It is imperative to take the corresponding measures** to: have legislation that includes the definition of missing child and further categorizes the problem; regulate and elaborate protocols for the implementation of the AMBER Act, overcome the legal gaps that it contains; strengthen

investigation mechanisms and protocols; improve data collection through the database; strengthen the case management mechanism, establish agreements, alliances, institutional, and inter-institutional coordination and with civil society; strengthen the mechanisms to notify of cases and population collaboration; implement AMBER alert; have 100% of the reported cases be investigated until they are closed; improve protection, prevention and training mechanisms in order to ensure an effective and comprehensive response to the problem.

About National Legislation

1. After the review and analysis of the most relevant Honduran legal frameworks on the problem of missing children, it is evident that despite the fact that there is a series of standards of a binding nature that allow cases to be addressed, the lack of key definitions, including the basic one of missing children and deeper categorization of other types of situations which the latter can find themselves in, represent a limitation for the approach and the specific response that can be afforded to each case. In this sense, **the country needs to strengthen its legal framework to ensure that the problem will be addressed with the particularities and precision required, highlighting that in defining these terms, protection can also be provided.**

2. The country lacks precise statistics on the problem. In this sense, the approach to the characteristics, data and qualitative and quantitative information about it is based on data gathered from different sources. This causes difficulties in the process of retrieving data, which is why it is necessary to collect information in a centralized manner, under defined categories which represent **data that takes into account the dimensions and magnitude of the problem.**

3. **The disappearance of a child, according to national regulations, does not constitute a crime**, except for cases in which it has been proven that factors like abduction,

kidnapping, international abduction, forced disappearance of persons, exploitation sex, human trafficking, or death are involved.

4. **The country has legislation that punishes crimes that can be linked** to the disappearance of a child, such as abuse, sexual exploitation, and human trafficking.

About the Reporting Mechanism

1. In Honduras, although **there is no single, centralized and specialized mechanism to receive reports on missing children**, there are several reporting channels and telephone lines which anyone can go to or call to inform the authorities of the disappearance of a child. For information that the population can provide on the case, **telephone numbers from the National Police are made available, including the line of the Disappearance Unit.**

2. The availability of telephones, virtual and face-to-face options opens up a wide range of possibilities for the public to report cases of missing children. However, having diverse options for reporting missing children **may constitute an obstacle in terms of demand and coordination with the DPI, which is the agency in charge of the reception and operationalization of the investigation** of the reported facts.

3. In general, the available options cater to different rights infringements, which poses a **challenge with respect to specialization in the issue of missing children. The lack of a single format** means that there is a high degree of variability regarding **the information that can be requested from the reporting party** from one receiving agency to another, and the question of urgency may depend on the interpretation of the facts by the person who receives the report.

About Research

1. The DPI is willing to immediately respond to reports of missing children, which initiates the investigation from the moment the case becomes known. This is done, despite the lack of technical, budgetary and logistical resources, and represents progress in terms of the level of attention granted towards these types of cases. In previous years, two or three days were needed to confirm that indeed a child was missing. Despite what has been said, **this continues to be a capacity that needs to be strengthened, so that the response has the technical, logistical, and budgetary resources required to act effectively and efficiently.**

2. There are weaknesses in the investigations of cases of missing children. The constraints, for the most part, exceed the capacity to effectively respond to each case with the necessary speed and specialization. **Due to the lack of a specific protocol, agents use the Single Investigation Manual as a guide, the response is guided by the experiences gained by each individual agent, as well as the feedback they received, rather than by specific guidelines on how to conduct investigations of this type.**

3. There is a **mechanism for coordination established by law**, which is responsible not only for fulfilling its role in accordance with its institutional competencies, but also for promoting alliances and synergies with other entities, including civil society. The actions of this area of work **need to be strengthened and its functions clarified**, since its actions have been reduced to merely holding meetings or fulfilling specific tasks, which does not always imply that this ensures comprehensive care and guarantees the rights of children or support for research.

4. In order to provide support to the family and the child, DPI agents strive to do their best, **but they lack the resources and capabilities to provide the support and attention required**; time, pressure and workload sometimes hinder these actions of support. The participation of DINAF in the handling of cases of missing children is limited.

About Databases

1. **The current database is not only dedicated to missing children**, it is of a more general nature, and while it provides important and useful information for the investigation, it also limits access and the updating of information from the interested parties and does not maintain a national registry of all the cases reported as missing children. When **there are several agencies linked to the case, there are multiple files which do not allow for unity of criteria** and collaboration.

2. The **INTERPOL database**, through its yellow notice, is very useful for reported cases of missing children. INM migration delegates have access to this information, facilitating the detection of cases. However a centralized database is required to collect, update and share information with the relevant authorities to locate and recover the missing child quickly and efficiently, as established by the AMBER Act.

3. **The DPI has an internal case management system**, although it could be strengthened, it represents an important resource for the management and coordination of cases. On the other hand, **INTERPOL's internal system has** generated positive results in its efforts to locate and recover children both in national territory and abroad.

About Entry and Departure Requirements

1. A conclusion which can be drawn is that the country **has specific regulations for the cross-border travel control of children**. These in some way prevent possible abductions or unauthorized movements on roads and in areas in which these occur, given that they are subject to civil and criminal consequences. **The greatest challenge is posed by the blind spots through which hundreds of national citizens and foreigners travel without authorization every day, including a large number of persons who are under 18.**

2. In recent years, the INM has substantially strengthened controls. Although there used to be good practices even in the cases of national land travel, in **which proof of relationship to the child and a birth certificate** were mandatory, this practice has been weakened in recent times, since the land based enterprises have not sustained these controls.

About Public Notice

1. The **provisions on the dissemination of photos and information** of missing children in order to appeal to the public's collaboration are clear and in accordance with those established by AMBER Act, and there are even resources available for their dissemination; the great challenge is to develop an implementation protocol so that these actions and guidelines can be put into practice.

2. The country approved the AMBER Act, which includes the power to activate the **AMBER Alert System** for the location of missing or abducted children. This law has yet to be regulated and the protocols for its implementation have yet to be developed. Although progress has been made in its elaboration, decision making is necessary to review, approve and implement it in a coordinated manner among all the relevant authorities, taking care that the alert is activated as soon as possible and that it responds to emergency cases of imminent risk of harm or death to the missing child and not to general reports that do not have the same level of seriousness.

About Prevention

1. **There are no consistent and sustained efforts to prevent cases** of missing children. This area of work represents great individual and joint challenges to reduce risk factors, mitigate consequences and, in general, raise awareness of the problem.



RECOMMENDATIONS



On national legislation defining the term “missing children”

1. Include in the national legislation a specific definition for:

- Missing child
- Escaped or runaway child
- Family abduction of a child
- Abducted child
- Kidnapped child
- Lost child
- Unaccompanied child
- Any other aspect deemed relevant to address the problem.

This process can be carried out by adding it to the AMBER Act or by including the definition in its regulations. ICMEC provides some basic criteria for these definitions, which can be worked on with a technical team of the Coordinating Committee for the implementation of the AMBER Act, under the coordination of the Ministry of Security and DINAF, so that the country can have an adequate conceptualization based on the rights and the best interests of the child.

2. Strengthen the mechanism for the registration of cases so that the country can count on **more accurate statistics and information** on the magnitude and dimension of the problem.



On Reporting Mechanisms

1. **Provide specialized training** to the agencies that have at their disposal a phone line, or other mechanisms to receive reports of infringements of rights, including reports of missing children. The training should include information on: the problem at hand, how to receive and refer reports, care, support and assistance for children and family members who file reports or seek support/guidance, and case follow-up, among other related topics such as crimes committed in connection with the disappearance of a child. **Training the people in charge will allow them to provide support in any situation that may arise, ensuring that the calls are met with a quick and effective response**, adapting it to children, families, or individuals, depending on each case.
2. Given that SNE-911 is the best known and most accessible channel, it is recommended that its **operators receive ongoing training** on receiving reports on cases of missing children, channeling them to DPI and coordinating their reports, ensuring, among other things, compliance with the mandate set forth in the AMBER Act on mandatory communication with DPI-Missing Persons, DINAF, CICESCT, Interpol, or with the corresponding authority in each case, in order to ensure prompt and comprehensive attention.
3. Include in the AMBER Act Regulations or **Protocol a standardized base format**, with key criteria for missing children, so that, when collecting a report, the most relevant information on the case is gathered.
4. **Elaborate a manual or a basic guide for responding to reports** on missing children cases so that, in spite of staff turnover, there are useful basic guidelines for any professional who has the responsibility of dealing with this type of report.
5. For **DINAF, gradually expand the 110 hotline to 24/7 availability**, keeping specialized personnel on-call to assist children and their families in cases of infringement of rights, including missing children.

6. **Promote, through public-private partnerships, the participation and collaboration of private enterprises, especially mass media.** These platforms can be used to disseminate information focused on prevention, awareness and collaboration in cases of missing children. With the existing disposition, the most effective use of the spaces granted by the media can be achieved.



On Investigation

1. **Train all DPI agents** to develop the capacity for immediate response to search for and locate missing children, through an immediate and quality process to ensure optimal results in the shortest possible time, from the moment the case is assigned. It is recommended to create a curriculum or a specialized and permanent training program for the agents.

2. **Maintain the principle that there should be no waiting period to initiate the investigation** because any delay can make the difference between locating the child safely or finding them hurt, or dead.

3. Establish **basic guidelines** detailing the actions and type of intervention required from the moment a missing child report is received and the investigation is initiated, including emergency assessment criteria through risk assessment and plan of action.

4. Develop a **protocol containing guidelines for the investigation** of missing children cases, including essential elements such as risk assessment, search mechanisms, interviews, strategy to follow, resources required, notifications, institutional and inter-institutional coordination, management of forensic evidence, handling cases on national territory and abroad, media involvement, coordination and post-recovery assistance.

5. **Conduct risk assessments** throughout the investigation. If this is not possible, conduct risk assessments at the minimum at two points in time: upon receiving the report of a missing child –to assess risk the child faces, and to determine if a public appeal is appropriate and could assist in the child's recovery. Make a judgment call on the inclusion of the mass media in accordance with national regulations following the guidelines and coordination established by CONATEL.

6. **Strengthen the Missing Persons Tracking and Reporting Unit** with financial resources, manpower, and technical and logistical resources. This will improve its capabilities and, therefore, its work will have a greater impact and better results.

7. Strengthen the **training of the agents or public agents who are liaisons in the case**, in order to develop or reinforce the capacity to investigate, listen, support and accompany the family and the children when they are located, identifying needs, potential risks, problems within the family, as well as issues which can be followed up on. This can generate empathy with the family and the child, allow agents to learn more about the facts that led to the disappearance of the child and reduce the chances of the event happening again, in addition to having elements in favor of the investigation and comprehensive care once the child has been recovered.

8. **Provide the family with updated information** on the progress, difficulties and process of the case. Distress will be amplified if there is no information, **communication with them should be framed as a mandatory action.**

9. **Strengthen coordinated work and institutional synergies**, including non-governmental

organizations. Avoiding the duplication of efforts. Optimize technical, budgetary and logistical resources to best serve each recovered child, ensuring their protection, rights and the overall comprehensive attention to the problem.

10. Honduras has high levels of **irregular migration**, therefore, it is important to **strengthen international / regional cooperation** through agreements, letters of understanding, among other actions. This will ensure a joint collaboration with other governments in the search and protection of children.

11. DINAF's coordination and leadership is fundamental in the comprehensive protection of the child and the accompaniment of the family. **A follow-up plan for recovered children should be defined to avoid repeated disappearances, while addressing the causes that led to their situation.** It is important to have sensitized officials who know and understand the impact of the disappearance, in order to provide differential and relevant attention to the family and the children once they have been recovered.

12. It is important to **specify the roles and responsibilities of each entity** involved in dealing with cases of missing children in order to guarantee a comprehensive response to the problem.



On Records and Databases

1. **Create the database mandated by the AMBER Act** with the registry of missing children, establishing guidelines for its content, updating with the latest information and security measures in order to ensure the proper use of the data, as well as its safekeeping. This should fall to the DPI's Missing Children Unit and should be useful at the institutional and inter-institutional level, given that it will optimize resources and promote an effective and efficient response through coordinated work. The database should facilitate the systematization, centralization and usefulness of data, simplifying the exchange of information, as well as the follow-up of cases.

2. **Continue to train personnel in the use of INTERPOL Yellow Notices** and their usefulness in the recovery of children reported missing.

3. The case management system is a way to advance and improve integrated, coordinated and continuous care, focusing on shared responsibility and optimizing resources and the efforts of all involved. The current **DPI system needs to continue to be strengthened** so that it contains as much information as possible about the case, and that staff are trained to enter the information and use the system.

Ideally, there should be a **system that allows for cross-referencing** when visual identification of the child is not possible (DNA). Also, include other forms of identification for unidentified children who lack documents, are in foster care, day care centers, morgues or others.



On Entry and Departure Requirements

1. Continue **strengthening the implementation of control and regulation actions at air, land and maritime migration points**, including specific and binding training on missing children for the professionals in charge of their operation.
2. Strengthen the work of the police to **control blind spots**, which represent a great risk for the entry and departure of children under different situations, including their disappearance and transfer to another country for criminal purposes.



On Public Notice

1. **Educate the public** about the variety of problems that can arise as a cause or effect of a missing-child situation, and that their involvement is key to the successful location of these children. Provide guidance to raise awareness about the importance of reporting cases of missing children as quickly as possible and not assuming the children will return home on their own, even if they have done so in the past.



2. **Community and corporate social responsibility.** It is important to consider the role of the private sector, the capacities of the community, of NGOs, in collaborating in the process of distributing information on missing children, as well as in raising awareness and education about the issue.

3. Legislate the AMBER Act by establishing **specific protocols or guidelines regarding public notification**, including base guidelines for cases where immediate dissemination of information on missing children cases may be counterproductive.

4. **Approve a basic design for a poster for disseminating information**, ensuring the principles and approaches are within the framework of the law and in the Best Interest of the Child. CONATEL has already made significant progress in this action. The distribution of photographs and basic information about the missing child facilitates dissemination with the public and encourages collaboration.

5. For the missing children alert system to work effectively, it is necessary to establish an adequate protocol, **ensuring that the alerts are considered exceptional, for emergencies and used only for the highest risk cases**, with the purpose of not desensitizing the public with a constant load of cases of missing children, therefore, it is essential to have clearly defined criteria to guide decision making. In addition, there should be a procedure for activating, disseminating, and deactivating the alert message.

6. Because the AMBER Alert is an emergency alert, **five hours is too long to spare to make the decision whether to activate it or not**. This time period must be reviewed and changed through a reform to the Law or by further regulating it. It is also **important to review who authorizes the dissemination of the alert on behalf of the family**, there may be cases where the child is in the care of someone who is not their relative up to the fourth degree of consanguinity or is not their legal guardian. This situation may be frequent with children of migrant parents who are left in the care of third parties and under this guideline, they would be unprotected.

7. There should be a review about whether the decision to disseminate an alert will be made by the entire coordinating committee or by a small committee. Ideally, the decision

should be **made by a group of experts**, including at least representatives from SEDS, DINAF, FEP-NINEZ and DDHH, and should be based on the criteria established for making appropriate decisions in each case. Alternatively, **a specific structure could be created within the Missing Persons Unit**, which would be responsible for deciding whether or not to proceed with an AMBER Alert, including other key agencies such as FEP-MP and DINAF.

8. There are countries that have made significant progress activating Emergency Alerts for the location of missing children. The Missing Persons Unit could exchange **experiences and knowledge** with countries which closely match our reality, such as Guatemala.



On Prevention

1. Create a **framework of prevention** that includes at least face-to-face and online actions in the areas of information, awareness, training, specialized training, educational campaigns and training programs for parents and communities.

2. **Prompted or promoted by the AMBER Act Coordinating Committee**, and within the framework of its institutional competencies, there can be workshops, forums, panels, talks, participation in social coexistence fairs and forums; elaboration and publication of printed materials; dissemination of information through the media; institutional web pages; direct approaches with vulnerable populations, parents, and schools; interaction programs with communities; meetings; training; specialized courses; the promotion of reporting lines; exchange of experiences, among others, at the local and national level, online or in person;



and, popularizing key information on the problem, such as protection mechanisms, reporting lines, etc.

3. **DINAF can promote preventative actions at the national level** from the municipalities, and departments. At the local level, it can do so through institutional networks, organizations, programs, centers, workspaces, or other spaces with which it has synergies and coordination.

4. From the different agencies that implement prevention initiatives, **perform targeted actions in high-risk** groups, such as potential migrant populations vulnerable to sexual exploitation or trafficking, children out of the school system, and others.

5. **Institutional web pages, and especially the AMBER Alert Act web page**, can be an ideal space to disseminate information and launch awareness campaigns. In addition, social networks can be used to disseminate short messages as part of communication campaigns oriented to perception and repercussions, as well as the actions and roles that can be taken to prevent or act against the problem.

6. It is important to **include the private sector, the media and NGOs as key partners in the efforts to prevent** missing children, especially those who tackle issues of human rights, women's rights, and, particularly the protection of children and their rights, as well as others who can be key partners in helping disseminate messages of prevention, such as churches.

7. **Develop a community participation program** to address and present a consistent message of prevention in the community. Schools and the National Police can aid implement actions of prevention awareness at school and in the community.

8. **Informing and getting the community involved is a valuable resource** not only as prevention to the problem, but also as an increased possibility of the quick and successful recovery of a missing child. At the local level, **AMHON and municipal governments** have a key role to play in promoting efforts aimed at preventing the disappearance of a child, as well as local alert and collaboration mechanisms for the search and recovery of missing children.



9. Within the awareness efforts among parents, it is important to emphasize the importance of taking care of and **keeping their children's information updated and in order**, informing them of the relevance of documents such as photographs, medical and dental records, and government-issued documents in the event of a missing child, and if the event occurs, the importance of reporting it immediately.

10. To continue promoting, together with the National Registry of Persons, the project for the documentation of children through a National Identity Card that includes information and a photograph of the child.

11. Create **friendly educational campaigns** targeting different audiences, through creative strategies and actions in order to disseminate key information on the topic. Public-private partnerships can be established for this purpose.

12. **Develop a basic training curriculum for professionals in institutions and organizations that have responsibilities in this area.** Basic and/or specialized training and education is vital for all professionals involved throughout the process of dealing with cases of missing children, from courses on prevention, reception of reports, investigation, and family and post-location care for the child. These courses should include, according to their function, the key technical aspects that must be addressed throughout the process. The bodies that are part of the Coordinating Committee of the AMBER Act must have basic and, depending on the case, specialized knowledge on the subject.

13. Include **guidelines for care and safety on the Internet in prevention efforts.** Today, cyberspace is also a means by which children are seized and deceived and may end up missing because of it. The risks in real life are the same as in the online world.



FINAL ASSESSMENT

November 2022

Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Intersectoral Response
for the prevention, search and location of missing children – Honduras.