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**HONDURAS**

**Submission by:**

ADF International  
Rue Pré-de-la-Bichette 1  
1202 Geneva, Switzerland

Web: [www.ADFinternational.org](http://www.ADFinternational.org)  
Email: [UN@ADFinternational.org](mailto:UN@ADFinternational.org)

## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This submission reports on the implementation of school-based sex education programmes in Honduras, highlighting the country's shortcomings in meeting its obligations under international human rights law regarding the rights of the child and parental rights.

### (a) Rights of the Child and Parental Rights

#### *Legal Framework*

3. Honduras's legal framework recognizes and protects parents' right to choose the type of education their children will receive in accordance with their moral and religious convictions. In particular, Article 152 of the Constitution of the Republic of Honduras recognizes that parents have the prior right to choose the type of education their children will receive.<sup>1</sup>
4. Article 2 of the Fundamental Law of Education recognizes that it is the right and duty of the father, mother, or legal representatives to educate and choose the type of education that their children or wards should receive. Under said law, it is also recognized that the state has the duty to guarantee, respect, and protect the exercise of this right.<sup>2</sup>
5. The Childhood and Adolescent Code states in its Article 38: '[T]he father and mother, as well as the legal representatives of the children and their teachers, are responsible for the education of the child.'<sup>3</sup> Likewise, Article 43 states: '[S]tudents, as well as their parents or legal representatives, have the right to obtain information about the pedagogical processes and the right to choose the institution where the former will pursue their studies. Parents or the legal representative, if applicable, have the right to participate in the definition of educational proposals.'<sup>4</sup>
6. Article 18 of the General Regulation of the Fundamental Law of Education recognizes that: 'Parents, mothers, or guardians have the duty to educate their children, the right to participate in the educational process, and the right to choose the institutions or modalities in which they are educated, according to their convictions and beliefs.'<sup>5</sup>
7. Article 15 of the Framework Law for the Comprehensive Development of Youth states that 'Parents and, in their absence, legal representatives, as well as educators, have

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<sup>1</sup> UNESCO, *Constitution of the Republic of Honduras of 1982*, Decree No. 13, available at [https://siteal.iiep.unesco.org/sites/default/files/sit\\_accion\\_files/constituciondelarepublicaactualizadanoviembre2021.pdf](https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/constituciondelarepublicaactualizadanoviembre2021.pdf), Article 152.

<sup>2</sup> UNESCO, *Fundamental Law of Education*, Decree No. 262-2011 (22 February 2012) available at [https://siteal.iiep.unesco.org/sites/default/files/sit\\_accion\\_files/ley\\_de\\_educacion.pdf](https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/ley_de_educacion.pdf), Article 2.

<sup>3</sup> OAS, *Childhood and Adolescent Code of Honduras*, Decree No. 73-96 (5 September 1996) available at [https://www.oas.org/dil/esp/Codigo\\_Ninez\\_Adolescencia\\_Honduras.pdf](https://www.oas.org/dil/esp/Codigo_Ninez_Adolescencia_Honduras.pdf), Article 38.

<sup>4</sup> Id., Article 43.

<sup>5</sup> ACNUR, *General Regulation of the Fundamental Law of Education* Decree No. 1358-SE-2014 (17 September 2014) available at <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10625.pdf>, Article 18.

the right and duty to provide education and guide minors under their care in the exercise of the rights and duties conferred upon them by law.<sup>6</sup>

8. On 8 March 2023, a compulsory sexual education bill titled 'Comprehensive Education Law for the Prevention of Adolescent Pregnancy' was approved by the National Congress of the Republic of Honduras. This bill imposed on all schools the obligation to apply sexual education curriculums at all levels (beginning in preschool) according to government standards and plans, without proper regard for parental rights.<sup>7</sup>
9. The adoption of said bill was met with great opposition from thousands of parents and civil society groups, who had advocated against it becoming law, citing concerns over the imposition of an ideological framework on human sexuality that diverges from scientific perspectives.<sup>8</sup>
10. In June 2023, the President of Honduras, Xiomara Castro, vetoed the bill and sent it back to Congress to address its inadequate consideration of parental rights.<sup>9</sup> To date, Congress has not resumed discussions on this bill or any related legislation.

### *Implementation of Sex Education Programmes*

11. Article 30-C of the Special Law for Responsible Motherhood and Fatherhood mandates the Secretary of State in the Education Office and other responsible authorities to promote educational programmes on sexuality for adolescents.<sup>10</sup> Likewise, Article 122 of the Fundamental Law of Education establishes education on sexuality and health as cross-cutting themes.<sup>11</sup> However, neither provision specifies the exact content of these programmes.
12. The above provisions, in conjunction with the National Sexual and Reproductive Health Policy, serve as a basis for implementing sex education programmes in Honduras. This policy, which entered into force in 2016 and is due to be revised in 2025, does not mandate education on sexual and reproductive health but serves as a guideline for the public administration bodies implementing these programmes.<sup>12</sup>

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<sup>6</sup> Official Journal of the Republic of Honduras, *Framework Law for the Comprehensive Development of Youth* (16 January 2006) available at <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10621.pdf>, Article 15.

<sup>7</sup> National Congress of the Republic of Honduras, *Opinion of the Ordinary Commission on Education on the Comprehensive Education Law for the Prevention of Adolescent Pregnancy in Honduras*, available at <https://www.expedientepublico.org/wp-content/uploads/2023/08/D-0167-FAV-EDUCACION-LEY-DE-EDUCACION-INTEGRAL-DE-LA-SEXUALIDAD-Y-PREVENCION-DE-ENBARAZO-EN-ADOLESCENTE-EN-HONDURAS-VF-.pdf>, p. 8-13.

<sup>8</sup> El Heraldo, *Padres de familias e iglesias protestan contra Ley de Educación Integral en diferentes puntos del país* (22 July 2023) available at <https://www.elheraldo.hn/honduras/padres-familia-iglesias-protestan-ley-educacion-integral-ideologia-genero-honduras-AC14522507>.

Jacqueline Molina, *Padres rechazan educación sexual con enfoque de género en Honduras* (3 June 2023) *La prensa*, available at <https://www.laprensa.hn/sanpedro/padres-rechazan-educacion-sexual-enfoque-de-genero-honduras-DD13760267>.

<sup>9</sup> Julio Cruz, *¿Por qué Xiomara Castro vetó la Ley de Educación Integral?* (31 July 2023) *El Heraldo*, available at <https://www.elheraldo.hn/honduras/ley-educacion-sexual-veto-xiomara-castro-embarazos-honduras-PF14664319>.

<sup>10</sup> Official Journal of the Republic of Honduras, *Special Law for Responsible Motherhood and Fatherhood* (15 October 2016) available at [https://oig.cepal.org/sites/default/files/2016\\_decreto51\\_hnd.pdf](https://oig.cepal.org/sites/default/files/2016_decreto51_hnd.pdf), Article 30-C.

<sup>11</sup> UNESCO, *Fundamental Law of Education, Decree No. 262-2011* (22 February 2012) available at [https://siteal.iiep.unesco.org/sites/default/files/sit\\_accion\\_files/ley\\_de\\_educacion.pdf](https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/ley_de_educacion.pdf), Article 122.

<sup>12</sup> Ministry of Health of the Government of the Republic of Honduras, *National Sexual and Reproductive Health Policy* (2016) available at <https://honduras.bvsalud.org/wp-content/uploads/2024/04/POLITICA-NACIONAL-DE-SALUD-SEXUAL-Y-REPRODUCTIVA.pdf>, pg. 5-8.

13. Under this policy, sexuality is defined as follows:

'Sexuality is a fundamental dimension of being a human being: Based on sex, it includes gender, sexual orientation, gender identities, eroticism, emotional bonding, love, and reproduction. It is experienced or expressed through thoughts, fantasies, desires, beliefs, attitudes, values, activities, practices, roles, and relationships. Sexuality results from the interaction of biological, psychological, socioeconomic, cultural, ethical, and religious or spiritual factors. While sexuality can encompass all these aspects, not all of them need to be experienced or expressed. In short, sexuality is experienced and expressed in everything we are, feel, think, and do.'<sup>13</sup>

14. According to this policy, the Ministry of Education is responsible for training teachers, revising curricula, designing and reviewing educational materials, and promoting and evaluating the development of the teaching-learning process regarding sexual and reproductive health, under the guidance of the Ministry of Health. Non-formal education centers are also required to incorporate the policy content into their training curricula for both teachers and students.<sup>14</sup>

15. In this regard, whistleblowers have reported that curricula include lessons on gender identity and the distinction between gender and sex, the idea that being a man or woman extends beyond biological sex, and understanding gender as a social construct. Based on information received, these subjects are being taught to children as young as nine years old.<sup>15</sup>

16. Additionally, this policy incorporates abortion among adolescent pregnancy prevention measures, despite abortion being banned under Honduran law.<sup>16</sup>

17. Although Honduras' legal framework recognizes parental rights, the National Sexual and Reproductive Health Policy lacks provisions to guarantee parents' right to direct their children's education in accordance with their religious and moral convictions. It also does not require parental notification about the content of sexual education programs or involve them in the development of these initiatives. As a result, many parents remain unaware of these programs and cannot opt their children out in advance.

## Cases

18. In March 2023, the Ministry of Education administered tests on Spanish, mathematics, and related subjects across 2,558 government and non-government educational centers. However, several questions in these assessments were unrelated to these subjects and instead focused on so-called comprehensive sexuality education (CSE). It has been reported that parents were not informed that these tests contained questions on this topic, leading some to initiate legal action to request access to the tests their children had completed. Nevertheless, to date, these requests have not been fulfilled.<sup>17</sup>

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<sup>13</sup> Id., pg. 35.

<sup>14</sup> Id., pg. 55.

<sup>15</sup> Information on file with author.

<sup>16</sup> Id., pg. 46.

<sup>17</sup> Information on file with author.

19. These tests included questions about the reasons why children were not engaging in sexual relations, whether their family members would approve of them engaging in sexual activity at their age, and whether they agreed with having sexual contact without intercourse, among others.<sup>18</sup>
20. Furthermore, in July 2023, whistleblowers reported that a Spanish language textbook had been altered to depict an image of a man in women's clothing. The altered illustration depicted a fable about a contest between the wind and the sun to determine which was more powerful. The challenge was to make a passing traveler remove his clothing. In the story, the wind caused the man to hold tightly to his coat, while the sun's warmth led him to remove it. In the altered version, the traveler's attire underneath the coat resembled a woman's skirt and blouse. Parents became aware of these textbook modifications after images circulated on WhatsApp denouncing them. When they approached the school principal to verify the information, the principal denied the claims and refused to grant them access to the textbook.<sup>19</sup>
21. In October 2023, a mother from the municipality of La Ceiba reported that during the celebration of the International Day of the Girl Child at her daughter's school, children as young as six years old were given materials containing highly controversial content, including claims that girls have the ability to choose when and with whom to engage in sexual activity and that they could adopt the sexual identity they wished. As a result, parents objected and argued that the materials violated their right to educate their children in accordance with their moral and religious beliefs.<sup>20</sup>

#### *Contested Efficacy and Human Rights Implications of Comprehensive Sexuality Education*

22. Contrary to claims made by proponents of CSE, evidence suggests that relevant programmes yield negative effects on children, including an increased likelihood of early sexual debut and risk-taking behaviours.<sup>21</sup> Instead of promoting responsible sexual behaviour, including abstinence and fidelity, CSE programs desensitize children to the emotional as well as ethical aspects of sexuality; undermine religious, social, and cultural norms and traditions regarding sexual behaviour; and fail to effectively discourage children's early sexual activity.
23. CSE curricula generally fail to provide evidence-based information to children concerning the serious health risks and long-term implications associated with early sexual activity. The consequences of premature sexual activity have a disproportionate impact on young girls because their bodies are not developmentally prepared for pregnancy, in addition to the fact that they are more susceptible to HIV and other sexually transmitted infections.
24. In light of the above, mandating CSE as part of the school curriculum not only interferes with parents' right to educate their children in conformity with their moral and religious convictions, but also carries far-reaching human rights ramifications for children, potentially infringing upon their rights to freedom of religion or belief and to the

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<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> S. Weed, I. Ericksen, *Re-Examining the Evidence for Comprehensive Sex Education in Schools* (2018) Institute for Research & Evaluation, [https://www.institute-research.com/CSEReport/CSEReportFinal\\_9-13-17.pdf](https://www.institute-research.com/CSEReport/CSEReportFinal_9-13-17.pdf).

enjoyment of the highest attainable standard of physical and mental health, and exposing them to potentially harmful content that may also be inconsistent with their personal and family values.<sup>22</sup>

### *Honduras' Obligations under International Human Rights Law*

25. International human rights law recognizes parents as their children's primary caretakers, bearing rights, responsibilities and duties regarding their upbringing, education, and development.

26. Article 26(3) of the Universal Declaration of Human Rights states that: 'Parents have a prior right to choose the kind of education that shall be given to their children.'<sup>23</sup>

27. Article 13(3) of the International Covenant on Economic, Social and Cultural Rights is equally explicit in guaranteeing the rights of parents with respect to the education of their children:

'The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.'<sup>24</sup>

28. Article 18(4) of the International Covenant on Civil and Political Rights on the right to freedom of religion or belief likewise states that States must 'undertake to have respect for the liberty of parents [...] to ensure the religious and moral education of their children in conformity with their own convictions'.<sup>25</sup>

29. Parental rights in this area are further safeguarded within the Convention on the Rights of the Child. Article 18(1) of the Convention states that: 'Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child.' Article 14(2) requires States to 'respect the rights and duties of the parents [...] to provide direction to the child in the exercise of his or her right [to freedom of thought, conscience and religion] in a manner consistent with the evolving capacities of the child'.<sup>26</sup>

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<sup>22</sup> J. de Irala, A. Osorio, C. Beltramo, S. Carlos, C. L. del Burgo, *The Politics of "Comprehensive Sexuality Education"* (11 April 2014) Center for Family and Human Rights, [https://cfam.org/briefing\\_paper/the-politics-of-comprehensive-sexuality-education/](https://cfam.org/briefing_paper/the-politics-of-comprehensive-sexuality-education/).

<sup>23</sup> OHCHR, *Universal Declaration of Human Rights* (10 December 1948) available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, Article 26(3).

<sup>24</sup> OHCHR, *International Covenant on Economic, Social and Cultural Rights* (16 December 1966) General Assembly Resolution 2200A (XXI) available at <https://www.ohchr.org/sites/default/files/ceschr.pdf>, Articles 13(3).

<sup>25</sup> OHCHR, *International Covenant on Civil and Political Rights* (16 December 1966) General Assembly Resolution 2200A (XXI) available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, Article 18(4).

<sup>26</sup> OHCHR, *Convention on the Rights of the Child* (20 November 1989) General Assembly Resolution 44/25 available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>, Articles 5, and 14(2).

30. Lastly, according to Article 23 of the Ibero-American Convention on the Rights of Young People, to which Honduras is a State Party,<sup>27</sup> the right to education encompasses education on sexuality as a source of personal development, affectivity, and communicative expression, and as a source of information related to reproduction and its consequences. However, this Article also explicitly recognizes the important role and responsibility that corresponds to the family in the education of young people on sexuality.<sup>28</sup>
31. Under Article 7 of the aforementioned Convention, State Parties recognize the importance of the family and the responsibilities and duties of parents in guiding their young minor children in the exercise of their rights.<sup>29</sup> Likewise, it is important to note that under Article 1 of said Convention, young people are defined as those between the ages of 15 and 24 years old.<sup>30</sup>
32. Based on the above, the government of Honduras must urgently adopt legislative and policy measures to ensure that sex education programs fully align with legal protections for children's education and well-being while respecting parental rights.

#### **(a) Recommendations**

33. In light of the aforementioned, ADF International suggests the following recommendations be made to Honduras:
- a. Respect the right of parents to raise and educate their children in accordance with their moral and religious convictions;
  - b. Ensure that parents are able to opt their children out of education programmes that violate their religious or moral convictions, including school-based sex education, in accordance with international human rights law and standards;
  - c. Ensure full transparency in the development and implementation of sex education programmes by providing parents with unrestricted access to the curriculum content, teaching materials, and program objectives, and ensuring they are informed in advance of any planned instruction.

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<sup>27</sup> The Ibero-American Convention on the Rights of Young People was signed in October 2005 and later ratified, entering into force on 1 March 2008. Currently, there are only seven State Parties to this Convention, including Honduras. More information available at <https://oij.org/wp-content/uploads/2018/12/ESTUDIO-COMPLETO-1.pdf>.

<sup>28</sup> International Youth Organization for Ibero-America, *Ibero-American Convention on the Rights of Young People* (October 2005) available at <https://oij.org/wp-content/uploads/2017/01/Convenci%C3%B3n.pdf>, Article 23.

<sup>29</sup> Id., Article 7.

<sup>30</sup> Id., Article 1.





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