



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Concluding observations on the report submitted by
Honduras under article 29 (1) of the Convention**

Addendum

**Information received from Honduras on follow-up to the
concluding observations***

[Date received: 11 June 2019]

* The present document is being issued without formal editing.



Introduction

1. The Committee on Enforced Disappearances considered the report submitted by Honduras under article 29 (1) of the Convention (CED/C/HND/1) at its 239th and 240th meetings (CED/C/SR.239 and 240), held on 22 and 23 May 2018. At its 252nd meeting, held on 31 May 2018, the Committee adopted the concluding observations and requested Honduras to provide, by 1 June 2019, written information on the steps taken to give effect to the recommendations contained in paragraphs 13, 25 and 27 of the document.¹
2. In keeping with its international commitments, Honduras, through the Ministry of Human Rights, the body responsible for coordinating human rights reports, prepared this report on follow-up to the Committee's recommendations.
3. The information contained in this document was supplied by the competent State institutions that make up the Special Response Group on Human Rights and the Recommendation Monitoring System of Honduras.²
4. Honduras reaffirms its willingness to honour its international commitments and undertakes to submit its next periodic report.

Report on follow-up to the recommendations contained in paragraphs 13, 25 and 27

Paragraph 13

The Committee urges the State party to establish a consolidated register of all cases of enforced disappearance committed in Honduras or against Honduran nationals abroad. The register should reflect the total number of disappeared persons, the number who have subsequently been found, whether alive or dead, and the number who are still missing.

5. Regarding the establishment of such a register, a bill on a national register of missing or disappeared persons³ was submitted to the National Congress in June 2018 and is awaiting a decision. The technical opinions provided for in article 38 of the Organic Act on the Legislature were duly requested.⁴
6. The purpose of the bill is to establish and regulate the operation, functioning and administration of the register, which will serve as an information tool for organizing and pooling the information in an electronic database on missing or disappeared persons, persons in care, protection, detention or internment facilities and persons whose filiation, domicile or identification data are unknown, with the aim of assisting in investigations to search for or locate them or to trace their family or place of residence.
7. The bill provides that information on the missing or disappeared person will be incorporated into the register, including his or her sex, age, nationality, the place where he or she went missing or disappeared, ethnic origin, whether he or she has a disability, any history of gender-based violence and any other relevant information.
8. The bill also provides that the register will be maintained by the competent authorities, who will be obliged to record any circumstantial facts that could help build upon the information already contained in the register.
9. Although the information contained in the register will be available to the public, the personal data included therein will remain confidential and access thereto will be restricted.

¹ CED/C/HND/CO/1, para. 47.

² PCM-028-2017 of 7 August 2017, <http://simoreh.sedh.gob.hn/>.

³ Annex 1.

⁴ Decree No.163-2013.

10. At the request of the National Congress, the Ministry of Human Rights verified the compatibility of the bill with international treaties and made the corresponding observations.⁵

Paragraph 25

The Committee recommends that the State party: (a) Ensure that, in practice, where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, a thorough and impartial investigation is undertaken immediately, even if there has not been a formal complaint.

11. The Public Prosecution Service created, as part of the Office of the Special Prosecutor for Human Rights, the Enforced Disappearances Section as a unit specializing in the investigation of these crimes. This section handles all cases of enforced disappearance that have occurred in Honduras, having registered 139 cases to date.

12. The Office of the Special Prosecutor for Human Rights has prosecutors on duty 24 hours a day, 365 days a year, who travel to the scene as quickly as possible. They also conduct the initial inquiry and institute preliminary proceedings.⁶

13. The Ministry of Foreign Affairs and International Cooperation oversees the search mechanism that was duly mentioned during the dialogue with the Committee. This mechanism is at the centre of the search for Honduran nationals who have gone missing abroad. It conducts searches at the request of a relative or through committees of relatives of missing migrants, initiating the search within 24 hours with the help of the network of Honduran consulates, which carry out an ante-mortem investigation by consulting databases containing information on Honduran nationals, including returnees who have completed administrative procedures in Honduran consulates and those in prisons, migrant holding centres, shelters, government institutions or in morgues, among other places.

14. The consulates send a reply detailing the outcome of the investigation to the Ministry of Foreign Affairs and International Cooperation as a means of maintaining communication with the relative or the institution that referred the case.

15. In order to build capacity to search for migrants, in October 2018, the Office of the United Nations High Commissioner for Human Rights held a regional discussion on increasing the protection of migrants in transit and at international borders in Central American countries and in Mexico, in which the Ministry of Foreign Affairs and International Cooperation, the Ministry of Human Rights, the Directorate-General of Forensic Medicine, the Argentine Forensic Anthropology Team and the different civil society organizations and organizations of relatives of missing migrants working on this issue took part.

16. The aim of the workshop was to contribute to the protection of the human rights of migrants, especially access to justice with a gender perspective. The discussion was also intended to be a forum for exchanging good practices and identifying existing obstacles to the introduction of a protocol for the search, identification and care of migrants and their families.

(b) Expedite the investigations of enforced disappearance that are currently under way and ensure that all offences of enforced disappearance, including those committed in the 1980s and 1990s, are promptly investigated and that alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the extreme seriousness of their acts, while ensuring that no act of enforced disappearance is left unpunished.

17. The Public Prosecution Service, through the Enforced Disappearances Section of the Office of the Special Prosecutor for Human Rights, is continuing to investigate cases of enforced disappearance.

⁵ Annex 2.

⁶ Code of Criminal Procedure, art. 203 et seq.

18. In the case of Honduran nationals, information has been requested from the National Registry Office and, in the case of foreign nationals, from the Migration and Aliens Department of the National Institute of Migration. Information is also being requested from the country of origin under the Treaty on Mutual Legal Assistance in Criminal Matters concluded by Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama for the purpose of obtaining the information necessary to verify and identify the victims and their families.

(c) Encourage and facilitate the participation of all persons with a legitimate interest, such as the family, close friends and legal representatives of disappeared persons, in investigations and at all stages of the proceedings, as part of due process, and ensure that they are regularly informed about the progress and results of the investigations.

19. The Public Prosecution Service, in accordance with the procedural rules relating to the rights of direct victims, their families, heirs and legal representatives, keeps these persons informed of proceedings, allows them to join proceedings as civil parties, to take part in public hearings and to file an objection with the superior of the prosecutor involved in the proceedings in respect of decisions that he or she has taken thereon, and so on.

(d) Ensure that the competent authorities and institutions have access to any place of deprivation of liberty where there are grounds to believe that a person subjected to enforced disappearance may be present.

20. When a person is arrested, the National Police guarantees the competent authorities, such as the Public Prosecution Service, the Office of the National Commissioner for Human Rights or the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment, access to police premises to perform their duties without hindrance, providing them with any assistance that may be necessary.

21. Similarly, the National Prison Institute works in partnership with the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment to safeguard the rights and the guarantees applicable in respect of persons deprived of their liberty by dispensing training on preventing torture and cruel, inhuman or degrading treatment.

22. The National Prison Institute provides training on the mandate of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment. This training is dispensed by the Human Rights Protection Unit to staff working in 25 prisons and to persons deprived of their liberty. A total of 500 employees and officials of the National Prison Institute and 2,500 persons deprived of their liberty received this training in 2018.

23. In 2018, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment conducted 95 visits, including 61 visits to prisons, 11 to battalions, 9 to juvenile detention centres, 8 to police stations and 5 to hospitals. Of these, 66 per cent were regular visits, 31 per cent were ad hoc visits to follow up on recommendations and 3 per cent were preventive in nature. No complaints of enforced disappearance were received in 2018.

24. The Public Prosecution Service announced that, on 6 December 2018, it had filed an application for prosecution against a colonel who had served as head of the Operations Department of the Directorate of Organization, Operations and Training (C-3) of the Joint Chiefs of Staff for breach of the duties of public servants. The colonel had been reported by the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment on the grounds that, when he had arrived at the First Infantry Battalion to follow up on a complaint filed by relatives of persons deprived of their liberty who were being held in the battalion and who had allegedly suffered ill-treatment, the accused had delayed entering the premises, arguing that he had a duty to comply with the establishment's internal regulations.

25. On 2 May 2019, an initial hearing was held during which he was formally indicted for the crime of which he had been accused.

26. Two complaints concerning similar acts, in which the staff of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment had been denied or had suffered delays in gaining access to prisons, are pending investigation.

(e) Ensure that any State agent, whether civilian or military, who is suspected of having committed an offence of enforced disappearance is not in a position to influence the progress of the investigations.

27. Honduran criminal procedure law sets out the interim measures that are to be imposed on an accused person during criminal proceedings. These measures have been duly described in paragraph 28 of the replies of Honduras to the list of issues (CED/C/HND/Q/1/Add.1).

Paragraph 27

The Committee urges the State party to step up its efforts to prevent and punish acts of intimidation and/or ill-treatment against any of the persons referred to in article 12 (1) of the Convention and to ensure the prompt and effective implementation of the protection measures provided for by law with a view to effectively protecting such persons.

28. In the Honduran legal system, there are two laws intended to protect victims and complainants. The first is the Act on the Protection of Witnesses in Criminal Proceedings, which provides for the establishment of a specific programme within the Public Prosecution Service for protecting victims, witnesses and other parties involved in criminal proceedings. The second is the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials.

29. As at 30 April 2019, the Directorate-General of the Protection System of the Ministry of Human Rights had granted 137 protection measures in respect of human rights defenders. The individuals associated with the three cases involving human rights defenders engaged in combating enforced disappearance in Honduras remain under protection.

30. The measures in place to prevent and to increase the effectiveness of protection in cases of enforced disappearance included a two-day workshop conducted by the Ministry of Security on prevention and investigating the fate of persons missing as a result of human trafficking, irregular migration, kidnapping or enforced disappearance and the related conventions. The workshop, which took place on 10 and 11 October 2018, was attended by 250 officials from a number of public institutions, including the Supreme Court of Justice, the Investigations Department of the National Police, the Ministry of Human Rights, the Ministry of Foreign Affairs and International Cooperation, the National Congress, the National Prison Institute, the Counsel General's Office, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment, the Office of the National Commissioner for Human Rights, the Ministry of Defence and representatives of relevant civil society organizations.

31. Lastly, the Ministry of Human Rights has incorporated training on enforced disappearance and extrajudicial executions, among other topics, into the training curriculum of the basic course for applicants to all battalions falling within the purview of the Public Order Military Police, the course for trainers in human rights working for the armed forces, the human rights courses provided at the Army Military Training Centre and the course for State trainers in human rights.