



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

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**Committee on Enforced Disappearances**

**Additional information submitted by Honduras  
under article 29 (4) of the Convention\***

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## I. Introduction

1. Honduras is pleased to submit its periodic report to the Committee on Enforced Disappearances in keeping with the international commitments flowing from the International Convention for the Protection of All Persons from Enforced Disappearance and the concluding observations (CED/C/HND/CO/1) on its periodic report to the Committee transmitted to Honduras on 4 July 2018.
2. The report was prepared in accordance with the guidelines on the form and content of reports (CED/C/2) and covers the period 2016–2021. It sets out the main measures adopted, progress made and challenges encountered in the implementation of the rights protected by the Convention and the need to report on actions to investigate and punish those responsible for alleged acts of enforced disappearance and to prevent such acts.
3. The report was prepared by the Ministry of Human Rights as the institution responsible for submitting reports to the treaty bodies, in coordination with the Special Response Group on Human Rights. Representatives of both these entities sat on the body overseeing the Honduran System for the Monitoring of Recommendations and provided the information necessary for following up on recommendations and preparing this report.
4. As part of its public policy on human rights, Honduras wishes to reiterate its willingness to cooperate and its commitment to transparency and accountability before national and international human rights mechanisms.

## II. General legal framework under which enforced disappearances are prohibited

### A. International norms

5. Honduras wishes to inform the Committee that, during the reporting period, it ratified the following instruments:
  - (a) Arms Trade Treaty;<sup>1</sup>
  - (b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;<sup>2</sup>
  - (c) Treaty on the Prohibition of Nuclear Weapons;<sup>3</sup>
  - (d) Adoption of the 2030 National Agenda for the Sustainable Development Goals;<sup>4</sup> and
  - (e) 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.<sup>5</sup>

### B. Laws, regulations and other internal rules

6. During the reporting period, the following legal instruments were adopted:
  - (a) Act on AMBER Alerts to Locate and Protect Missing or Abducted Children and Adolescents;<sup>6</sup>
  - (b) Organic Act on the Ministry of Security and the National Police of Honduras;<sup>7</sup>

<sup>1</sup> Legislative Decree No. 140-2015, published in *La Gaceta* (the State's official gazette) No. 34175 of 1 November 2016.

<sup>2</sup> Legislative Decree No. 8-2017, published in *La Gaceta* No. 34408 of 4 August 2017.

<sup>3</sup> Legislative Decree No. 127-2020, published in *La Gaceta* No. 35404 of 19 October 2020.

<sup>4</sup> Consulted on 19 May 2021, available at <https://bit.ly/36r2uQQ>.

<sup>5</sup> Consulted on 19 May 2021, available at <https://bit.ly/3qXpAI2>.

<sup>6</sup> Legislative Decree No. 119-2015, published in *La Gaceta* No. 34.226.

<sup>7</sup> Legislative Decree No. 18-2017, published in *La Gaceta* No. 34.463.

- (c) Police Service Act<sup>8</sup> and its implementing regulations;<sup>9</sup>
- (d) Act on the Control of Firearms, Munitions, Explosives and Related Items;<sup>10</sup>
- (e) Honduras Special Adoption Act<sup>11</sup> and its implementing regulations;<sup>12</sup>
- (f) Criminal Code;<sup>13</sup>
- (g) Addition to the Act on the Public Prosecution Service of article 44-A, which establishes the Femicide Unit within the Technical Criminal Investigation Agency;<sup>14</sup>
- (h) Act on the Electronic Management of Judicial Proceedings;<sup>15</sup>
- (i) Special Regulations on the Organization and Operation of the Directorate General of the Attorney General's Office;<sup>16</sup>
- (j) Special Regulations on the Act on the Protection of Witnesses in Criminal Proceedings;<sup>17</sup>
- (k) Regulations on the Special Unit for the Protection of Justice Officials attached to the Judiciary of the Republic of Honduras;<sup>18</sup>
- (l) Establishment of the National Institute for Juvenile Offenders<sup>19</sup> and the Regulations on the Organization and Functioning of the National Institute for Juvenile Offenders;<sup>20</sup>
- (m) Regulations on the Inter-Agency Commission for the Monitoring of Investigations of Violent Deaths of Women and Femicides;<sup>21</sup>
- (n) Disciplinary Regulations Applicable to the Staff of the Ministry of Security and to Members of the National Police of Honduras;<sup>22</sup>
- (o) Regulations on Promotion within the National Police;<sup>23</sup>
- (p) General Regulations implementing the Act on the Protection of Honduran Migrants and Members of Their Families;<sup>24</sup>
- (q) Protocol for the Selection and Appointment of Judges of the Court of Appeal, Career Judges, Trial Judges, Enforcement Judges and Justices of the Peace II;<sup>25</sup>
- (r) Special measures to disseminate information on, prevent and address violence against women and actions to guarantee gender equality during the national emergency declared as a result of the coronavirus disease (COVID-19) pandemic;<sup>26</sup>
- (s) Establishment of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials;<sup>27</sup> and

<sup>8</sup> Legislative Decree No. 69-2017, published in *La Gaceta* No. 34463.

<sup>9</sup> Legislative Decision No. 0265, published in *La Gaceta* No. 34841.

<sup>10</sup> Legislative Decree No. 101-2018, published in *La Gaceta* No. 34866.

<sup>11</sup> Legislative Decree No. 102-2018, published in *La Gaceta* No. 34841.

<sup>12</sup> Decision No. 309-2021, published in *La Gaceta* No. 35569 of 12 April 2021.

<sup>13</sup> Legislative Decree No. 130-2017, published in *La Gaceta* No. 34940.

<sup>14</sup> Legislative Decree No. 106-2016, published in *La Gaceta* No. 34201 of 1 December 2016.

<sup>15</sup> Legislative Decree No. 146-2020, published in *La Gaceta* No. 35426 of 11 November 2020.

<sup>16</sup> Decision No. FRG-011-2016, published in *La Gaceta* No. 34028.

<sup>17</sup> Decision No. FGR-012-2017, published in *La Gaceta* No. 34456.

<sup>18</sup> Decision No. 03-2018, published in *La Gaceta* No. 34805 of 27 November 2018.

<sup>19</sup> Executive Decree No. PCM-061-2017, published in *La Gaceta* No. 34450.

<sup>20</sup> Approved by the Board of Directors by Resolution No. 01-02-2018, published in *La Gaceta* No. 34576 of 23 February 2018.

<sup>21</sup> Decision No. 001-CISMWMF-2019, published in *La Gaceta* No. 35027.

<sup>22</sup> Decision No. 0263-2019, published in *La Gaceta* No. 34867.

<sup>23</sup> Decision No. 0262-2019, published in *La Gaceta* No. 34867.

<sup>24</sup> Executive Decision No. 01-SG-2020, published in *La Gaceta* No. 35182.

<sup>25</sup> Decision No. PCSJ-13-2017, consulted on 5 July 2021, at <https://bit.ly/2UEHzXx>.

<sup>26</sup> Legislative Decree No. 99-20, published in *La Gaceta* No. 35353.

<sup>27</sup> Decision No. FRG-002-2018, published in *La Gaceta* No. 34593.

- (t) Establishment of the Ministry of Human Rights.<sup>28</sup>

### C. Policies, plans and programmes

7. The main policies, plans and programmes adopted during the reporting period include:
- (a) Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples;<sup>29</sup>
  - (b) National Policy on Aging and Older Adults 2021–2050;<sup>30</sup>
  - (c) Strategic Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons (2016–2022);<sup>31</sup>
  - (d) Strategic Government Plan 2018–2022;<sup>32</sup>
  - (e) “Ciudad Mujer” Presidential Programme;<sup>33</sup>
  - (f) Establishment of the National Commission for the 2030 National Agenda for the Sustainable Development Goals;<sup>34</sup> and
  - (g) Creation of the Integrated System for the Rights of Children and Adolescents in Honduras.<sup>35</sup>

## III. Information relating to the implementation of the Convention

### A. Prohibition of enforced disappearance (art. 1)

8. Honduras guarantees that no one will be subjected to enforced disappearance or illegal or arbitrary detention, as is established in the Constitution, which enshrines the inviolable rights to life and personal liberty.<sup>36</sup> Thus, the new Criminal Code, which entered into force in May 2020, prohibits and punishes the crime of enforced disappearance with imprisonment and suspension of citizenship, and also imposes the penalty of general disqualification when the act is committed by a public official or employee in the performance of his or her duties.<sup>37</sup>

9. In addition, the criminal law currently in force punishes unlawful deprivation of liberty with penalties of between 5 and 7 years’ imprisonment; when this deprivation of liberty is carried out arbitrarily by a public official or employee in the performance of his or her duties, the above penalties, increased by one third, are applied and the official is subject to general disqualification for 10 to 15 years. Any person who is responsible for operating prisons or detention or internment centres, including psychiatric, immigration and internment centres for juvenile offenders, who deprives one or more persons of their liberty without an order from a competent authority or without complying with the applicable legal requirements is also liable to incur these penalties.<sup>38</sup>

<sup>28</sup> Executive Decree No. PCM-055-2017, published in *La Gaceta* No. 34441.

<sup>29</sup> Executive Decree No. PCM-027-2016, published in *La Gaceta* No. 34031.

<sup>30</sup> Executive Decree No. PCM-005-2021, published in *La Gaceta* No. 35542.

<sup>31</sup> Executive Decision No. 487-2016, published in *La Gaceta* No. 34204.

<sup>32</sup> Consulted on 5 May 2021, available at <https://bit.ly/3ekQAfJ>.

<sup>33</sup> Executive Decree No. PCM-031-2016; the programme was accorded the status of a national policy by Legislative Decree No. 159-2016 and was decentralized as part of the reform envisaged in Executive Decree No. PCM-023-2018.

<sup>34</sup> Executive Decree No. PCM-064-2018, published in *La Gaceta* No. 34756.

<sup>35</sup> Executive Decree No. PCM-020-2019 and Executive Decree No. PCM-038-2019.

<sup>36</sup> Legislative Decree No. 130-82, arts. 65, 69 and 71.

<sup>37</sup> Criminal Code, title I, Crimes against the International Community, chap. I, Crimes against Humanity, arts. 140–142.

<sup>38</sup> Criminal Code, arts. 235–238.

## B. Definition of the crime of enforced disappearance (arts. 2, 4, 5 and 7)

10. Regarding the recommendation contained in paragraph 15 (a), on the definition of the crime of enforced disappearance, the new Criminal Code brings the definition of this crime into line with the provisions of article 2 of the Convention and the Inter-American Convention on Forced Disappearance of Persons. Article 140 of the new Criminal Code states: “Article 140. Enforced Disappearance. The crime of enforced disappearance is committed by a public official, agent of the State or person or group of persons who, acting with the authorization, support or acquiescence of the State, deprives one or more persons of their liberty, in any way, and subsequently fails to provide information on or refuses to acknowledge the deprivation of liberty or to provide information about the whereabouts of the person, thereby impeding recourse to the applicable legal remedies and procedural safeguards, and shall be punishable by 15 to 20 years’ imprisonment and suspension of citizenship”. Deprivation of liberty refers to depriving a person of his or her liberty by any means.

11. With regard to subparagraph (b), the new Criminal Code includes the crime of enforced disappearance in its two forms, as a separate offence in article 140 above, and as a crime against humanity in article 139 (9), which states: “Article 139. Crime against Humanity. Any person who commits a crime against humanity as part of a widespread or systematic attack against the civilian population, with knowledge of the attack, by participating in any of the following acts: ... (9) Enforced disappearance ..., shall be liable to a term of imprisonment of 30 years to life, loss of nationality and general disqualification for the same duration as the term of imprisonment”, in accordance with the provisions of article 7 of the Rome Statute of the International Criminal Court.

12. With regard to subparagraph (c), on the aggravating and mitigating circumstances for the crime of enforced disappearance referred to in article 7 of the Convention, the new Criminal Code includes both types of circumstances in articles 141 and 142, as follows:

“Article 141. Aggravated Enforced Disappearance. The term of imprisonment is increased by one third if any of the following circumstances are found to apply:

(1) The deprivation of liberty of the disappeared person lasts for more than 72 hours, or;

(2) The disappeared person is under 18 years of age, a pregnant woman, an older person, a person with a disability or a person who suffers from a life-limiting illness.

Article 142. Mitigated Enforced Disappearance. The penalty is reduced by one third if, within a period not exceeding 72 hours following the deprivation of liberty, the perpetrator releases the victim voluntarily or, as a result of negotiations, provides information that leads to him or her being located, on the condition that the victim has not suffered harm to his or her health or physical integrity.”

13. With regard to subparagraph (d), national law imposes life imprisonment as the maximum penalty for serious crimes, which is applicable in the case of crimes against humanity, including cases of enforced disappearance, and also imposes, as accessory penalties, loss of citizenship and general disqualification for the duration of the term of imprisonment, given the extreme seriousness of such crimes.<sup>39</sup>

14. During the process of drafting and publicizing the new Criminal Code, the National Congress received technical assistance from the International Committee of the Red Cross (ICRC) in carrying out a study on the compatibility of the new Criminal Code with the standards set by international humanitarian law. ICRC proposed amendments and additions to the offences contained in the chapter on war crime offences prior to its entry into force in May 2020; the compatibility study covered the international standards of the legal framework on disappeared persons.<sup>40</sup>

<sup>39</sup> Legislative Decree No. 130-2017, art. 139.

<sup>40</sup> Consulted on 5 May 2021, available at <https://bit.ly/3qZaAJA>.

## C. Criminal responsibility of superiors and due obedience (art. 6)

15. Regarding the recommendation contained in paragraph 15 (e), on the punishment of those responsible for an offence of enforced disappearance, in accordance with the modalities described in article 6 (1) (a) of the Convention, and the provisions of article 3 of the Inter-American Convention on Forced Disappearance of Persons, it should be pointed out that articles 24, 25, 26 and 27 of the Criminal Code provide that perpetrators and participants, including instigators and accomplices, as well as those acting on behalf of another, are criminally responsible for crimes and offences.

16. In cases involving offences of enforced disappearance, the Public Prosecution Service is obliged to bring public criminal proceedings, either of its own motion or at the request of an interested party.<sup>41</sup> Even in cases where the victims bring private criminal proceedings, the Public Prosecution Service is still to perform the functions assigned to it by the Code of Criminal Procedure or the laws implementing it, and is not exempt from fulfilling its responsibilities.<sup>42</sup> Therefore, even if the accused persons cooperate in the investigation, it must still bring public criminal proceedings.

17. The only mitigating circumstance provided for in the new Criminal Code is that of reducing the penalty for the crime of enforced disappearance by one third if, within a period not exceeding 72 hours following the deprivation of liberty, the perpetrator releases the victim voluntarily or, as a result of negotiations, provides information that leads to him or her being located, on the condition that the victim has not suffered harm to his or her health or physical integrity, in accordance with article 7 (2) (a), of the Convention and article 3 of the Inter-American Convention on Forced Disappearance of Persons.

18. Regarding the recommendation contained in paragraph 17 (a), on legislative measures to ensure the punishment of superiors who are responsible for offences of enforced disappearance, including when such offences are committed by subordinates with their knowledge or when they have consented to the commission of such an offence, have carried it out themselves or have failed to take the measures necessary to prevent its commission, it should be pointed out that article 153 of the Criminal Code, which comes under chapter V, on provisions common to crimes against humanity, genocide and war crimes, regulates the responsibility of commanders, authorities and other superiors, or those who effectively act as such, in cases where such crimes are committed by forces under their command and effective control or under their authority and effective control, as the case may be.

19. In cases of omission, any superior who fails to take the necessary and reasonable measures within his or her power to prevent the commission of the crime or who, despite it being within the scope of his or her authority and within his or her power to prevent its commission by subordinates, fails to take measures to ensure the prosecution of such crimes when they are committed by persons under his or her command or effective control, is liable to punishment; any superior who, despite it being within the scope of his or her authority, fails to take such measures will also be subject to punishment.<sup>43</sup>

20. With regard to subparagraph (b), on the express prohibition on the invoking of orders or instructions from a superior to justify an offence of enforced disappearance, it should be noted that article 157 of the Criminal Code prohibits persons who commit such offences from using as a justification the exercise of a right or profession, the performance of a duty or due obedience, since orders to commit genocide, crimes against humanity or war crimes are manifestly unlawful and therefore cannot be covered by such justifications.

21. In compliance with the Organic Act on the Ministry of Security and the National Police of Honduras, article 10 (6) of the Police Service Act, which comes under title II, on duties, obligations, rights and prohibitions for the members of the police service, provides that police officers must inform their immediate superior, the Public Prosecution Service and/or any other competent authority of the alleged commission of offences of which they have knowledge so that they may be duly investigated. Furthermore, paragraph 7 of this

<sup>41</sup> Code of Criminal Procedure, art. 25.

<sup>42</sup> Code of Criminal Procedure, art. 96.

<sup>43</sup> Criminal Code, arts. 153 and 154.

article establishes the obligation for police officers to report to the competent authorities any unlawful orders given to them by their superiors without any reprisals being taken against the whistle-blower.

22. Similarly, article 53 of the Disciplinary Regulations Applicable to the Staff of the Ministry of Security and to Members of the National Police of Honduras establishes the following as very serious misconduct: “(5) Failure to report to their superiors any knowledge they may have of criminal or other acts that he or she is duty-bound to report, or doing so with intentional delay or on false pretences ... (7) Covering up serious and very serious misconduct committed by superiors or subordinates ... and (29) Issuing or carrying out unlawful orders”.

#### **D. Continuous nature of the crime of enforced disappearance (art. 8)**

23. Regarding the recommendation contained in paragraph 19 (a), bearing in mind that, in accordance with article 8 of the Convention and article 3 of the Inter-American Convention on Forced Disappearance of Persons, the continuous nature of the crime of enforced disappearance requires States to ensure that the statute of limitations for the crime is of long duration and proportionate to its extreme seriousness, it should be noted that article 116 of the Criminal Code, on imprescriptible offences and penalties, which comes under title VIII, on extinguishment of criminal responsibility and its effects, provides that: “In none of the following cases may the statute of limitations expire for the following offences:

1. Crimes against humanity, terrorism when it has caused the death of one or more persons, torture, enforced disappearance, trafficking in persons and sexual exploitation of minors under 18 years of age; and

2. Any offence punishable by life imprisonment.”

24. “The following penalties are also not subject to any statute of limitations:

1. Penalties that are imposed in a final judgment for the commission of the offences mentioned in the preceding paragraphs; and

2. Criminal proceedings and penalties that are considered to be imprescriptible by the Constitution, international treaties and conventions signed and/or ratified by Honduras or other criminal laws.”

25. With regard to subparagraph (b), article 110 (3) of the Criminal Code, on the calculation of the statute of limitations for criminal proceedings, establishes that, in the case of continuous offences such as enforced disappearance, the statute of limitations runs from the day on which the unlawful situation ceases, as stipulated in article 8 (b) of the Convention.

26. In the event of the statute of limitations for criminal proceedings expiring, requests for reconsideration and appeals may be lodged.<sup>44</sup>

#### **E. Jurisdiction over offences of enforced disappearance (arts. 9, 14 and 15)**

27. Regarding the recommendation contained in paragraph 21, which requests the State to take measures to fully guarantee that the Honduran courts can exercise jurisdiction over all offences of enforced disappearance, including those committed abroad against Honduran nationals, it should be noted that article 9 (3) of the Criminal Code provides for the extraterritorial application of criminal law “even when the act was committed outside the national territory, in the following cases:

...

3. Principle of universal jurisdiction, regardless of the provisions in force in the place where the punishable act was committed and the nationality of the perpetrator, offences committed abroad may be tried and punished under Honduran criminal law when the conditions established in the international treaties and conventions signed

<sup>44</sup> Code of Criminal Procedure, arts. 352, 353 and 354 (6).



and/or ratified by Honduras are met, and when the perpetrators or instruments used to commit the offence are found within the national territory or in a place over which Honduras exercises jurisdiction, for the following offences: (a) Genocide, crimes against humanity and war crimes.”

## **F. Independent and impartial investigation (art. 3)**

28. Regarding the recommendation contained in paragraph 23, on ensuring that offences of enforced disappearance of which members of the security forces are accused are investigated and prosecuted by competent, independent and impartial prosecutors and judges who have no institutional ties to the entity to which the person under investigation belongs, Honduras wishes to report that the National Congress and the judiciary have taken a series of legislative and administrative measures that serve to broaden the powers of criminal judges, thereby providing a mechanism to strengthen the means by which they manage and administer justice, which contributes to compliance with the principle of judicial independence. These measures include:

(a) Organic Act on the Nominations Committee for the Election of Supreme Court Judges;<sup>45</sup>

(b) Protocol for the Selection and Appointment of Judges of the Court of Appeal, Career Judges, Trial Judges, Enforcement Judges and Justices of the Peace II;<sup>46</sup>

(c) Regulations for the General Oversight of the Judiciary;<sup>47</sup>

(d) Public Prosecution Service (Organization) Act, which sets out the procedure for electing the Attorney General and the Deputy Attorney General, under which even public hearings for candidates may be requested;

(e) The procedure for electing the Attorney General and the Deputy Attorney General is conducted in accordance with articles 205 (11) and 233 of the Constitution, articles 19, 20 and 22 of the Public Prosecution Service (Organization) Act and the regulations governing the Nominations Committee;

(f) Special Regulations on the Organization and Operation of the Directorate General of the Attorney General’s Office;<sup>48</sup>

(g) Act on Special Protection for Officials and Former Officials at Extraordinary Risk,<sup>49</sup> which, by means of an amendment, broadens category 2 of the list of officials and former officials who receive special protection against risks and threats in the performance of their duties;<sup>50</sup>

(h) Reform by adding articles 127-A and 127-B to the Code of Criminal Procedure<sup>51</sup> for the introduction, by telematic means, of virtual hearings or videoconferences in criminal proceedings to ensure the safety of judges, prosecutors and other parties to the proceedings;

(i) Implementation of the Act on the Electronic Management of Judicial Proceedings,<sup>52</sup> the aim of which is to improve and facilitate the realization of the right of access to justice for the population by using technology, through the Electronic Judicial File System.

29. With regard to cases of enforced disappearance investigated by the Office of the Special Prosecutor for Human Rights, the office based in the Central District recorded 35

<sup>45</sup> Legislative Decree No. 140-2001.

<sup>46</sup> Decision No. PCSJ-13-2017.

<sup>47</sup> Decision No. 04-2018, published in *La Gaceta* No. 34845 of 15 January 2018.

<sup>48</sup> Decision No. FRG-011-2016, published in *La Gaceta* No. 34028.

<sup>49</sup> Legislative Decree No. 223-2013, published in *La Gaceta* No. 33467.

<sup>50</sup> Legislative Decree No. 184-2016, published in *La Gaceta* No. 34292.

<sup>51</sup> Legislative Decree No. 97-2017, published in *La Gaceta* No. 34473.

<sup>52</sup> Legislative Decree No. 146-2020, published in *La Gaceta* No. 35426.

complaints between 2000 and 2014, and recorded 48 complaints of enforced disappearance nationwide between 2015 and May 2021.

## **G. Consolidated register of cases of enforced disappearance**

30. Regarding the recommendation contained in paragraph 13, on the establishment of a consolidated register of all cases of enforced disappearance that have occurred in the national territory, including those involving Honduran nationals who have disappeared abroad, bills on the establishment of such a register have been submitted to the National Congress; in 2018, the Ministry of Human Rights reviewed the Act on the National Register of Missing and Disappeared Persons and the Act on the National System for Human Identification and Genetic Databases for international treaty compliance with a view to bringing the bills into line with international standards.

31. The Ministry of Human Rights participated in the first exchange of experiences in registering cases of disappeared persons,<sup>53</sup> which took place in the Central American region in the city of Antigua, Guatemala, in January 2019 and during which groundbreaking advances in the field were presented.

32. The purpose of the meeting was to jointly devise measures to strengthen related public policies and to publicize international standards on the management of information on cases of disappeared persons while discussing the impact, limitations and challenges encountered in the registration of such persons. It also provided an opportunity to showcase the progress made by Honduras in the area of disappeared persons at the regional level and to identify opportunities and challenges at the national, regional and international levels with a view to enhancing the search for disappeared persons.

## **H. Reporting and investigation of cases of enforced disappearance (arts. 10, 11 and 12)**

33. With regard to the recommendation contained in paragraph 25 (a), on ensuring 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, Honduras wishes to report that the National Police, acting through the Disappearances Unit of the Police Investigation Directorate<sup>54</sup> and under the technical and legal guidance of the Disappearances and Crimes against Life Section of the Public Prosecution Service, is responsible for investigating such acts and for undertaking, in coordination with justice officials and other bodies, actions and investigative processes to gather the evidence necessary to bring criminal proceedings.

34. When investigating cases of enforced disappearance, the Missing and Disappeared Persons Protocol is applied under the technical and legal leadership of the Office of the Prosecutor for Ordinary Offences and the Office of the Special Prosecutor for Human Rights.

35. In 2018, under the Strategic Plan for the Public Prosecution Service for 2015–2020, the Service launched the Comprehensive Criminal Investigation Manual with the aim of improving, standardizing and harmonizing the various investigative practices, procedures, processes and techniques in use. The Manual must be followed by prosecutors, forensic experts, investigators, police officers, experts and military police officers. It sets out guidelines and best practices in areas such as crime scene management, removal of corpses, seizure of documents, gathering of clues and evidence, chain of custody and procedural safeguards.<sup>55</sup>

36. The Manual also allows for coordination with, inter alia, international police agencies and authorities, scientific and technical support bodies, crime scene investigation and

<sup>53</sup> Consulted on 25 May 2021, available at <https://bit.ly/3hWf8fL>.

<sup>54</sup> Executive Decree No. 063-2015, arts. 1 and 4 (u), published in *La Gaceta* No. 33979 of 8 March 2016.

<sup>55</sup> Consulted on 17 June 2021, available at <https://bit.ly/2Uwx1d8>.

forensic medicine services, crime laboratories, national and foreign private laboratories, universities and laboratories of other agencies.

37. In 2016, the Ministry of Security, acting through the National Central Bureau of the International Criminal Police Organization (INTERPOL) and the Public Prosecution Service signed an agreement on the prosecution of transnational crimes or crimes of a transnational nature. The agreement covers access to INTERPOL databases through the Fixed INTERPOL Network Database, which provides information on DNA, fingerprints, the Firearms Reference Table and the Ballistic Information Network.<sup>56</sup>

38. In April 2019, the Disappearances Unit was set up within the Police Investigation Directorate to follow up on reports of disappeared persons. The Unit is attached to the INTERPOL National Central Bureau and is responsible for handling disappeared persons reports that have been lodged on a variety of grounds. It refers cases to the Public Prosecution Service through its prosecutors' offices and the investigative bodies designated by them.

39. Between its creation in 2019 and May 2021, the Unit registered 2,478 disappeared persons reports. As a result of the procedures followed, 1,632 persons have been located and 60 are presumed dead; the other 786 individuals remain unaccounted for and their cases are still under investigation.

40. The 1,632 persons who were located had disappeared for a variety of reasons, the main ones being intentional disappearance, emotional issues, migration, mental health problems, detention and abduction. The table below shows a breakdown of disappeared persons reports in the past few years:

*Table of disappeared persons reports, disaggregated by sex and year.*

<b>Year</b>	<b>Disappeared persons reports</b>	<b>Male</b>	<b>Female</b>	<b>Located</b>	<b>Presumed dead</b>	<b>Unaccounted for</b>
<b>2016</b>	774	507	267	n/a	n/a	n/a
<b>2017</b>	793	483	310	n/a	n/a	n/a
<b>2018</b>	1 207	772	435	n/a	n/a	n/a
<b>2019</b>	1 547	787	760	1 098	32	417
<b>2020</b>	798	453	345	448	21	329
<b>2021</b>	133	60	73	86	7	40

*Source:* Disappearances Unit/Police Investigation Directorate.

\* n/a: No data available.

41. According to the INTERPOL database, as at May 2021, 892 Yellow Notices had been issued for missing Honduran nationals, 772 of which related to children and adolescents under 18 years of age.<sup>57</sup> The table below shows a breakdown of the Yellow Notices, disaggregated by sex and age:

*Table of statistics relating to Yellow Notices for missing Honduran nationals, disaggregated by sex and age*

<b>Age</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>0–18 years</b>	367	405	772
<b>19–30 years</b>	38	34	72
<b>31–59 years</b>	35	8	43
<b>60+ years</b>	4	1	5
<b>Total</b>	<b>444</b>	<b>448</b>	<b>892</b>

*Source:* INTERPOL.

<sup>56</sup> Consulted on 25 May 2021, available at <https://bit.ly/3wprWRf>.

<sup>57</sup> Consulted on 18 May 2021, available at <https://bit.ly/3dZ24oY>.

42. Without prejudice to any relevant criminal proceedings, the Organic Act on the Ministry of Security empowers the Directorate for Police Disciplinary Matters to investigate serious and very serious offences committed by members of the police. Between 2018 and April 2021, the Directorate received 17 complaints of enforced disappearance. It also handled 28 complaints of unlawful detention, which are investigated and subsequently referred to the Public Prosecution Service.

43. Of the cases of enforced disappearance, one is awaiting referral for criminal proceedings and one remains under investigation; recommendations have been made in the other 15.

44. The Directorate for Police Disciplinary Matters and the 911 National Emergency System signed an institutional cooperation agreement for the purpose of sharing information and complaints involving members of the National Police. Under the agreement, the Directorate refers complaints, together with videos, audio files and other material that may serve as evidence, that are made against police officers concerning offences committed in the performance of their duties, and the related investigations are launched in accordance with the law.<sup>58</sup>

45. The Office of the National Commissioner for Human Rights receives complaints of enforced disappearance. It handled 23 complaints in 2016, 28 in 2018, 9 in 2019 and 30 in 2020.<sup>59</sup>

46. With regard to subparagraph (b), on expediting the investigations of enforced disappearance that are currently under way and ensuring that all offences of enforced disappearance are promptly investigated and that alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the extreme seriousness of their acts, Honduras wishes to report that complaints may be submitted by telephone via the 911 National Emergency System 24 hours a day. Calls are dealt with by trained staff who apply complaints handling protocols to ensure that confidentiality is maintained. Cases are subsequently referred to the relevant authorities or units for follow-up and investigation.

47. Similarly, INTERPOL has set up an email address ([interpol.dpi@seguridad.gob.hn](mailto:interpol.dpi@seguridad.gob.hn)) for the submission of complaints.

To expedite the national search process, the Police Investigation Directorate issues nationwide alerts and disappeared persons case reports to chief investigators throughout the country.

48. The Directorate General for Forensic Medicine, which is part of the Public Prosecution Service, is responsible for identifying remains, examining bodies and making a scientific determination of causes of death. To strengthen its capacity, in 2017, it was provided with five mobile morgues, a cold room, two forensic clinics and three criminalistics units. In addition, the regional forensic medicine headquarters in San Pedro Sula was rebuilt using an investment of 33.57 million lempiras from the Public Security Tax.<sup>60</sup>

49. To further improve investigative services in the Directorate General for Forensic Medicine, in 2020, 47 specialists were hired, including 22 physicians, 2 psychologists, 6 toxicologists, 7 radiologists, 5 evidence collection technicians and 5 dissection technicians.<sup>61</sup> They all trained at the Orlan Arturo Chávez Academy run by the Public Prosecution Service.

50. To improve the handling of the remains of unidentified deceased persons and unclaimed bodies, the Directorate General for Forensic Medicine has set up a humanitarian cemetery with support from ICRC. In 2020, an additional section was constructed with an extra 96 spaces.<sup>62</sup> In the same year, 122 unclaimed bodies were buried in individual plots.

<sup>58</sup> Consulted on 21 June 2021, available at <https://bit.ly/2UwxbRM>.

<sup>59</sup> Data collected from the annual reports issued by the Office of the National Commissioner for Human Rights.

<sup>60</sup> Consulted on 18 May 2021, available at <https://bit.ly/3hROkgD>.

<sup>61</sup> Consulted on 26 May 2021, available at <https://bit.ly/3k2KPqk>.

<sup>62</sup> Consulted on 20 May 2021, available at <https://bit.ly/3wwkxj5>.

Between January and March 2021, another 67 bodies were buried. Since the completion of the humanitarian cemetery, mass graves are no longer used.

51. As a result of the assistance in improving human identification processes provided to the Directorate General for Forensic Medicine by ICRC, 700 basic forensic files on disappeared persons have been created as of 2019. In addition, 78 forensic specialists have been trained in subjects related to their areas of expertise, and 18 have received training in mental health and psychosocial support. In 2020, ICRC provided training on related topics for 61 officials from the Directorate General for Forensic Medicine and the armed forces. It also trained 44 forensic doctors in the proper collection and analysis of skeletal remains.<sup>63</sup>

52. The training sessions run by ICRC in Tegucigalpa and San Pedro Sula were attended by pathologists, evidence collection technicians, dissection technicians, fingerprinting technicians, forensic dentists, specialists in genetics and serology and information assistants, and were designed to help them interact with the families of disappeared persons in a dignified and sympathetic manner.<sup>64</sup>

53. In 2019, the Directorate General for Forensic Medicine, with support from ICRC, organized a training day on forensic anthropology and best practices in the recovery of buried bodies. The training was aimed at medical and technical staff working in forensic pathology in Tegucigalpa, San Pedro Sula, La Ceiba, Yoro and Santa Rosa de Copán, and was designed to strengthen and enhance anthropological and archaeological expertise in order to improve the investigation of homicide cases and the dignified recovery of human remains using scientific techniques that meet international standards. The training was also focused on promoting a common understanding and application of archaeological techniques in the recovery of remains in cases linked to disappearances, clandestine graves and natural disasters.<sup>65</sup>

54. In June 2019, the Directorate General for Forensic Medicine, the Criminal Investigation Academy, which is run by the Police Investigation Directorate, and the Francisco Salomón Jiménez Castro Judicial Training School, which is run by the judiciary, trained 16 judges and prosecutors in the work of the crime laboratories at the Centre for Forensic Medicine and Science. The topics covered included methodologies for managing crime scenes and the proper use of the guarantee of authenticity, as well as the services provided by crime laboratories and their contribution to solving cases and to the administration of justice.<sup>66</sup>

55. In May 2021, the Public Prosecution Service and the Office of the United Nations High Commissioner for Human Rights (OHCHR) signed a letter of understanding with the aim of establishing a technical cooperation framework to strengthen criminal investigation capacities in cases of human rights violations. It also establishes a workplan for the sharing of experiences and case studies, the development and implementation of protocols, manuals and documents, processes to strengthen human and technical resources for criminal investigations and the promotion of access to justice for the most vulnerable groups.<sup>67</sup>

56. In order to improve the identification of deceased persons, in 2016, the Public Prosecution Service and the National Registry Office signed an inter-agency cooperation agreement to ensure the proper identification of persons subject to autopsy, inspection or recognition, as well as the registration of deaths within the time frames established by law. The agreement provides the Directorate General for Forensic Medicine with the technology to identify remains through fingerprints and to comply with legal requirements for the timely registration of deaths. Auxiliary civil registry offices have been set up in the forensic pathology service to facilitate coordination with the Directorate General for Forensic Medicine.<sup>68</sup>

<sup>63</sup> Consulted on 3 May 2021, available at <https://bit.ly/3wwkxj5>.

<sup>64</sup> Consulted on 21 June 2021, available at <https://bit.ly/3yFqNq7>.

<sup>65</sup> Consulted on 16 June 2021, available at <https://bit.ly/3e4Tm8q>.

<sup>66</sup> Consulted on 16 June 2021, available at <https://bit.ly/3qXsJHM>.

<sup>67</sup> Consulted on 24 June 2021, available at <https://t.co/ITwOSES880>.

<sup>68</sup> Consulted on 24 May 2021, available at <https://bit.ly/3hQhjl>.

57. The National Registry Office participated in a workshop on forensic fingerprinting, which was designed to promote understanding of the need to apply scientific principles in the process of using fingerprints to identify deceased persons.

58. With regard to cases of enforced disappearance during the 1980s and 1990s, the Public Prosecution Service reports that cases continue to be investigated and prosecuted, and that progress is being made in identifying foreign victims by requesting information from their countries of origin under the treaty on mutual legal assistance in criminal matters signed by Central American countries.

59. The Public Prosecution Service, acting through the Enforced Disappearances and Crimes against Life Section of the Office of the Special Prosecutor for Human Rights, is compiling a consolidated database of all cases of enforced disappearance in Honduras, both of Honduran nationals and nationals of various other countries, and, to date, has registered 139 cases from the 1980s and 1990s.

60. With regard to subparagraph (c), on encouraging and facilitating 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 and informing them of the progress and results thereof, it should be pointed out that the Code of Criminal Procedure guarantees the participation of victims' family members in the proceedings through, *inter alia*, visiting the offices of the Public Prosecution Service and talking to the prosecutor assigned to the case, who informs them of the progress made. They can also participate in all stages of the criminal proceedings, from the investigation to the enforcement of the sentence.<sup>69</sup>

61. The Code of Criminal Procedure also provides for the right of victims to act as private complainants or plaintiffs, to participate in that capacity throughout the proceedings and to receive assistance from the Public Prosecution Service.<sup>70</sup>

62. Article 126 of the Organic Act on the National Police recognizes and guarantees social auditing and citizen participation to help promote transparency in the management of police activities. Through the citizen review process, and provided they do not obstruct investigations, civil society organizations, regional development councils and municipalities can exercise oversight over police operations in application of the principles of inclusion, transparency and accountability.

63. Organized groups of family members promote the search for their missing relatives, assist the investigating authorities by providing evidence or information that might help to clarify the facts and, where appropriate, help to locate the victims.

64. As a result of coordination among, *inter alia*, civil society organizations, the Red Cross of Honduras, the Ministry of Health, the National Institute of Migration, the Directorate for Children, Adolescents and Families, the Directorate General for Forensic Medicine and the Ministry of Security, use is made of investigative technologies in searching for and locating missing persons.

65. With regard to subparagraph (d), on ensuring 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, it should be noted that the State ensures that all competent authorities and institutions have access to police facilities and detention centres and can perform their functions without hindrance. To that end, the police authorities provide all relevant cooperation.

66. When a person is arrested, all competent authorities, including the Public Prosecution Service, the Office of the National Commissioner for Human Rights, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment and civil society organizations, are guaranteed access to the facilities of the National Police so that they may perform, without hindrance, their function of verifying the treatment and

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<sup>69</sup> Code of Criminal Procedure, arts. 16, 17, 334 (5) and 384.

<sup>70</sup> Code of Criminal Procedure, art. 16 (1).

conditions of persons deprived of their liberty in order to prevent acts of torture and human rights violations.

67. The National Prison Institute supports the work and functions carried out by the above-mentioned institutions and civil society organizations, representatives of international organizations, diplomatic officials, heads of missions and consular officials to ensure that the rights and safeguards of persons deprived of their liberty are upheld. The Institute also cooperates with and facilitates the work of the National Police, the Police Investigation Directorate, the Technical Criminal Investigation Agency and the Public Prosecution Service in conducting investigations into suspected or proven offences committed in prisons.

68. With regard to subparagraph (e), on ensuring 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 investigation, it should be pointed out that, under the provisions of the Code of Criminal Procedure, precautionary measures are imposed on the suspects to ensure the effectiveness of the criminal proceedings, the presence of the suspect and the collection of evidence. These precautionary measures ensure that the suspect does not influence the course of the proceedings or the evidence-gathering stage.<sup>71</sup>

69. With regard to the recommendation contained in paragraph 41 (a), on efforts to search for, locate and release disappeared persons and, in the event of death, return their remains, please see the response provided in the present report concerning the actions taken in connection with the recommendation contained in paragraph 25 (a).

70. With regard to subparagraph (b), on searches conducted with the involvement of the relatives of the person concerned, please see the response provided in the present report in connection with the recommendation contained in paragraph 25 (c).

71. With regard to subparagraph (c), on establishing a database for all disappeared persons with updated and relevant information in all cases, please see the information provided in the present report in connection with the recommendation contained in paragraph 13, under the heading "Consolidated register of cases of enforced disappearance".

72. With regard to subparagraph (d), on cooperation and cross-referencing of data between agencies responsible for searching for disappeared persons and for identifying their remains and ensuring that they have the necessary financial, technical and human resources, please see the progress and actions described in the present report in connection with the recommendations contained in paragraph 25 (a) and (b).

73. With regard to subparagraph (e), on ensuring that investigations continue until the fate of the disappeared person has been clarified, please see the response provided in the present report in connection with the recommendation contained in paragraph 25 (b).

## **I. Measures to protect victims of enforced disappearance (art. 12)**

74. With regard to the recommendation contained in paragraph 27, on efforts to prevent and punish acts of intimidation and/or ill-treatment against complainants, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, as a consequence of the complaint or any evidence given, and to ensure the prompt and effective implementation of the protection measures provided for by law with a view to effectively protecting such persons, Honduras wishes to report that the Act on the Protection of Witnesses in Criminal Proceedings and the related special regulations are key tools in improving the administration of justice and providing support, protection and assistance to witnesses in criminal proceedings who are enrolled in the Protection Programme for Witnesses and to their immediate family or other persons related to them who might be at risk as a result of their testimony.

75. The protection measures provided for under the Protection Programme for Witnesses in Criminal Proceedings include, inter alia, emergency evacuation, temporary relocation (for six months), permanent relocation, change of identity, trustworthy bodyguards (with the

<sup>71</sup> Code of Criminal Procedure, arts. 172 and 173.



consent of the persons concerned), measures for persons in pretrial detention or prison and the provision of a security detail and technological equipment.

76. With regard to the protection of human rights defenders and organizations and justice officials who are at risk, intimidated and/or threatened, the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, together with its implementing regulations,<sup>72</sup> ensure that they are still able to perform their functions freely and in full. Both the Act and its implementing regulations are applied by all the institutions forming part of the National Protection System and provide the basis for the processes followed by the Directorate General of the Protection System within the Ministry of Human Rights.

77. In order to ensure that human rights defenders know how the protection mechanism works and what they should do if they are at risk or face threats to their lives and physical integrity, the Directorate General of the Protection System provides training on the Act on the Protection of Human Rights Defenders and the work of the national protection mechanism for civil society organizations and public officials responsible for applying the Act. It also raises public awareness of the importance of the work of human rights defenders and has issued several communiqués recognizing their work and opposing discrimination.

78. On 6 August 2020, the President of the Inter-American Court of Human Rights ordered the State to adopt appropriate measures to protect the lives and personal integrity of the members of the Garifuna communities of Triunfo de la Cruz and Punta Piedra, which work collectively to uphold the rights of the Garifuna peoples, and to adopt all necessary and appropriate measures to determine the whereabouts of four members of the Garifuna community who had disappeared in July 2020. To inform the public about the ruling, the Ministry of Human Rights published it on its official website, accompanied by a Garifuna translation.<sup>73</sup>

79. With technical assistance from the European Union in 2016 and from the United States Agency for International Development between 2017 and 2019, the Directorate General of the Protection System created and strengthened the Case Registration and Rapid Response Unit, the Risk Analysis Unit and the Implementation and Monitoring Unit. In May 2018, it also created the Prevention and Context Analysis Unit.

80. In order to identify risk scenarios and patterns in the activities of human rights defenders, a methodology was developed for the context analysis of risk. Between 2018 and May 2021, the Prevention and Context Analysis Unit used the methodology to design 14 prevention plans with the active participation of civil society organizations. With technical assistance from OHCHR, a manual has been produced on gender-sensitive and intersectional approaches in the support provided by the staff of the Directorate General of the Protection System. In 2021, all operational staff will receive training in the use of the manual.

81. Between 2015 and 31 May 2021, the Directorate General of the Protection System approved requests for protection measures in 416 cases, 157 of which remain active. Among the active cases, 90 concern individuals (63 men, 26 women and 1 transgender woman) and 67 concern groups.

82. Protection measures have been applied in respect of human rights defenders in 119 of those cases, in respect of journalists and social communicators in 28 cases and in respect of justice officials in 10 cases. A total of 25 cases concern defenders of indigenous peoples and 9 concern defenders of Afro-Honduran peoples, 31 cases involve precautionary measures ordered by the Inter-American Court of Human Rights and 2 involve collective provisional measures ordered by the Inter-American Court of Human Rights.

83. The Directorate General of the Protection System is providing protection in one case involving human rights defenders who work with the families of disappeared persons; the protection measures involve the police and were agreed with the beneficiaries.

<sup>72</sup> Executive Decision No. 59-2016, published in *La Gaceta* No. 34117.

<sup>73</sup> Consulted on 2 May 2021, available at <https://bit.ly/3r3GuVp>.



84. Another important step forward in ensuring that threats and attacks against human rights defenders, journalists and members of civil society organizations are investigated and prosecuted is the creation of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. It was launched on 15 March 2018 and is divided into three specialized sections: Complaints Registration, Prosecution of Public Officials and Prosecution of Private Individuals.

85. Under article 64 of the Act on the Protection of Human Rights Defenders, the judiciary created the Special Protection Unit for Judges and Public Defenders.<sup>74</sup> The Unit acts as a technical support body and is responsible for managing the implementation of the special protection mechanism for justice officials assigned to the judiciary, in line with the relevant regulations.

## J. Investigation of cases of disappearances of migrants

86. In response to the recommendation contained in paragraph 29, on the need for the State to cooperate with countries of origin, transit and destination of migrants, with the input of victims and civil society organizations, specifically subparagraph (a), on efforts to prevent and investigate disappearances of migrants and to prosecute those responsible under criminal law, Honduras wishes to report that, in 2015, the Ministry of Foreign Affairs and International Cooperation created the Office of the Deputy Minister for Consular and Migration Affairs<sup>75</sup> as a means of improving specialized support for Honduran migrants. The Office is responsible for coordinating, promoting, harmonizing and disseminating the policies established under consular and migration laws. Under the Act on the Protection of Honduran Migrants and Members of Their Families, the Directorate General for the Protection of Honduran Migrants was established within the Office of the Deputy Minister for Consular and Migration Affairs to provide protection and assistance to Honduran migrants abroad and to returnees.

87. The Directorate General for the Protection of Honduran Migrants provides a range of protection services to Honduran nationals abroad, including guidance, assistance and/or financial support, using national funding from the Solidarity Fund for Honduran Migrants. The table below details the guidance and support services provided to Honduran nationals overseas, disaggregated by year:

*Table of support/services provided to Honduran nationals, 2016–2020*

Description	2016	2017	2018	2019	2020
<b>Guidance on diverse matters</b>	76	125	174	87	25
<b>Financial assistance for vulnerable persons</b>	61	87	100	151	57
<b>Assistance for family members of missing Honduran nationals</b>	70	96	67	41	12
<b>Assistance for Honduran nationals deprived of their liberty</b>	217	303	313	698	2020
<b>Assistance for children</b>	89	173	271	242	103
<b>Assistance for victims of trafficking in persons</b>	1	8	0	13	9
<b>Humanitarian flights for Honduran nationals (Madrid, Spain to San Pedro Sula, Honduras)</b>	-	-	-	-	557

*Source:* Data provided by the Ministry of Foreign Affairs and International Cooperation.

88. The Directorate General for the Protection of Honduran Migrants, in coordination with the Consular Network, provides support to Honduran migrants who are returned, in

<sup>74</sup> Decision No. PCSJ 12-2018, published in *La Gaceta* No. 34645.

<sup>75</sup> Executive Decree No. PCM-038-2015, published in *La Gaceta* No. 33801.

particular from Mexico and the United States of America, with the aim of ensuring that their human rights are respected, due process is followed and the most vulnerable migrants are protected.

89. Migrants and their families can receive support via the “ALHO VOZ” hotline. Between 2016 and 31 May 2021, hotline operators handled 1,952,599 calls from migrants concerning consular matters, including in relation to locating persons who have been detained or died abroad.<sup>76</sup>

90. With the aim of tackling the causes of irregular migration, in 2014, Honduras established and launched the National Protection System. The System is spearheaded by the Migrant Support Task Force, which is responsible for coordination and teamwork in the management of migration issues and in strategy creation. These efforts are led by the Office of the First Lady and involve officials at the highest levels of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Social Development and Inclusion, the Ministry of Human Rights, the National Institute of Migration and the Directorate for Children, Adolescents and Families, as well as government institutions concerned with the matter at hand. The Task Force continues to perform its duties and has been designated the coordinating and decision-making body for migration issues.

91. To formulate public policies for migrants on the basis of evidence and up-to-date statistical data, the Ministry of Foreign Affairs and International Cooperation set up the Consular and Migratory Observatory.

92. To strengthen and improve the State’s response, the Consular Network was expanded and strengthened, and staff specializing exclusively in protection for Honduran migrants have received training on specific issues. Mobile consulates have been active since 2016 with the aim of reaching more Honduran nationals abroad.

93. In 2017, two protection centres for Honduran migrants were set up, namely, the Consular Protection Centre for Honduran Migrants in Houston, Texas, and the Integrated Protection Centre for Honduran Migrants in Mexico. Both centres are intended to provide protection and safeguard the human rights of Honduran migrants, especially children and adolescents, facilitate the repatriation of sick or vulnerable persons and of deceased Honduran nationals, assist with voluntary returns and provide consular assistance in immigration detention centres.

94. With the aim of providing dignified, timely and comprehensive assistance to Honduran returnees, the Ministry of Foreign Affairs and International Cooperation opened three Centres for Migrant Returnees in La Lima, San Pedro Sula and Omoa in the Department of Cortés, using national funds from the Solidarity Fund for Honduran Migrants.

95. In 2019, the Office of the National Commissioner for Human Rights, through the National Ombudsman’s Office for Migrants and Older Persons, set up a body to receive requests from persons who have lost contact with their migrant relatives and implemented the Ibero-American Federation of Ombudsmen Protocol on the Protection of Human Rights of Individuals in the Context of Migration.<sup>77</sup>

96. In addition, the Office of the National Commissioner for Human Rights, in coordination with civil society and international organizations, signed a cooperation agreement with ICRC on the protection of migrants and internally displaced persons.<sup>78</sup>

97. Pursuant to the recommendations of the Global Alliance of National Human Rights Institutions, in 2019, the Office of the National Commissioner for Human Rights, as the national human rights institution, was granted category A status in recognition of its efforts to promote and protect human rights in Honduras, particularly those of migrants, displaced persons and refugees.

<sup>76</sup> Consulted on 20 May 2021, available at <https://bit.ly/3dY4NPi>.

<sup>77</sup> Consulted on 21 May 2021, available at <https://bit.ly/3AOHGW4>.

<sup>78</sup> Consulted on 21 May 2021, available at <https://bit.ly/3AOHGW4>.

98. On the protection of complainants, experts, witnesses and defence counsel, please see the response in the present report in connection with the recommendation contained in paragraph 27.

99. With regard to subparagraph (b), on ensuring that immediate searches are conducted for disappeared migrants and that any human remains that are found are identified and returned in a dignified manner, it should be pointed out that the search and identification process is initiated by the Ministry of Foreign Affairs and International Cooperation and the Consular Network at the request of a family member, who plays an active role in the process.

100. The Directorate General for the Protection of Honduran Migrants and the Consular Network, with support from the families of Honduran nationals missing abroad, contribute to compiling case files and taking samples for genetic profiles to be used in the identification of remains. Also involved in the process are the Argentine Forensic Anthropology Team and the forensic database of missing migrants, in which data on the victims are entered.

101. The Directorate General for the Protection of Honduran Migrants and the Consular Network, with support from the El Progreso Committee of Relatives of Migrants, expanded the information in the files of Honduran migrants reported missing in order to ensure that searches were more efficient.

102. Since 2015, the Ministry of Foreign Affairs and International Cooperation has taken an active role in the tracing bureau for missing migrants, which is coordinated by ICRC and made up of State institutions and civil society organizations. Its goal is to ensure coordination in the search for migrants who have disappeared along the migratory route.

103. Under the umbrella of the tracing bureau for missing persons, the Ministry of Foreign Affairs and International Cooperation, the National Police, the National Registry Office, the Office of the National Commissioner for Human Rights, the Honduran Red Cross, ICRC, OHCHR and civil society organizations created an information guide for the relatives of missing migrants. The guide, which was launched in February 2020, is designed to provide information to family members and to uphold their rights to truth, justice, reparation and guarantees of non-repetition.

104. To ensure the dignified repatriation of the bodies of Honduran nationals who have died abroad, the Ministry of Foreign Affairs and International Cooperation supports families by covering the cost of such repatriations. According to the Consular and Migratory Observatory, between 2016 and May 2021, the Ministry received 1,563 requests to assist relatives of Honduran migrants who had died abroad.<sup>79</sup> The table below shows a breakdown of the total amount of assistance provided for the repatriation of the remains of Honduran nationals who died abroad:

*Table on assistance to family members of Honduran nationals who died abroad, disaggregated by sex and year.*

<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>2016</b>	222	52	274
<b>2017</b>	193	43	236
<b>2018</b>	231	51	282
<b>2019</b>	225	69	294
<b>2020</b>	239	61	300
<b>2021</b>	141	36	177
<b>Total</b>	<b>1 251</b>	<b>312</b>	<b>1 563</b>

*Source:* Consular and Migratory Observatory.

105. With regard to subparagraph (c), on the establishment of an up-to-date database of disappeared migrants, the forensic database of missing migrants is used to compile, coordinate, evaluate and consolidate data on migrants who have disappeared or gone missing along the migratory route; agreements have been signed and protocols have been drafted to

<sup>79</sup> Consulted on 17 June 2021, available at <https://bit.ly/3e4nn8B>.

facilitate the cross-referencing of information and the improvement of forensic practices in the region.<sup>80</sup>

106. Between 2011 and 5 August 2020, 556 cases of missing migrants who had not been located were recorded in the forensic database of missing migrants. In that connection, 1,276 genetic profiles from 519 families have been entered into the database; as a result, the remains of 51 Honduran nationals have been identified. Of those, 22 were found in the United States of America (17 in Arizona and 5 in Texas) and 29 were found in Mexico (12 in Tamaulipas, 10 in Nuevo León, 3 in Coahuila, 2 in Baja California, 1 in Quintana Roo and 1 in Sinaloa).

107. According to ante-mortem data recorded in the forensic database, as at August 2020, 481 of the cases registered related to adults (384 men and 97 women) and 62 related to children under 18 years of age (46 boys and 16 girls).

108. The departments with the highest number of migrants unaccounted for are Yoro (155 cases), Francisco Morazán (137 cases), Cortés (99 cases), Comayagua (49 cases), Atlántida (24 cases) and Choluteca (22 cases).

109. Of the total number of missing persons recorded in the forensic database,<sup>81</sup> 18 relate to cases that occurred before 1989, 30 to cases that occurred between 1989 and 1994, 258 to cases that occurred between 1995 and 2009, 164 to cases that occurred between 2010 and 2014 and 74 to cases that occurred between 2015 and 2019. Currently, 490 cases are active and 15 have been closed.

110. The National Registry Office has assisted in the dissemination of documents that could help facilitate the creation of databases for the collection of information on missing or disappeared migrants in order to have a single register of information in a unified format. It is also developing information exchange mechanisms in coordination with ICRC.

111. The National Registry Office also held a meeting with the information technology and programming team from the Ministry of Justice and Security and the Police Forensics Division in El Salvador to share experiences and learn about the design of the Multibiometric Information System, the best practices of the National Registry of Natural Persons in El Salvador and fingerprint identification of deceased undocumented persons.

112. With regard to subparagraph (d), on ensuring that ante-mortem data are collected and entered into the forensic database of missing migrants, a protocol on searching for Honduran nationals missing in Mexico is in place to assist in the investigation of cases of Honduran migrants who have disappeared along the migratory route and in the location of those migrants. The protocol covers searches for both living and deceased persons. In addition, the Ministry of Foreign Affairs and International Cooperation has an internal ante-mortem data collection system for sharing information.

113. With regard to subparagraph (e), on ensuring that the family members and close friends of disappeared persons, irrespective of where they reside, have the opportunity to obtain information and take part in the investigations and the search for the persons concerned, Honduras wishes to report that, in connection with Honduran nationals who have disappeared abroad, in 2017, the Office of the National Commissioner for Human Rights, the Missionary Sisters of St. Charles Borromeo-Scalabrinians and Pastoral de Movilidad Humana signed a cooperation agreement on protecting and upholding the human rights of migrants and their families. The agreement is intended to facilitate support and assistance for the families of migrants who have disappeared or died along the migratory route and to seek truth and justice for them, as well as to assist the families of migrants deprived of their liberty in other countries and to uphold their right to due process.<sup>82</sup>

114. With the support of ICRC, as of 2020, four tracing bureaux for missing migrants have been set up with the participation of 19 stakeholders (Honduras and Mexico, civil society organizations and family members).<sup>83</sup>

<sup>80</sup> Consulted on 3 May 2021, available at <https://bit.ly/3hrntsX>.

<sup>81</sup> Consulted on 3 May 2021, available at <https://bit.ly/3r0jlhb>.

<sup>82</sup> Consulted on 21 May 2021, available at <https://bit.ly/3yIjhdY>.

<sup>83</sup> Consulted on 27 April 2021, available at <https://bit.ly/3wwkxj5>.

115. The Directorate General for Forensic Medicine has provided training in forensic disciplines, including topics such as basic principles of ante-mortem interviews, the difference between recognition and identification, dental records, anthropology, archaeology and forensic genetics,<sup>84</sup> to members of organizations of relatives of missing migrants, namely, Amor y Fe, the Guadalupe Cedros Committee of Relatives of Migrants, the El Progreso Committee of Relatives of Migrants and the Central Honduras Committee of Relatives of Migrants, which belong to the Honduran Association of Committees of Relatives of Missing Migrants.

116. In addition, the Ministry of Foreign Affairs and International Cooperation and the National Forum for Migration in Honduras support the families of missing migrants through projects financed by the Solidarity Fund for Honduran Migrants. The projects include the strategy for strengthening and improving quality of life through entrepreneurship, with a focus on the families of missing migrants, single mothers and young returned migrants, which seeks to promote respect for and to defend the rights of returned migrants and families of migrants who have disappeared along the migratory route through social and labour market reintegration initiatives, as well as coordination and strengthening of partnerships.

117. With regard to subparagraph (f), on strengthening cooperation with the authorities of other States in the region to ensure that searches for disappeared migrants are conducted and that those allegedly responsible are investigated, it should be noted that the tracing bureau for missing migrants has produced a single standardized form for the collection of data on missing migrants, under the inter-agency cooperation agreement on the establishment of mechanisms for the exchange of information on missing migrants and unidentified bodies.

118. Notwithstanding the State's efforts to date, the authorities still face challenges in achieving closer cooperation with the authorities in countries of transit and destination, collecting standardized data to facilitate investigations and feedback on cases and strengthening institutional capacities.

## **K. Measures to prevent the enforced disappearance of persons deprived of their liberty (art. 17)**

119. With regard to the recommendation contained in paragraph 31, on the safeguards referred to in article 17 (a) and (b) of the Convention and the adoption of measures to ensure that all persons deprived of their liberty enjoy the safeguards provided for in the constitutional, criminal and administrative law of Honduras, which establishes the powers of deprivation of liberty held by the competent authorities and the conditions under which such powers may be exercised, Honduras wishes to report that, under the national security policy and public safety strategies, law enforcement bodies conduct detention and arrest procedures in accordance with articles 68 and 71 of the Constitution, articles 101, 175, 282 and 285 of the Code of Criminal Procedure, police procedure manuals and the Procedural Handbook, with full respect for human rights.

120. At the time of arrest, officers have a duty to:

- (a) Identify themselves as law enforcement officers, showing the card or badge that establishes their status;
- (b) Use force only when it is strictly necessary;
- (c) Refrain from committing, encouraging or permitting the use of torture or cruel, inhuman or degrading treatment or punishment;
- (d) Uphold the right of the arrested person to be presumed innocent and to respect for his or her image;
- (e) Inform the arrested or detained persons of their fundamental rights, including the right to know the reason for their arrest; to inform someone of their arrest and the facility to which they will be taken; to be assisted by counsel; to remain silent; not to testify against themselves and to know that only statements made before a competent judge have probative

<sup>84</sup> Consulted on 26 May 2021, available at <https://bit.ly/3htU3KT>.

value; and to be examined by a forensic physician or other available physician, who must make a record of their physical condition, inter alia;

(f) Record the arrest in a special register, including information on the place, date and time of the arrest.<sup>85</sup>

121. To prevent violations of the human rights of lesbian, gay, transgender, bisexual and intersex persons during search and arrest procedures, the Ministry of Human Rights developed the Protocol for the Search and Arrest of Lesbian, Gay, Transgender, Bisexual and Intersex Persons, in accordance with the Code of Criminal Procedure and international standards. This protocol provides that the search or arrest of lesbian, gay, transgender, bisexual and intersex persons must be carried out without discrimination and with respect for their physical integrity, right to privacy, sexual orientation and gender identity.

122. Between January and March 2020, the Ministry of Human Rights conducted four visits to police stations to inspect the state of the general infrastructure and the cells, hygiene conditions and detainees' access to drinking water and natural light, and to interview the detainees to determine whether they had been subjected to torture or cruel, inhuman or degrading treatment or punishment.

123. In 2020, with a view to improving the treatment of detainees and the conditions of their detention, ICRC provided training on the conduct of medical examinations in the first few hours of detention to 71 officials, including doctors, sentence enforcement judges, public defenders, members of local torture prevention committees and police and military officers.<sup>86</sup>

124. With reference to article 17 (c) of the Convention, in order to ensure that all persons deprived of their liberty are held solely in officially recognized and supervised places of detention, the national prison system currently operates 25 prisons and 3 prison annexes situated throughout the country.

125. With regard to children and adolescents deprived of their liberty, the National Institute for Juvenile Offenders was established in 2017. It is responsible for organizing, administrating and operating the country's five educational detention centres and for coordinating the juvenile justice system. The National Institute also provides comprehensive care for children and adolescents in conflict with the law through four programmes.

126. Concerning article 17 (d) of the Convention, in order to guarantee the right of persons deprived of their liberty to communicate with and receive visits from persons of their choice, in application of the Regulations on Visits to Establishments of the National Prison System,<sup>87</sup> and with the aim of contributing to and maintaining relations between persons deprived of their liberty and their families, relatives and the community, it should be noted that each inmate may receive regular visits from three different persons on visiting days, as well as visits from duly accredited special visitors, lawyers and public defenders, public officials, diplomatic and consular officials, and representatives of international organizations and civil society organizations that work in support of persons deprived of their liberty.

127. The National Institute for Juvenile Offenders also upholds the right of children and adolescents in conflict with the law to receive visits from family members, friends or relatives with the approval of their parents, the authorities of the facility and the competent juvenile court.<sup>88</sup> In 2020, in order to ensure the continuity of communication and visiting arrangements for children and adolescents and their families, the National Institute for Juvenile Offenders facilitated two video calls per week between children and adolescents and their relatives, set up a system to allow the exchange of letters with and video calls to relatives using social networks, permitting up to 50 calls per week. In addition, justice officials, lawyers and human rights watchdogs were granted unrestricted access to educational detention centres, subject to the applicable biosecurity standards.

<sup>85</sup> Code of Criminal Procedure, arts. 101, 175 and 282.

<sup>86</sup> Consulted on 5 June 2021, available at <https://bit.ly/3wu6JFL>.

<sup>87</sup> Decision No. 001-2016, published in *La Gaceta* No. 34171.

<sup>88</sup> Regulations on the Organization and Functioning of the National Institute for Juvenile Offenders, published in *La Gaceta* No. 34576.



128. With regard to the requirements for and costs of obtaining a visitor's card for the families of persons deprived of their liberty, since 2019, under the General Provisions on the State Budget,<sup>89</sup> the State certificates required to obtain a visitor's card have been issued free of charge.

129. With reference to article 17 (e), in order to assist in legitimate efforts to prevent the enforced disappearance of prisoners, the National Prison Institute guarantees access to prisons for the authorities, civil society organizations and international organizations so that they can inspect detention conditions.

130. The Human Rights Protection Unit of the National Prison Institute conducts on average 40 to 60 monitoring and inspection visits per year to prisons nationwide and receives between four and eight requests for the relocation of persons deprived of their liberty every month.

131. Under the Human Rights Action Plan, the National Prison Institute responds to requests and complaints by persons deprived of their liberty by monitoring their living conditions and has set up two email inboxes ([denuncias\\_inp@yahoo.com](mailto:denuncias_inp@yahoo.com) and [denuncias@inp.goh.hn](mailto:denuncias@inp.goh.hn)), a telephone line (+504 2236-9020, ext. 38) and a software tool for receiving and processing complaints from persons deprived of their liberty, their families and prison staff. In 2020, the Institute received 140 requests and complaints.

132. The National Prison Institute cooperates with the National Police, the Police Investigation Directorate, the Technical Criminal Investigation Agency and the Public Prosecution Service in conducting investigations into suspected or proven offences committed in prisons.

133. Pursuant to its mandate, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment carries out regular, periodic and ad hoc preventive visits to prisons nationwide. From 2017 to August 2020, it conducted 454 visits where it assessed the living conditions of persons deprived of their liberty and respect for their human rights. It also makes recommendations to the National Prison Institute and the National Institute for Juvenile Offenders aimed at preventing the torture or ill-treatment of persons deprived of their liberty.

134. In 2018, in order to advise the National Prison Institute on the implementation of public policies with a human rights approach within the prison system, the Ministry of Human Rights carried out visits to the following prisons: Morocelí Prison in El Paraíso, the National Women's Prison for Social Adaptation, Marco Aurelio Soto Prison in Támara, Siria Prison in El Porvenir, Ilama Prison in Santa Bárbara, Progreso Prison in Yoro and Sagrado Corazón and Renaciendo educational detention centres.

135. In 2020, the Office of the National Commissioner for Human Rights reported that it had received 17 complaints of unsatisfactory conditions in detention centres or places of detention and 10 complaints of incommunicado detention or solitary confinement.<sup>90</sup>

136. ICRC also conducts visits to prisons, in conjunction with the authorities and expert prison staff. In 2020, it visited 4,448 persons deprived of their liberty, of whom 3,308 were men detained in three maximum security prisons, 846 were women detained in the National Women's Prison for Social Adaptation and 294 were children or adolescents in conflict with the law living in three educational detention centres. It also provided training to 441 prison officials, directors and deputy directors in the country's 28 prisons on the Nelson Mandela Rules, the Bangkok Rules, restrictive regimes, the treatment of lesbian, gay, transgender, bisexual and intersex prisoners, prison management and the inter-American human rights system.<sup>91</sup>

137. In 2020, in the context of the COVID-19 pandemic, the Ministry of Human Rights conducted visits to Marco Aurelio Soto Prison and the National Women's Prison for Social Adaptation to learn about the situation of the persons deprived of their liberty in those places

<sup>89</sup> Legislative Decree No. 180-2018, published in *La Gaceta* No. 34825, and Legislative Decree No. 171-2019, published in *La Gaceta* No. 35137.

<sup>90</sup> Consulted on 8 June 2021, available at <https://bit.ly/2SY4mx6>.

<sup>91</sup> Consulted on 8 June 2021, available at <https://bit.ly/3hU9ydV>.

and their access to health care, in compliance with the recommendations made by the Inter-American Commission on Human Rights in its resolution 1/2020.

138. Measures to ensure the timely treatment of persons deprived of their liberty are coordinated by the Expert Committee on Prison Health, which is composed of representatives of various sectors, including associations representing lesbian, gay, transgender, bisexual and intersex persons, the directors of psychiatric hospitals, the Public Prosecution Service, the Directorate General for Forensic Medicine, the Ministry of Health, the National Prison Institute, the Ministry of Human Rights, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, the National Risk Management System, the Pan American Health Organization and ICRC, among others.<sup>92</sup> For example, the conduct of initial medical examinations has been standardized across all 28 prisons.

139. In 2020, under the leadership of the Expert Committee on Prison Health, the Committee on Health and Human Rights was established to monitor and respond promptly to developments regarding COVID-19, dengue and HIV/AIDS among the prison population. The actions of this new committee are guided by the recommendations of international and national human rights organizations.

140. With the support of OHCHR, the Committee on Health and Human Rights organized a regional meeting on best practices for combating COVID-19 in the prison system. The meeting was attended by expert professionals from Argentina, Colombia, Guatemala, Costa Rica and Honduras, who shared their experiences and the best practices identified in their countries. In addition, the Protocol on Family Visits to Prisoners was drafted under the authority of the National Risk Management System for implementation in all prisons throughout the country.<sup>93</sup>

141. Persons deprived of their liberty have been classified as a priority group under the COVID-19 vaccination programme. As at 6 July 2021, 1,582 persons deprived of their liberty had been vaccinated, as had 157 health staff, 107 administrative staff and 412 operational staff working in prisons throughout the country. A vaccination drive was held on 8 July at La Paz Prison, during which 286 persons deprived of their liberty received their first dose of the Moderna vaccine.

142. Regarding article 17 (f) of the Convention and the remedies and guarantees available to any person with a legitimate interest in bringing proceedings before a court to determine the lawfulness of a deprivation of liberty, please refer to the information provided in the initial report submitted by the State in 2016 on the procedures relating to the remedy of habeas corpus and appeals against decisions on pretrial detention.

143. With reference to article 17 (3) of the Convention, article 324 of the General Regulations implementing the National Prison System Act provides that the officials responsible for prison files, registers and records must guarantee the security of the data and information they contain so that they remain confidential, even after the prisoner concerned has served his or her sentence in full.

144. In response to the recommendation contained in paragraph 33 (a), on the adoption of measures to ensure that any person with a legitimate interest has access to the information referred to in article 18 of the Convention, including during the period of custody, please refer to the information provided in paragraphs 120 and 121 of the present report.

145. With regard to subparagraph (b), on ensuring that information on all cases of deprivation of liberty are entered in official registers and up-to-date records, including the information required under article 17 of the Convention, it should be pointed out that the National Prison Institute maintains official registers, up-to-date records and a database containing information on the prison population. Between January and June 2020, the number of prisoners stood at 21,872, of whom 1,229 were women and 20,643 were men. As at 3 May

<sup>92</sup> Consulted on 16 June 2021, available at <https://bit.ly/3AOjazC>.

<sup>93</sup> Annex 1.



2021, the total number of persons being held in pretrial detention in Honduras was 11,589, of whom 741 were women and 10,848 were men.

146. In 2019, the National Prison Institute installed the Digital Prison Records System in 10 prisons. The system is a national prison registry that ensures the proper administration of prison records and facilitates the provision of services, including those related to classification, access to health care and in-prison benefits for persons deprived of their liberty. It guarantees the availability of accurate, reliable information and can generate statistical data to improve decision-making on prison matters. The development of this system was supported by ICRC.

147. With regard to subparagraph (c), on measures to ensure that registers and records of persons deprived of their liberty are updated promptly and accurately and are subject to periodic checks and that, in the event of irregularities, the officials responsible are sanctioned, it should be noted that the National Prison Institute updates such files on a daily basis in the internal prison systems and on a monthly basis in the national register. Article 324 of the General Regulations implementing the National Prison System Act, on the protection of the confidentiality of data and information, provides that, in the event of irregularities, the officials and employees responsible for prison files, registers and records must take the technical and organizational measures necessary to ensure the security of data and information and to prevent their alteration or loss, as well as any unauthorized access.

148. Moreover, the prison authorities are required to ensure confidentiality in the handling of information and are criminally liable for any mismanagement of such information.

## **L. Measures to protect child and adolescent victims of enforced disappearance (art. 25)**

149. With regard to the recommendation contained in paragraph 43, on the intensification of efforts to search for and identify children and adolescents who may have been victims of wrongful removal, enforced disappearance and/or falsification of identity, a search unit was established within the Police Investigation Directorate to implement the AMBER Alert Early Warning System.<sup>94</sup> The purpose of this platform is to activate an early warning to facilitate the search for, location and immediate protection of missing, abducted, stolen or kidnapped children or adolescents.

150. AMBER Alert messages contain general information about the victims, including their name, age, gender, nationality, last known location, physical characteristics and a photograph for identification purposes.<sup>95</sup> The platform is linked to the Police Investigation Directorate, the Directorate for Children, Adolescents and Families, the National Telecommunications Commission and the 911 National Emergency System, among other institutions. This allows for searches to be conducted using mobile telephone data, radio, television and social media.

151. With regard to the establishment of a DNA database that includes genetic samples, the DNA-PROKIDS Programme is currently being implemented in accordance with an agreement concluded between the University of Granada, the Directorate General for Forensic Medicine of the Public Prosecution Service and the Directorate for Children, Adolescents and Families. This programme is intended to facilitate the identification of victims of trafficking in persons, including the victims of illicit adoptions, and the gathering of information on their origins and the routes and means used to traffic them.

152. The aforementioned agreement provides that the University of Granada will provide methodological, scientific and technical training to assist in the development of specialized computer programmes that store and automatically compare the results of DNA analyses, which will be compatible with all the databases of international genetic information managed

<sup>94</sup> Consulted on 27 April 2021, available at <https://bit.ly/3wwkxj5>.

<sup>95</sup> Consulted on 18 May 2021, available at <https://bit.ly/2T05aBD>.

by the DNA-PROKIDS Programme. Children and adolescents will be registered by means of a genetic identification file created by the Directorate General for Forensic Medicine.<sup>96</sup>

153. Under the Strategy for Assisting Children in Street Situations, which is being implemented by the Directorate for Children, Adolescents and Families together with other State institutions, between July and September 2020, 323 children and adolescents and 302 families received assistance during operations carried out in the cities of Tegucigalpa and San Pedro Sula. In addition, the Directorate for Children, Adolescents and Families has concluded a cooperation agreement with the organization Casa Alianza to address the issue of children in street situations.

154. In coordination with the Ministry of Foreign Affairs and International Cooperation and the Consular Network, the Directorate for Children, Adolescents and Families has taken steps to search for and identify migrant children and adolescents who have disappeared along the migratory route in, inter alia, migrant holding centres, protection centres and hospitals in order to safeguard the best interests of the child.

155. According to the official records of the Directorate for Children, Adolescents and Families, in 2021, a total of 93 international searches for disappeared children or adolescents were carried out. Most of these cases involved children or adolescents who had migrated irregularly, presumably to the United States of America, and/or had been abducted by a parent or other family member. From 2015 to date, there have been 448 active cases involving an international search.

156. Under the Integrated System for the Rights of Children and Adolescents in Honduras, in 2021, the Directorate for Children, Adolescents and Families carried out 7,200 humanitarian interventions to assist 2,679 migrant children and adolescents returning to the country in the context of an irregular migration situation, of whom 1,692 were unaccompanied and 987 were accompanied.

157. In 2017, the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, in conjunction with the National Forum for Migration, provided training on migration and its risks to 70 young and adolescent girls related to Honduran migrants who had disappeared along the migratory route or to migrants residing in the United States of America, as part of efforts to prevent trafficking in persons.<sup>97</sup>

158. Moreover, in 2017, the Commission held an awareness-raising workshop on trafficking in persons and related legal regulations, financed by the National Forum for Migration, at which it provided training to 21 members of Pastoral de Movilidad Humana, the Guadalupe Cedros Committee of Relatives of Migrants, the Goascorán Local Committee, the El Progreso Committee of Relatives of Migrants, the Christian Organization for the Comprehensive Development of Honduras, the Honduran Association of Committees of Relatives of Missing Migrants and the Ministry of Education.<sup>98</sup>

159. With regard to the procedure for reviewing or annulling an adoption, placement or guardianship arrangement that originated in an act of enforced disappearance, the Special Act on Adoptions provides that all proceedings are invalid when the adoption does not meet the requirements established by law, is the result of error, coercion or fraud, or originated in an offence.<sup>99</sup>

160. The Regulations on the Special Act on Adoptions, which entered into force in 2021, include provisions on origin searches and the illegal abduction of children and adolescents that provide for DNA testing when there is suspicion that a child or adolescent is the victim of enforced disappearance.<sup>100</sup>

<sup>96</sup> Consulted on 16 June 2021, available at <https://bit.ly/3hQk99S>.

<sup>97</sup> Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, Annual Report on Action against Sexual Exploitation 2017, consulted on 24 May 2021 at <https://bit.ly/3hQQcq9>.

<sup>98</sup> Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, Annual Report on Action against Sexual Exploitation 2017.

<sup>99</sup> Special Act on Adoptions (Legislative Decree No. 102-2018), art. 56.

<sup>100</sup> Regulations on the Special Act on Adoptions of Honduras, arts. 12–13.

161. The Criminal Code defines the offence of adoption, foster care or guardianship fraud as the giving up of a child for adoption, placing him or her in foster care or in a guardianship arrangement in exchange for financial compensation, without the relevant legal requirements having been met, even when the child is handed over in another country. It provides for stricter penalties for any person who receives the child or adolescent and any intermediaries in the transaction.<sup>101</sup> In 2020, the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking recorded one case of adoption fraud.<sup>102</sup>

162. The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of the Hague Conference on Private International Law of 29 May 1993 entered into force for Honduras on 1 July 2019. In addition, Honduras is party to four Hague conventions, on the legalization of foreign public documents, child abduction, child protection and child maintenance, respectively.

## **M. Training for civil servants, public officials, justice officials and law enforcement officers (art. 23)**

163. With regard to the recommendation contained in paragraph 35, on efforts to provide training on human rights, international standards and the provisions of the Convention for State officials, law enforcement personnel, officials involved in the custody of persons deprived of their liberty, judges, prosecutors and other officials responsible for the administration of justice, Honduras wishes to report that, in 2017, the Public Prosecution Service, with the support of ICRC, organized a workshop on human rights and enforced disappearance for 20 prosecutors attached to the Office of the Special Prosecutor for Human Rights, the Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for Organized Crime and the Office of the Special Prosecutor for Children to raise awareness of and strengthen knowledge about how to address this issue by demonstrating methodologies by which the State could analyse, interpret and assess situations involving enforced disappearance.<sup>103</sup>

164. The workshop involved an analysis of the international legal framework intended to emphasize the importance of the application, in Honduras, of international standards in situations involving enforced disappearance, the investigation and identification of the persons responsible, the administration of information and the opening of case files, the treatment of human remains and the provision of support to the families of disappeared persons.

165. The workshop also covered forensic medicine, including forensic methods used during search processes, information management, exchange of information between prosecutors' offices and the Directorate General for Forensic Medicine, assistance to family members, protocols and the role of prosecutors in searches. Also addressed were psychological aspects of the topic, including the provision of psychosocial support, the needs of the relatives of disappeared persons, the psychological and psychosocial consequences of disappearances and the importance of never forgetting the past.

166. Between 2019 and 2020, the Orlan Arturo Chávez Academy run by the Public Prosecution Service provided training on human rights issues to 237 prosecutors and, in 2019, with the support of the Konrad Adenauer Foundation, put 100 prosecutors through its course on the constitutional approach to vulnerable gender groups, which had a human rights focus.

167. Under the Plan to Strengthen the Office of the Special Prosecutor for Human Rights, the Orlan Arturo Chávez Academy concluded a cooperation agreement with the University of La Paz to teach material derived from its diploma course "Criminal Investigation, Analysis of Forensic Evidence and Human Rights Violations" in order to provide Public Prosecution

<sup>101</sup> New Criminal Code, art. 282.

<sup>102</sup> Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, National Report on the Prevention of the Offences of Trafficking in Persons and Sexual Exploitation, Assistance to Victims and the Prosecution of Perpetrators in Honduras 2020, p. 52.

<sup>103</sup> Consulted on 25 May 2021, available at <https://bit.ly/3yFu2hh>.

Service staff with education, training and development opportunities that were tailored to the work done by the Office of the Special Prosecutor for Human Rights.<sup>104</sup>

168. In October 2018, the Ministry of Security organized a seminar on the prevention and investigation of disappearances resulting from the offences of trafficking, irregular migration, kidnapping or other offences relating to organized crime, as well as enforced disappearance and the Convention. The seminar lasted two days and was addressed to 250 officials of the Counsel General's Office, the Public Prosecution Service, the Ministry of Human Rights, the National Police, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, the international community, the Honduran Bar Association and various decentralized State agencies.

169. The workshops were led by speakers from Honduras and abroad who presented their knowledge and experience on topics related to the prevention of enforced disappearance and raised awareness of guides and protocols for the search and location of persons who have disappeared in various circumstances. Among these speakers was an expert from the Directorate for International Human Rights Litigation of the Ministry of Foreign Affairs of Argentina, who spoke about his country's experience concerning enforced disappearance.

170. Between 2018 and 2021, the Department of Human Rights and the Directorate for Police Education of the Ministry of Security delivered human rights training to 13,146 officers of the National Police. The Directorate for Police Education organizes human rights training and promotes respect for human rights in its police training centres,<sup>105</sup> and has developed the education policy for the National Police, which incorporates a human rights approach.

171. With regard to the promotion of the human right to truth, justice, reparation and guarantees of non-repetition for the victims of enforced disappearance, the Directorate for Education and a Culture of Peace of the Ministry of Human Rights provides training and education in human rights for public servants, law enforcement officials and the general public. Between 2018 and 2021, the Directorate provided training to 23,578 persons, specifically 18,940 members of law enforcement bodies, 3,371 public servants and 500 persons deprived of their liberty.

172. The Ministry of Human Rights has incorporated training on enforced disappearance and extrajudicial executions, among other topics, into the basic course for applicants to 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 aimed at civil servants. These courses comply with the recommendations and observations received by Honduras with regard to training and education and include training on the prevention of crimes against humanity, enforced disappearance, torture, extrajudicial executions and the use of force, in accordance with the recommendation contained in paragraph 35 of the Committee's observations.

173. To strengthen the processes for reviewing national law for compatibility with international treaties, between 2018 and May 2021, the Ministry of Human Rights trained 259 public officials, including 89 justice officials and 42 members of the armed forces, on how to carry out such compatibility reviews in the performance of their functions.

174. Recently, the Ministry of Human Rights, in conjunction with the Pan American Development Foundation, developed a strategy for the implementation of an institutional capacity-building plan, under which training will be organized for officials of the Ministry of Human Rights in order to strengthen their knowledge and skills and to equip them with the tools necessary to implement the human rights framework, prevent discrimination and protect labour and human rights in the business context. The training course will consist of 35 hours of remote learning.

<sup>104</sup> Consulted on 21 May 2021, available at <https://bit.ly/3dY88xO>.

<sup>105</sup> These training centres include: The National Police University of Honduras, the Police Training Institute, the Police Officer Training Centre, the National Police Academy, the Training Centre for Senior and Non-Commissioned Police Officers, the Technical Police Institute, the Criminal Investigation Academy and the Centre for Specialized Police Training Academies.

175. In 2020, in view of the COVID-19 pandemic, the Ministry of Human Rights prioritized remote learning, launching the Virtual Human Rights Education Platform,<sup>106</sup> which offers online lectures, provides human rights training in an informal educational setting and is free of charge and available to State officials and other target groups.

176. In 2016, the Human Rights Protection Unit of the National Prison Institute provided training on human rights and the protection of fundamental guarantees for employees and officials of the National Prison Institute.

177. In 2021, the National Prison Institute incorporated the topic of enforced disappearance and the Convention into the training programme for prison and police officials and officers. As at 15 June 2021, it had provided relevant training to 184 prison employees and officials (132 men and 52 women) in 10 prisons nationwide.

178. In 2020, the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, in coordination with the National Forum for Migration, organized a diploma course on migration, violence and trafficking in persons for 17 school leaders from Goascorán, which included a module on human trafficking and smuggling. The course has been certified by the Polytechnic University of Honduras.<sup>107</sup>

179. ICRC organized a trainer training workshop on the use of force for 27 instructors from the armed forces, who, by 2020, had provided training on international standards related to the use of force to 7,710 members of the armed forces, 1,908 military officers deployed to anti-drug trafficking operations and 773 members of the Public Order Military Police.<sup>108</sup>

180. In the context of a study on the compatibility of the new draft Criminal Code with international standards, ICRC provided training on forced internal displacement to 55 members of parliament and on the use of force to 65 members of parliament.<sup>109</sup>

## **N. Rights of victims of the crime of enforced disappearance (art. 24)**

181. With regard to the recommendation contained in paragraph 37 (a), on measures to establish, in domestic law, a definition of “victim” that is consistent with article 24 of the Convention, so that any individual who has suffered harm as the direct result of an act of enforced disappearance can exercise the rights set forth in this article, Honduras wishes to report that article 17 of the Code of Criminal Procedure provides a definition of “victim”, stating that the following persons have the status of “victim”: “(1) the person directly harmed ... (2) the spouse or partner, children, adoptive parents, or relatives up to the fourth degree of consanguinity or the second degree of affinity, and heirs.” In this connection, in cases submitted to it, the Inter-American Court of Human Rights has determined that “the relatives of victims ... may ... be victims”,<sup>110</sup> and that a rebuttable presumption should apply in respect of parents, children, husbands and wives, life partners and siblings.<sup>111</sup> The definition of victim contained in the Code of Criminal Procedure is therefore in accordance with the jurisprudence of the inter-American human rights system.

182. With reference to subparagraph (b), on establishing a comprehensive system of reparation that takes into account the personal situation of victims, is fully in line with article 24 of the Convention and is applicable even if no criminal proceedings have been initiated, Honduras wishes to report that the bill on comprehensive reparation for victims of human rights violations caused by actions or omissions attributable to the State was resubmitted on 16 May 2018. The bill has been submitted to the Commission on Justice and Human Rights

<sup>106</sup> Consulted on 24 May 2021, available at <https://pavdh.sedh.gob.hn/>.

<sup>107</sup> Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking, National Report on the Prevention of the Offences of Trafficking in Persons and Sexual Exploitation, Assistance to their Victims and the Prosecution of their Perpetrators in Honduras 2020.

<sup>108</sup> Consulted on 21 May 2021, available at <https://bit.ly/3qZaAJA>.

<sup>109</sup> Consulted on 5 May 2021, available at <https://bit.ly/3qZaAJA>.

<sup>110</sup> Inter-American Court of Human Rights, case of *Roche Azaña et al. v. Nicaragua*, Merits and Reparations, Judgment of 3 June 2020, para. 100.

<sup>111</sup> Inter-American Court of Human Rights, case of *Guzmán Albarracín et al. v. Ecuador*, Merits, Reparations and Costs, Judgment of 24 June 2020, para. 207.

for a decision, pending the issuance of decisions on technical opinions submitted to stakeholders in relevant sectors, in compliance with article 38 of the Organic Act on the National Congress.

183. Regarding subparagraph (c), on ensuring that all victims of enforced disappearance, including those whose cases date back to the 1980s and 1990s, can exercise their right to know the truth, please refer to paragraphs 58 and 59 of the present report.

184. With regard to the recommendation contained in paragraph 39, on the adoption of legislative measures to ensure that the legal situation of disappeared persons is regularized in accordance with article 24 of the Convention, without the need to declare that the disappeared person is presumed dead or obtain a declaration of absence, Honduras wishes to report that there are no updates to the information presented in paragraph 157 of the report submitted by it in 2016.

## **O. Communications regime (arts. 30, 31 and 32)**

185. With regard to the recommendation contained in paragraph 11, in which the Committee calls on the State to recognize its competence to receive and consider individual and inter-State communications, Honduras wishes to report that it is constantly reviewing and evaluating the possibility of becoming a party to additional international instruments. However, it has not yet decided to make a declaration recognizing the communications regime established by the Committee under articles 31 and 32 of the Convention. Victims do, however, have access to international remedies insofar as they may file complaints with the inter-American human rights system and the International Criminal Court, if all domestic remedies have been exhausted. This reinforces the mechanisms in place to protect the population from violations of their rights, including in relation to enforced disappearance.

186. In accordance with article 30 of the Convention, the Committee may consider, as a matter of urgency, requests submitted by relatives of a disappeared person or their legal representatives, their counsel or any other person with a legitimate interest, in order to urge the State to take steps to expedite the search for and location of the disappeared person and to provide, within a reasonable time, information on his or her situation. In this regard, between 2019 and June 2021, Honduras cooperated with the Committee by providing timely replies to all requests made by it and OHCHR, in which it reported on the progress made in implementing the Convention, specific actions taken in relation to the search for disappeared persons, efforts made to locate such persons and protection measures. The State has submitted 13 reports responding to requests for information under article 30 of the Convention, prepared by the Ministry of Human Rights in coordination with the competent institutions.

## **P. Dissemination and follow-up**

187. With regard to the recommendation contained in paragraph 46, on the State's obligation to widely disseminate the Convention, its initial report, the replies to the list of issues and the concluding observations, Honduras wishes to report that, with a view to the dissemination of these documents among officials of the three branches of government, civil society organizations and the general public, they have been made available via the Honduran System for the Monitoring of Recommendations, through which action is taken on the recommendations made to Honduras by the nine treaty bodies and the universal periodic review mechanism of the Human Rights Council, as well as on the operative paragraphs of international judgments and the recommendations made by the Inter-American Commission on Human Rights following its country visits.

188. In October 2018, the Ministry of Human Rights and other State institutions held meetings with an expert from the Committee and representatives of OHCHR in Honduras to mark the end of the expert's unofficial visit to the country, during which she met key actors of the State and civil society to raise awareness of the content of the Convention and the concluding observations, facilitate dialogue between civil society organizations, victims and

the authorities and contribute to the development of a road map for the implementation of the recommendations.

189. This visit was an opportunity for the Committee's expert to learn first-hand about the efforts under way to implement the Convention and related challenges, as well as a good practice, on the part of the Committee, for bringing the State and the Committee closer together.

190. During the meeting, the development of the Search Protocol for Disappeared Migrants of the Ministry of Foreign Affairs and International Cooperation, the establishment of the Directorate for Monitoring the Compatibility of National Law with International Treaties of the Ministry of Human Rights and the launch of the Honduran System for the Monitoring of Recommendations were all highlighted as positive steps.

191. With respect to training, education and awareness-raising regarding the Convention, please refer to the information provided in the present report in response to the recommendation contained in paragraph 35 of the concluding observations.

192. Lastly, in compliance with the recommendation contained in paragraph 47, on 10 June 2019, Honduras submitted to the Committee its follow-up report regarding the progress made in implementing the recommendations contained in paragraphs 13, 25 and 27, which was prepared by the Ministry of Human Rights in coordination with the competent State institutions that make up the Special Response Group on Human Rights and the Honduran System for the Monitoring of Recommendations.

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