



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
5 March 2024

Original: English

Committee on Enforced Disappearances Twenty-sixth session

Summary record (partial)* of the 484th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 27 February 2024, at 10 a.m.

Chair: Mr. de Frouville

Contents

Consideration of additional information submitted by States parties (*continued*)

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

* No summary record was prepared for the rest of the meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The discussion covered in the summary record began at 11.15 a.m.

Consideration of additional information submitted by States parties (continued)

Additional information submitted by Honduras under article 29 (4) of the Convention (continued) (CED/C/HND/AI/1)

1. *At the invitation of the Chair, the delegation of Honduras joined the meeting.*
2. **The Chair** invited the delegation of Honduras to continue replying to the questions posed by Committee members at the previous meeting.
3. **A representative of Honduras** said that the National System for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials had been established under the Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials. That law and its implementing regulations provided for an adequate budget and set out the legal framework for the operation of that system. It was based on an inter-institutional structure designed to strengthen the coordination and efficacy of measures for the protection of human rights. The Ministry of Human Rights was the lead agency; it worked with the National Protection Council, the General Directorate for the Protection Framework and other bodies, including the Ministry of Finance, which was responsible for the operational budget. Civil society was also represented in the National System.
4. A complaint or request for protection was analysed on receipt by the Risk Analysis Unit to establish that it related to a person eligible for protection under the Act. Where a request concerned a witness in a criminal case who did not fall into one of the eligible categories, the Public Prosecution Service was responsible for conducting a risk assessment in order to establish the level of protection to be provided under its witness protection programme.
5. The National System's budget had been increased substantially in the past two years, and the 2024 budget amounted to over 35 million lempiras (L). One of the challenges facing the System was to devise a financial model that would both facilitate appropriate financial planning procedures and afford the flexibility and independence required to permit disbursements to be made as necessary for protection operations. Other challenges included the establishment of safeguards to ensure confidentiality in all cases, the improvement of coordination among the participating institutions and the recruitment of additional staff.
6. The mechanism had various risk assessment tools at its disposal for use in its case-by-case screening of requests for protection, including gender-sensitive models for evaluating risks encountered by women and members of the lesbian, gay, bisexual, transgender and intersex communities, and a collective model for evaluating the risks faced by other groups.
7. The Directorate for the Protection of Persons Internally Displaced by Violence was responsible for providing protection and humanitarian assistance. An emergency humanitarian mechanism was in place to provide internally displaced persons, persons at risk of displacement and returning migrants with temporary housing, financial aid, food, clothing and hygiene products. Since 2022, support had been provided to around 350 children, women and men. There was also provision for special humanitarian aid, which in 2023 had benefited around 50 persons, 40 of them children. Follow-up support was provided in the form of home visits and telephone calls. The budget for 2023 had been over L. 8 million and for 2024 just under L. 8 million; however, L. 150 million had been allocated by Congress under the new Act on Preventive Measures, Support and Protection for Internally Displaced Persons.
8. The problem of internal displacement, which was connected with the problem of forced recruitment, was increasing. The Directorate coordinated responses with various other agencies, including the Ministry of Human Rights, and a number of joint projects were being conducted under a capacity-building programme for supporting and protecting people displaced by violence. That programme was being funded by the Office of the United Nations High Commissioner for Refugees (UNHCR) and had a budget of over L. 8.5 million. Another project aimed at strengthening the State's response to internal displacement resulting from violence, had a budget of nearly L. 2.5 million and was being funded by the Comprehensive

Regional Protection and Solutions Framework (MIRPS). Technical assistance from UNHCR had made it possible to shepherd proposed new legislation, promoted in part by civil society organizations, through Congress and to secure its adoption in December 2023. Much of the work of protecting displaced persons was conducted at the municipal level by local protection units.

9. A grave dating from 1963 containing the bodies of five peasants had been discovered near the northern coast, and the Government had requested technical assistance for their exhumation from the Special Rapporteur on extrajudicial, summary or arbitrary executions during his visit in May 2023. In addition, the Committee of the Families of Detained and Disappeared Persons in Honduras suspected that the proposed site of a new museum was in fact a clandestine grave. The Government would be working with international partners to inspect the site and gather evidence.

10. A programme on support for family members of disappeared persons had launched a pilot project with a budget of over L. 31 million. Criteria were being developed to serve as a basis for the award of reparations, and project personnel were working with the families on issues such as education, housing, pensions and access to justice.

11. **A representative of Honduras** said that, once the training of nearly 2,000 prison guards was complete, the armed forces would be able to withdraw from the penitentiaries where they had been deployed in support of the forces of law and order. Around 1,000 new guards had been trained at the beginning of the year and had now started to work in the country's prisons, while a further 1,117 were currently in training and would be ready to join them in the coming months. The National Prisons Institute was to be converted into an autonomous agency, completely independent of the armed forces, with its own financial resources and equipment. Priority was being given to gender-sensitive training on the use of force and on human rights in order to promote practices based on humanitarian principles. All family members of persons deprived of their liberty had to do in order to ascertain where those persons were being held was to call the National Prisons Institute, which would immediately provide them with that information.

12. **A representative of Honduras** said that a special committee had been set up in Congress to draft a new criminal code that would be in line with international standards, including the Convention. The committee would work with international advisers and human rights organizations and would address issues relating to enforced disappearance, including the application of the statute of limitations and matters relating to the criminal liability of superior officers.

13. The bill on searches for disappeared persons and legal protection for their family members, which was pending congressional approval, as had been noted at the previous meeting, also addressed the question of the issuance of declarations of absence. In addition, it provided for the creation of a consolidated electronic database that would merge the available information on disappeared persons, deceased persons who had been identified but whose bodies were unclaimed, deceased persons who had not been identified and mass graves. Data from institutions such as prisons and hospitals would also be entered into that information system. The lead agency would be the Ministry of Governance and Justice. The response of the Ministry of Finance regarding the availability of funds for full implementation of the bill, once it was passed into law, was awaited. Further draft legislation was in the pipeline that would amend and harmonize the Civil Code, the Family Code and the Labour Code to expand the scope of the legal support and protection available to victims of enforced disappearance and their families.

14. **A representative of Honduras** said that the protection of migrants' rights was a major concern of the Government. Honduras respected the principle of non-refoulement, and migrants were not deported. Migrants were not held in detention either, so the country had no migrant detention centres. It did have a number of reception centres where as many as some 200 persons per day could be registered, receive medical and psychological assistance and seek help with other basic needs. No fines were charged for legal entry and, on registration, a permit was issued for a legal stay of five days, which gave migrants in transit time to reach the border with El Salvador or Guatemala by bus. In order to prevent price gouging, arrangements had been made through the Honduran Land Transport Institute to cap

the price of a bus ticket at \$30; in addition, buses with special permits were used to transport migrants, and those buses were not obliged to make intermediate stops, thereby minimizing the risk of abuse by the police or other parties.

15. In view of the current situation, with around half a million people entering the country from Nicaragua, the Government was also planning a thorough reform of the legislation on migration and foreigners. There was a proposal on the table to make a distinction between migrants entering with a view to settling in the country and those fleeing a situation of vulnerability and wishing to cross the country as quickly as possible. Fines would not be levied in the case of migrants who were in a situation of vulnerability.

16. **A representative of Honduras** said that, once the construction work had been completed, the newly enlarged reception centre at Danlí would have 400 beds and the capacity to deal with between 2,500 and 3,000 people a day. That centre was one of three in Honduras – the other two being in Choluteca and in Tegucigalpa – and employed around 80 people from the National Migration Institute. He wished to draw the Committee's attention to the fact that Honduras was completely overwhelmed by the surge in the number of people in transit through its territory. It was highly dependent on UNHCR and other United Nations agencies and international partners for support.

17. **A representative of Honduras** said that, in May 2023, the head of the Directorate for Children, Adolescents and the Family had been dismissed for alleged misconduct. The investigations into that case were being conducted by the Public Prosecution Service. The new director, who had been appointed after consultation with civil society and international partners, had 20 years of wide-ranging experience in the protection of children's rights. In January 2024, the Directorate had been replaced by the Ministry for Children, Adolescents and the Family, which was working with civil society and international partners to formulate public policies offering comprehensive guarantees for children's rights. There were no institutional records of cases of illegal adoption or of tampering with children's identities. The Assignments Committee gave children a name only if they did not have one because they had been abandoned. The certificate of adoption must be registered with the National Registry of Persons. The Special Act on Adoptions laid down requirements ensuring that children benefited from a procedure with built-in safeguards. The aforementioned committee comprised not only members of government agencies but also representatives of civil society, including lawyers, doctors, social workers and psychologists. The legal pathway to adoption also involved oversight by the judiciary and entailed post-adoption reporting obligations. About half of all adoptions were international. The Government acknowledged its responsibility to prevent the abuse of migrants and the trafficking of children, but in order to fully discharge that responsibility, it stood in need of the cooperation of other States with more resources at their command.

18. **A representative of Honduras** said that, with regard to DNA samples, the country was in the process of setting up a genetic database which was to become operational by June 2024. Its forensic laboratory had been upgraded with the help of the University of Texas. The Forensic Medicine Centre worked with the Ministry of Foreign Affairs and the Argentine Forensic Anthropology Team to obtain samples from abroad. When remains were found, family members were asked to supply DNA samples for definitive identification purposes.

19. The Public Prosecution Service was currently investigating two reports of illegal adoptions. Of the 646 DNA samples that it had obtained from children in adoption centres, 433 had matched genetic profiles in its database. As of 2020, the Directorate for Children, Adolescents and the Family had had about 7,000 samples on file. Samples were currently analysed by the University of Granada under the DNA-PROKIDS Programme, but the Forensic Medicine Centre, which had received 4,000 new kits, hoped to resume sampling at the site on the northern coast mentioned earlier. The Triunfo de la Cruz case had been investigated by the Office of the 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 police. Numerous joint operations to search for the missing individuals had also been conducted by the Intelligence Troop and Special Security Response Groups (Tigers) and the National Directorate for Community Crime Prevention and Security.

20. **Ms. Villa Quintana** (Country Rapporteur) said that the Committee would appreciate information on whether the State party intended to recognize the Committee's competence to receive communications. It would also like to know what steps had been taken to protect human rights during the state of emergency. Lastly, it would be grateful for clarification of whether the children from whom genetic samples had been taken had been residing in institutions of some kind.

21. **A representative of Honduras** said that a round table had been set up to monitor respect for human rights during the suspension of constitutional guarantees. It consisted of representatives of the Ministry of Human Rights, the Office of the National Commissioner for Human Rights, the Ministry of Defence, the Ministry of Security, the Ministry of Governance and Justice, the Supreme Court, the National Congress and the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment.

22. **A representative of Honduras** said that, in 2022, almost 44,000 members of the armed forces had undergone training in human rights law, international humanitarian law, use of force and gender identity and, in 2023, more than 49,000 had taken part in such training. Human rights departments and gender units had been set up in all three branches of the armed forces.

23. **A representative of Honduras** said that DNA samples were taken using buccal swabs. The children from whom DNA samples had been obtained were in centres affiliated with the Ministry for Children, Adolescents and the Family. The Forensic Medicine Centre also worked with the *Nuestros Pequeños Hermanos* centres and alternative care homes.

24. **A representative of Honduras** said that a census was being conducted to update the database on the alternative care homes where those children resided. Consideration had been given to recognition of the Committee's competence to receive individual and inter-State communications, but it was understood that there were other mechanisms that had already been ratified by the State that served that purpose.

25. **A representative of Honduras** said that he wished to invite the Committee members to visit his country to see for themselves the grievous situation that had been created by the dismantling of its democratic institutions and the distortion of the rule of law by the previous regime. The country's institutions did not have the capacity to do the work that was being asked of them. The new Administration of President Castro was endeavouring to tackle those challenges, but it would take time and resources to overcome the opposition of entrenched interests, to reform the armed forces and the police force and to make all the other improvements that were needed. The fact that the country was contending with foreign debt payments that amounted to 50 per cent of its GDP was yet another factor. His country therefore needed support and assistance to make all the changes that were required.

26. **The Chair** said that, while the Committee members must take account of the difficulties faced by States parties, it was important not to lose sight of the goal of putting an end to enforced disappearance. The State party could count on the Committee's support for its efforts to implement the Convention.

The meeting rose at 12.15 p.m.