



# Convention on the Rights of the Child

Distr.: General

7 May 2015

English

Original: Spanish

English, French and Spanish only

## Committee on the Rights of the Child

### Sixty-ninth session

18 May–5 June 2015

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the report submitted by Honduras under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

### Addendum

### Replies of Honduras to the list of issues\*

[Date received: 23 April 2015]

### Reply to the issues raised in paragraph 1

1. The mechanism responsible for coordinating the implementation of the Optional Protocol is the Directorate for Children, Adolescents and Family, which was established recently by Executive Decree No. PCM-27-2014 as a decentralized body attached to the Ministry of Development and Social Inclusion. The Directorate, which has technical, functional and administrative independence, has been assigned the following duties:

- Direct, formulate, manage and coordinate national policies and laws relating to children, adolescents and family, and monitor their implementation;
- Strengthen the State's capacity to promote, organize, develop and monitor plans, programmes and public and private services for children, adolescents and families at different stages of development and in various environments;
- Promote shared responsibility and social participation in the promotion, defence and protection of the rights of children, adolescents and families at the national level; and perform any other related duties.

\* The present document is being issued without formal editing.



## **Reply to the issues raised in paragraph 2**

2. Information on the following is provided below: curricula, military training, weapons training, the right to drop out, disciplinary methods and complaints mechanisms.

3. As outlined in the initial report, the Northern Military School is a mixed institution (civilian and military) that trains junior officers and graduates for the armed forces reserves. It is the only school that is run by the armed forces. Its curriculum was approved by the Ministry of Education and is compatible with the National Core Curriculum at the following levels: the bilingual kindergarten and school to the eleventh grade; the Spanish-language general secondary school; the secondary baccalaureate in science and humanities; and the secondary technical-professional and computing baccalaureate.

4. Pupils at the bilingual kindergarten and school follow the National Core Curriculum exclusively. At the school, children in the fourth to sixth grades have the opportunity to undertake survival training provided in coordination with organizations such as the Boy Scouts, the fire department and the International Committee of the Red Cross.

5. Secondary-school students in the sixth to ninth grades follow the general secondary study programme, with the exception of those who enrol voluntarily in the reserve officer course, consisting of a special second lieutenant training programme that includes a military module on military courtesy and discipline, drill commands, military leadership, military correspondence, troop management procedures, map reading, personal weapons, human rights, international humanitarian law, firing range safety measures and shooting practice. The module components are reviewed and approved by the Joint Doctrine Command and the Chief of the Combined Armed Forces of Honduras, who establish the training programme for reserve officers.

6. The training programme for reserve second lieutenants is voluntary. Students can drop out when they wish and pursue only their civilian academic education without compromising their opportunity to obtain the corresponding academic degree.

7. With regard to discipline, pupils of the Northern Military School are governed by a student handbook that is provided by the school along with the training needed to understand and implement it. During the training, pupils have a guidance counsellor responsible for their year who serves as their first point of contact for submitting complaints.

8. The Nido de Águilas Educational Centre is a private institution offering pre-primary, primary and secondary education based on the National Core Curriculum adopted by the Ministry of Education. The Centre has a training department that is generally run by a military professional and provides military training classes solely on leadership, drill commands, formations, marching, conduct in national parades, proper use of uniform, respect and democratic values. The Centre does not offer weapons training at any educational stage.

9. Parents, as representatives of pupils, are free to discontinue their children's education at the Centre for personal reasons. The code of conduct at the Centre is applied in line with national laws and regulations and the guidelines issued by the Ministry of Education.

### Reply to the issues raised in paragraph 3

10. As described in the initial report, pursuant to article 276 of the Constitution and to the Armed Forces Act, military service is voluntary and the minimum age of enlistment is 18. These conditions apply to all military training centres run by the armed forces.

11. Training on the Convention on the Rights of the Child and its Optional Protocols has been formally incorporated into the curricula of the armed forces; the faculties of military, aeronautical and naval sciences of the Defence University of Honduras; the National Defence College; the Armed Forces Command and General Staff School; the Demonstration School for Officers; the School for Non-Commissioned Officers; the Military Intelligence School; and the training centres of each military branch (army, air force and navy).

12. Non-formal education on the Convention and its Protocols is provided through courses, seminars and conferences in coordination with institutions such as the Office of the National Commissioner for Human Rights, the Office of the Special Prosecutor for Human Rights and the National Institute for Women.

### Reply to the issues raised in paragraph 4

13. With regard to programmes run by schools, local authorities and other agencies to keep children and adolescents from joining gangs, or *maras*, the situation remains as described in the initial report. The Directorate for Children, Adolescents and Family is currently undergoing a process of restructuring and strategic planning, in which it has considered the need to harmonize existing plans and programmes in order to fulfil its mandate of coordinating public policies to prevent violence and the participation of children and adolescents in illegal activities.

14. The Guardians of the Nation Programme is a vehicle for social engagement through which the armed forces aim specifically to instil moral, religious and spiritual principles and values in young people, particularly those at social risk. The Programme is divided into three levels for children and adolescents between the ages of: (i) 7 and 9; (ii) 10 and 14; and (iii) 15 and 18.

15. The first level comprises: (i) spiritual education; (ii) children's games; (iii) reading stories; (iv) reading and writing; (v) values; (vi) self-esteem; (vii) motivation; and (viii) creativity. The second level comprises: (i) life skills; (ii) the prevention of violence; (iii) the prevention of HIV/AIDS; (iv) principles and values; (v) creativity; (vi) environmental education; (vii) teamwork; (viii) self-esteem; (ix) life planning; (x) the achievement of goals; and (xi) sexual and reproductive health. The third level comprises: (i) leadership; (ii) career guidance; (iii) religious services; (iv) entrepreneurship; (v) vocational guidance; (vi) teamwork; (vii) social and work skills; (viii) decision-making; (ix) effective communication; (x) self-esteem; (xi) the achievement of goals; and (xii) the prevention of HIV/AIDS.

16. At each level, the topics are developed through discussion, talks, sports activities, prevention fairs, technical workshops and classes for parents.

17. In 2014, the Programme drew the participation of 21,655 children and adolescents, broken down as follows: 5,715 at the first level; 7,285 at the second; and 8,655 at the third. In 2015, there are plans to increase the total number of participants to 26,250.

**Reply to the issues raised in paragraph 5**

18. With regard to the activities carried out to disseminate the Optional Protocol and provide training on it, and to human rights training programmes for all groups of professionals, in particular the special crime-fighting forces, the situation is as described in the initial report and, in general, in paragraphs 9 to 11 of this document.

**Reply to the issues raised in paragraph 6**

19. As outlined in the initial report, domestic criminal laws do not specifically define as offences the acts prohibited by the Optional Protocol. The only two texts under which the recruitment of children and adolescents by armed gangs might be punishable are the Constitution, which establishes that military service is voluntary (art. 276), and the Criminal Code, which punishes the offence of unlawful association (art. 332). The latter article has been the subject of repeated complaints by the Committee on the Rights of the Child, and the issue has been raised in various public policy documents with a view to amendment.

**Reply to the issues raised in paragraph 7**

20. As part of its strategic plan, the Directorate for Children, Adolescents and Family has prioritized the implementation of the National System for the Comprehensive Protection of Children's Rights and the National Information System on Children. The necessary organizational structure and budget allocation for 2015 are already in place to respond to the needs of vulnerable children and adolescents, and give effect to the actions set out in the Public Policy and National Plan of Action on Human Rights.

21. In addition, efforts are under way to establish an information system on children, adolescents and the family, to be coordinated by the National Centre for Information on the Social Sector, in order to classify children and adolescents by age group, with particular emphasis on the most vulnerable, and thereby facilitate information analysis and decision-making.

**Reply to the issues raised in paragraph 8**

22. The State exercises control over access to firearms through the ballistics register and the use of criminal sanctions, which are generally imposed on individuals found in possession of prohibited weapons. Key legislative measures and public policies adopted by the Government in this regard include:

- The Firearms, Ammunition, Explosives and Similar Materials (Control) Act;
- The Criminal Code, as amended by Decree No. 101-2003 of 8 July 2003, which prohibits the possession of AK-47 rifles and establishes the offence of trafficking in war material and other prohibited items, and Decree No. 125-2003 of 27 August 2003, which amends article 332, paragraph (b), of the Criminal Code, establishing the offence of trafficking in arms and ammunition.

23. Notwithstanding the measures mentioned in the preceding paragraph, the Government recognizes the need to introduce amendments to remedy gaps and shortcomings in firearms legislation.

24. There is a bill on arms control that, if adopted, would help the authorities to conduct better and more effective monitoring of various activities related to firearms, ammunitions and similar materials.

25. As described in the initial report, arms control is exercised exclusively by the Government on the basis of the constitutional right of all persons to security.

26. Other legal bases for control over the circulation, sale, ownership and possession of firearms include the following international conventions and other instruments adopted under the auspices of the United Nations and the Organization of American States and under the Central American Integration System:

- United Nations Convention against Transnational Organized Crime (Decree No. 108-2003);
- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Decree No. 4-2004);
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Decree No. 108-2003);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Decree No. 581 of 1 February 1978);
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Decree No. 198-2002);
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Decree No. 92-98);
- Treaty on the Non-Proliferation of Nuclear Weapons (Decree-Law No. 28-73);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Decree No. 112-2003);
- Comprehensive Nuclear-Test-Ban Treaty, its two annexes, the Protocol and the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (Decree No. 288-2002);
- Framework Treaty on Democratic Security in Central America (Decree No. 51-96);
- Code of Conduct on the Transfer of Arms, Ammunition, Explosives and Other Related Material (Presidential Order of 2 December 2005);
- Convention on the Prevention and Punishment of the Crime of Genocide (Official Gazette No. 14,356 of 26 March 1951);
- International Covenant on Civil and Political Rights (Decree No. 64-95);
- American Convention on Human Rights, or Pact of San José, Costa Rica (Decree No. 523 of 26 August 1977);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Decree No. 47-96);
- Inter-American Convention on Forced Disappearance of Persons (Decree No. 110-96);
- Rome Statute of the International Criminal Court (Decree No. 236-2002).

**Reply to the issues raised in paragraph 9**

27. With regard to trafficking in arms and ammunition, the Firearms, Ammunition, Explosives and Similar Materials (Control) Act specifies which arms and ammunition are permitted and which are prohibited, on the understanding that special regulations should govern the use of permitted arms and ammunition, listed in article 7 as follows:

“Article 7 – For the purposes of this Act, the following defence and sporting weapons are considered permissible subject to the corresponding regulations:

(1) Handguns: semi-automatic revolvers and pistols up to .45 calibre (11.5 millimetres);

(2) Long guns: repeating and semi-automatic rifles and carbines up to .308 calibre; and

(3) Ten – (10), twelve – (12), sixteen – (16), twenty – (20) and .410 bore repeating and semi-automatic shotguns, provided that the barrel is no longer than 46 centimetres or 18 inches.”

28. As to prohibited weapons, the Act provides as follows:

“Article 8 – The following weapons and ammunition are prohibited:

(1) Automatic, silenced and precision weapons of any calibre, the use of which is reserved for the armed forces and national police, and is governed by special regulations;

(2) Home-made or hand-crafted firearms and explosive devices capable of launching projectiles through the use of propellants;

(3) Home-made or hand-crafted devices or projectiles that are incendiary or contain home-made or hand-crafted substances liable to cause paralysis, tearing of the eyes, vomiting or diarrhoea;

(4) Armour-piercing, explosive, pre-fragmented or detonating shells and any other projectiles prohibited under the international conventions ratified by Honduras;

(5) In general, all novelty weapons, which are understood to be real weapons concealed as sticks, pencils, briefcases or other seemingly inoffensive items;

(6) Infrared, laser or telescopic sights intended for uses other than hunting or sport; suppressors, silencers and grenade launchers of any kind. The use of compensators is permitted only during regulated sporting activities;

(7) Weapon converters that enable automatic fire;

(8) Ammunition poisoned with chemical or natural substances; and

(9) In general, all so-called special weapons, whether chemical, biological or nuclear, that are prohibited under the international conventions ratified by Honduras.”

**Reply to the issues raised in paragraph 10**

29. To date, the Government has not taken any steps to win the passage of an extradition law to alter the situation described in the initial report. Pursuant to article 102 of the Constitution, as amended, two conditions must be satisfied in order for an

extradition to proceed: (a) the alleged offence must relate to drug trafficking, terrorism or any other form of organized crime; (b) an extradition treaty must be in effect. The Special Act on Judicial Bodies with National Territorial Criminal Jurisdiction, which contains provisions on the offence of organized crime, does not contemplate arms trafficking.

---