



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the additional information submitted by Honduras under article 29 (4) of the Convention*

A. Introduction

1. The Committee appreciates the additional information provided by Honduras in a timely manner under article 29 (4) of the Convention, on 19 January 2021,¹ as requested by the Committee in its 2018 concluding observations.²
2. The Committee appreciates the constructive dialogue held with the delegation of the State party at its 483rd and 484th meetings, held on 26 and 27 February 2024,³ on the measures taken to fulfil the obligations arising from the Convention in relation to the following areas: (a) legislative harmonization and institutional framework, (b) investigations and searches and (c) disappearances in the context of migration.
3. At its 490th meeting, held on 1 March 2024, the Committee adopted the following concluding observations.

B. Positive aspects

4. The Committee welcomes the regulatory, public policy and institutional developments that have taken place since the issuance of its previous concluding observations, including:
 - (a) The establishment of the National Centre of Historical Memory, in February 2024;
 - (b) The issuance of Executive Decree No. 13-2023 on the reconstruction of historical memory of serious human rights violations, in November 2023;
 - (c) The promulgation of the Act on the National DNA Database System, in August 2023;
 - (d) The inauguration of the Museum of Memory and Reconciliation in June 2023;
 - (e) The implementation of the DNA-PROKIDS Programme for the identification of genetic samples of children, in April 2023;
 - (f) The creation of the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras, in March 2023;

* Adopted by the Committee at its twenty-sixth session (19 February–1 March 2024).

¹ [CED/C/HND/AI/1](#).

² [CED/C/HND/CO/1](#).

³ [CED/C/SR.483](#) and [CED/C/SR.484](#).



(g) The issuance of Legislative Decree No. 22-2022, designating 24 March as the National Day for the Right to Truth, Memory and Justice and establishing the obligation for governmental institutions to recognize victims of serious and systematic human rights violations, in March 2022;

(h) The repeal of the Act on the Classification of Public Documents relating to Security and National Defence, known as the Secrets Act, in March 2022;

(i) The publication of an information guide for the relatives of missing migrants, in February 2020;

(j) The reaccreditation of the Office of the National Commissioner for Human Rights as a national human rights institution with category A status, in October 2019;

(k) The creation of the Disappearances Unit of the Police Investigation Directorate, in April 2019.

C. Effect given to the Committee's recommendations and new developments in the State party

5. The Committee takes note of the State party's efforts in the context of institutional change, to which reference was made during the constructive dialogue, and the challenges it faces in meeting its obligations under the Convention. In the present concluding observations, the Committee wishes to highlight its concerns and recommendations to ensure that legislation in the State party to prevent and punish enforced disappearance and to ensure the rights of victims, the implementation of such legislation and the conduct of the competent authorities fully comply with the Convention. The Committee therefore encourages the State party to implement its recommendations, which are made in a constructive and cooperative spirit.

1. General information

Applicability of the Convention

6. The Committee notes that, under articles 15 and 16 of the Constitution, the Convention is part of domestic law and that, according to information provided by the delegation, work is under way on a human rights curriculum for judges. However, the Committee regrets the lack of information on the effective application of the Convention by national courts and on specific training on this subject (arts. 1, 4, 12 and 23).

7. The Committee calls upon the State party to ensure that the provisions of the Convention are directly invoked before, and applied by, national courts. The State party should also redouble its efforts to provide in-service training to justice officials on the Convention, in particular on its scope and direct applicability, and to periodically evaluate, through the use of indicators, the impact of this training.

Individual and inter-State communications

8. The Committee notes with regret the State party's position that recognition of the Committee's competence to receive and consider individual and inter-State communications is unnecessary (arts. 31 and 32).

9. The Committee reiterates its previous recommendation for the State party to recognize the Committee's competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention with a view to strengthening the framework for protection against enforced disappearances.⁴

Militarization of public security

10. The Committee takes note of training provided to the armed forces and notes that, according to the State party, human rights departments have been set up in all branches of

⁴ CED/C/HND/CO/1, para. 11.

the armed forces. However, it is concerned about the militarized approach to public security, continual extensions of the state of exception, insufficient civilian control over the actions of the armed forces and the suspension of constitutional guarantees, owing to the risks entailed by these situations, including in relation to the prevention and eradication of enforced disappearances (art. 1).

11. The Committee endorses the recommendation of the Human Rights Committee⁵ and urges the State party to abandon the militarized approach to public security. Public security policy should be developed in full accordance with international human rights principles and should ensure that security institutions are civilian in nature. Therefore, the Committee recommends that the State party strengthen its civilian law enforcement bodies and requests it to draw up a plan to ensure the military forces' orderly, immediate and verifiable withdrawal from public security operations. The Committee also recommends that the State party ensure the proper functioning of the civilian control and accountability mechanisms of the armed forces and the National Police.

Prevention of acts that may hinder the progress of investigations

12. The Committee is concerned about current legislation that fails to ensure the independence of the judiciary, the institutional weakness of the Public Prosecution Service, and allegations of corruption in both entities. It is also concerned about the criteria used in the process of selecting judges and about insufficient judicial and due process safeguards in disciplinary proceedings against judges (arts. 11 and 12).

13. The Committee recommends that the State party ensure the full independence and impartiality of the Public Prosecution Service and the judiciary, including by reforming the laws governing the judicial service and the Council of the Judiciary. The State party should ensure that the process of selecting judges is based on the criteria of suitability, merit and technical expertise and that judicial and due process safeguards are upheld during disciplinary proceedings.⁶ In addition, it should intensify efforts to prevent and eradicate corruption and ensure that the officials in charge of search and investigation can perform their duties in an independent and impartial manner.

2. Legislative harmonization and institutional framework

Definition of enforced disappearance as a separate offence

14. The Committee notes that enforced disappearance is defined as an offence under articles 139 to 142 of the Criminal Code in force since 2020, and that a special legislative commission was appointed in 2023 to examine amendments to the Criminal Code that were introduced by the previous regime. However, it is concerned that, under current legislation, enforced disappearance:

- (a) Is only defined as an offence in the context of crimes against humanity and is not punishable as a separate offence;
- (b) Is not among the offences that carry the most severe penalties;
- (c) Does not include the criminal responsibility of persons who order or instigate enforced disappearance, or that of superiors;
- (d) Does not establish mitigating and aggravating circumstances in accordance with the Convention (arts. 2, 4, 6, 7 and 23).

15. The Committee reiterates its previous recommendations⁷ and urges the State party to:

- (a) **Define enforced disappearance as a separate offence in accordance with article 2 of the Convention;**

⁵ [CCPR/C/HND/CO/2](#), para. 21.

⁶ *Ibid.*, para. 35.

⁷ [CED/C/HND/CO/1](#), paras. 15 and 17.

(b) **Modify the penalties applicable to the offence of enforced disappearance, taking into account its extreme seriousness, in accordance with article 7 (1) of the Convention;**

(c) **Provide in its Criminal Code for the criminal responsibility of superiors and ensure that no order or instruction from any public authority – civilian, military or other – may be invoked to justify an enforced disappearance and that subordinates who refuse to obey an order to commit an enforced disappearance are not punished, in accordance with articles 6 (1) (b) and (2) and 23 (2) of the Convention;**

(d) **Provide in its Criminal Code for all the mitigating and aggravating circumstances mentioned in article 7 (2) of the Convention.**

Continuous nature of the offence of enforced disappearance

16. The Committee regrets that it has not received clear information on the provisions of the Criminal Code, which establish, on the one hand, that enforced disappearance is not subject to a statute of limitations (art. 116) and, on the other, 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 (art. 110 (3)) (art. 8).

17. **The Committee recommends that the State party expressly provide in its criminal legislation that, given the continuous nature of the offence of enforced disappearance, any statute of limitations applicable to it should be of long duration and should commence from the moment the offence ceases, and that it ensure that existing remedies for victims to obtain redress are subject to appropriate statutes of limitations.**

Definition of “victim” and rights to truth and justice

18. The Committee notes with interest the bill on the rights of victims of serious human rights violations committed during the application of the national security doctrine, and the bill on searches and legal protection for disappeared persons and their families, both submitted in 2023. However, it notes with concern that:

(a) Under article 17 of the Code of Criminal Procedure, only relatives up to the fourth degree of consanguinity and the second degree of affinity of persons who have died as a result of an offence may be recognized as victims;

(b) The right of victims of enforced disappearance to know the truth is not recognized in domestic law;

(c) Victims allegedly face obstacles in obtaining access to justice, including the requirement of the Public Prosecution Service that 48 hours must elapse before reports of disappearances can be received, the legal impediment to the participation of private complainants in proceedings until an application has been issued by the prosecutor, the lack of free legal representation and limited access to information at all stages of proceedings (art. 24).

19. **The Committee reiterates its previous recommendations⁸ and calls upon the State party to:**

(a) **Expand the definition of “victim” in domestic law to include any individual who has suffered harm as a direct result of an enforced disappearance, in accordance with article 24 (1) of the Convention;**

(b) **Recognize in domestic law the right of all victims of enforced disappearance to know the truth;**

(c) **Ensure access to justice for victims of enforced disappearance; the immediate receipt of reports of disappearances; the opportunity to participate in proceedings regardless of the prosecutor’s application; free legal representation, particularly in rural areas; and access to information at all stages of proceedings;**

⁸ Ibid., para. 37.

(d) **Ensure that legislation on the rights of victims of enforced disappearance is adopted and implemented in a manner fully compatible with the Convention.**

Right to prompt, fair and appropriate reparation and compensation

20. The Committee notes that the bill on comprehensive reparation for victims of human rights violations caused by acts or omissions attributable to the State was resubmitted in 2018. It also notes that, as reported by the delegation, the Social Programme for the Families of Martyrs of the Honduran Resistance is under development. However, it is concerned that:

(a) Current legislation does not provide for a system of full reparation under the responsibility of the State for all victims of enforced disappearance, including victims of enforced disappearances that occurred in the 1980s and 1990s;

(b) In its report on its 2023 visit to Honduras, the Working Group on Enforced or Involuntary Disappearances stated that it had been unable to identify any relatives of disappeared persons who had benefited from State assistance;

(c) The social programme in the sphere of education, established by Legislative Decree No. 4-2022, and the Social Programme for the Families of Martyrs of the Honduran Resistance focus solely on the people murdered during the 2009 coup d'état;

(d) The Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras of 2023 does not have approved internal regulations and only has two employees;

(e) The 2008 national reparations programme for victims of the national security doctrine has not been implemented (art. 24).

21. **The Committee urges the State party to:**

(a) **Ensure that all victims of enforced disappearance can have access to a system of full and adequate reparation that complies with article 24 (4) and (5) of the Convention, that is applicable even if no criminal proceedings have been initiated and that is based on a differentiated approach, taking into account the gender dimension and the specific needs of the victims;**

(b) **Establish public assistance programmes for the families of victims, including psychosocial support and a system of social benefits to ensure the right to education of the children of disappeared persons,⁹ irrespective of the context in which the disappearance took place;**

(c) **Include victims of enforced disappearance in the social programme established by Legislative Decree No. 4-2022 and the Social Programme for the Families of Martyrs of the Honduran Resistance;**

(d) **Adopt the internal regulations of the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras and assign the necessary financial, human and technical resources for its implementation;**

(e) **Effectively implement the 2008 national reparations programme for victims of the national security doctrine (art. 24).**

Memory

22. The Committee notes that a directorate of historical memory was established to administer the Programme of Memory, Truth, Reparation, Justice and Non-Repetition for the Reconciliation and Refoundation of Honduras. However, it is concerned about the lack of specific measures to manage and protect memorial sites, preserve historical archives and carry out remembrance initiatives for educational purposes. It is also concerned that there are no historical memory programmes relating to serious human rights violations, including the enforced disappearances of the 1980s and 1990s (art. 24).

⁹ [A/HRC/54/22/Add.2](#), para. 76 (a).

23. **The Committee encourages the State party to improve the management and protection of memorial sites, the preservation of historical archives and the carrying out of remembrance initiatives for educational purposes. The State party is urged to ensure that the Museum of Memory and historical memory programmes address all serious human rights violations, including the enforced disappearances that occurred during the 1980s and 1990s.**

Protection mechanisms

24. The Committee is deeply concerned at:

(a) Persistent allegations of threats, harassment, intimidation and reprisals, including disappearances, against relatives of disappeared persons, witnesses and human rights defenders, including those who defend land, territory and the environment, and reports of reprisals against justice officials;

(b) The shortcomings of the national system for the protection of human rights defenders, journalists, social communicators and justice officials, including the lack of funding, personnel and technical tools, the lack of coordination between its constituent institutions and the ineffectiveness of protection measures, as reflected in the case of one of the young men who disappeared from the Garifuna community of Triunfo de la Cruz;

(c) The ineffectiveness of the Protection Programme for Witnesses in Criminal Proceedings, due to lack of funding and technical capacity (arts. 12 and 24).

25. **The Committee reiterates its previous recommendations¹⁰ and urges the State party to:**

(a) **Redouble its efforts to prevent and punish threats, harassment, intimidation and reprisals against persons referred to in article 12 (1) of the Convention;**

(b) **Strengthen the national system for the protection of human rights defenders, journalists, social communicators and justice officials and the Protection Programme for Witnesses in Criminal Proceedings by ensuring sufficient financial, technical and human resources for the fulfilment of their mandates, inter-institutional coordination, adequate risk analysis with a differentiated approach and the effectiveness of protection measures.**

Legal situation of disappeared persons whose fate has not been clarified and that of their relatives

26. The Committee is concerned that the Civil Code still requires the declaration of presumed death of the disappeared person, even if his or her fate has not been clarified, in order for the situation of his or her relatives to be regularized (art. 24).

27. **The Committee reiterates its previous recommendation¹¹ and urges the State party to revise its legislation to ensure that the legal situation of disappeared persons whose fate or whereabouts have not been clarified and that of their relatives is regularized in accordance with article 24 (6) of the Convention, in fields such as social protection, family law, financial matters and property rights, without the need to declare that the disappeared person is presumed dead. In this regard, the Committee encourages the State party to provide, by law, for the issuance of declarations of absence by reason of enforced disappearance, regardless of its duration.**

Remedy of habeas corpus

28. The Committee is concerned at allegations of the excessively formalistic and inefficient functioning of the remedy of habeas corpus in the search for disappeared persons (arts. 17 and 24).

¹⁰ CED/C/HND/CO/1, para. 27.

¹¹ Ibid., para. 39.

29. **The Committee shares the recommendation of the Working Group on Enforced or Involuntary Disappearances¹² and urges the State party to review the functioning of the remedy of habeas corpus, provided for under the Constitutional Justice Act, to ensure that it serves as a prompt and effective judicial remedy to determine the whereabouts of disappeared persons.**

Registers of persons deprived of liberty

30. The Committee notes the installation in 2019 of the Digital Prison Records System and the information provided by the State party on its digital and physical registers. It also takes note of the training programmes provided to prison officers. However, it is concerned:

(a) That, as reported by the delegation, the armed forces, specifically the Public Order Military Police, have been tasked with running the country's prisons since June 2023, with a mandate until mid-2024;

(b) At the lack of information on the functioning of the Digital Prison Records System in all places of detention and the little clarity on the handling of prison records and the content of the data stored on the System;

(c) At allegations of limited access to registers of persons deprived of their liberty and the recording of incomplete and/or incorrect information;

(d) At the lack of information on the Office of the Ombudsman for Persons Deprived of Their Liberty of the Office of the National Commissioner for Human Rights (arts. 17, 18, 20 and 22).

31. **The Committee reiterates its previous recommendations¹³ and encourages the State party to:**

(a) **Ensure that prisons are under the control of the National Prison Institute as an autonomous and independent entity;**

(b) **Ensure the interoperability of existing and future registers of deprivation of liberty, guaranteeing that they all contain, as a minimum, the information required under article 17 (3) of the Convention, and that all persons deprived of liberty are registered without exception and from the outset;**

(c) **Ensure that information contained in registers or records of persons deprived of liberty is supplemented and updated promptly and accurately, that registers or records are subject to periodic checks, and that, in the event of irregularities, the officials responsible are duly sanctioned;**

(d) **Ensure that any person with a legitimate interest, such as a relative of a person deprived of liberty or his or her representative or counsel, has prompt access to all of the information listed in article 18 (1) of the Convention;**

(e) **Carry out activities to disseminate information on the functions of the Office of the Ombudsman for Persons Deprived of Liberty.**

3. Investigations and searches

National register of disappeared persons

32. The Committee takes note of the figures on cases of enforced disappearance in Honduras compiled by different State agencies, the bill on a national register of missing or disappeared persons and the bill on searches and legal protection for disappeared persons and their families, which would create a system for the management of information on disappeared persons. However, it is concerned about the absence of a single register of disappeared persons (arts. 1–3, 12 and 24).

33. **The Committee urges the State party to establish a consolidated register of persons who have disappeared in Honduras and Honduran nationals who have**

¹² A/HRC/54/22/Add.2, para. 76 (o).

¹³ CED/C/HND/CO/1, para. 33.

disappeared abroad, in order to generate accurate and up-to-date statistical information, disaggregated by sex, age, gender identity, sexual orientation, nationality and racial or ethnic origin of the disappeared persons. This information should include the date, context and circumstances of the disappearance; the number of disappeared persons who have been located, whether alive or deceased; and the number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention, including disappearances in the context of migration and trafficking.

Investigation and prosecution of cases of enforced disappearance

34. The Committee welcomes the establishment of the Disappearances Unit of the Police Investigation Directorate and the Missing and Disappeared Persons Protocol. However, it observes with concern:

(a) The high level of impunity in cases of enforced disappearances, including those perpetrated during the 1980s and 1990s, the 2009 coup d'état and the 2017 post-election crisis, and current cases;

(b) The lack of information on the investigation and prosecution of cases of enforced disappearance or disappearance perpetrated by individuals, or on the number of convictions for this offence;

(c) Weak institutional capacity for the investigation and prosecution of enforced disappearance, including the limited presence of the Office of the Special Prosecutor for Human Rights, which has offices only in Tegucigalpa, San Pedro Sula and La Ceiba; the assignment of two prosecutors to the Enforced Disappearances Section of the Office of the Special Prosecutor for Human Rights and the absence of assigned investigators from the Technical Criminal Investigation Agency; and the inadequate distribution of cases among prosecutors' offices, as in the case of the disappearance of five members of the Triunfo de la Cruz community;¹⁴

(d) The lack of investigation and prosecution strategies, reflected in the inability to detect patterns of human rights violations, the absence of context analysis teams and the characterization of acts as offences other than enforced disappearance;

(e) The limited involvement of the relatives of disappeared persons in investigations and criminal proceedings, and their distrust of justice officials;

(f) The lack of clear procedures, when police or military officials are suspected of involvement in enforced disappearances, to determine whether it is for the police or the Public Prosecution Service to conduct the investigation;

(g) The lack of cooperation of the security forces and the armed forces in criminal investigations (arts. 2, 3, 12, 17 and 24).

35. **The Committee reiterates its previous recommendations¹⁵ and urges the State party to:**

(a) **Ensure the prompt, impartial and thorough investigation of all allegations of disappearance, including enforced disappearance, exercising due diligence at all stages of the process, and ensure that alleged perpetrators are prosecuted and, if found to be responsible, punished with appropriate penalties;**

(b) **Strengthen the institutional capacity of the entities responsible for the investigation and prosecution of enforced disappearance, including the Enforced Disappearances Section of the Office of the Special Prosecutor for Human Rights and the Technical Criminal Investigation Agency, guaranteeing intra- and inter-institutional coordination and assigning them the necessary human, financial and material resources;**

¹⁴ Ruling issued on habeas corpus motion No. 564/2020, 20 August 2020.

¹⁵ CED/C/HND/CO/1, para. 25.

(c) **Put in place comprehensive investigation strategies, ensure that context analysis is carried out in search and investigation processes in order to make it easier to determine responsibilities in the chain of command, and put in place effective strategies for the prosecution of cases;**

(d) **Ensure that any persons with a legitimate interest, including the family, close friends and legal representatives of disappeared persons, can participate in investigations and at all stages of the proceedings, and are regularly informed of the progress and results thereof;**

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

(f) **Ensure that the security forces and the armed forces cooperate with investigations into enforced disappearance by sharing information and facilitating access to military installations.**

Search for disappeared persons

36. The Committee is concerned at:

(a) The lack of an institutional policy for searching for and locating missing persons and the lack of resources and measures to allow for an immediate and urgent search in cases where there is reason to believe that the disappeared person may be alive;

(b) The dearth of information on the use of investigative technologies in searching for and locating missing persons;

(c) The limited participation of relatives and close friends in search processes;

(d) The non-existence of inter- and intra-institutional coordination mechanisms for searches (art. 24).

37. **The Committee reiterates its previous recommendations¹⁶ and, in accordance with its Guiding Principles for the Search for Disappeared Persons of 2019,¹⁷ urges the State party to:**

(a) **Design and implement a public policy for searching for and locating disappeared persons that prioritizes finding them alive and that has the necessary human, technical and financial resources;**

(b) **Guarantee that when a person's disappearance is reported the search is initiated automatically and without delay, and ensure that investigations continue until the fate of the disappeared person has been clarified;**

(c) **Promote the use of scientifically based evidence through specialized training and the acquisition of the necessary infrastructure;**

(d) **Ensure that the search is conducted by the competent authorities, facilitating the involvement of the relatives, close friends and legal representatives of the person concerned;**

(e) **Guarantee effective coordination, cooperation and cross-checking of data between the agencies responsible for searching for disappeared persons and investigating their disappearance.**

Human identification and dignified return of remains

38. The Committee welcomes the creation of the National System for Human Identification and the National DNA Database System. However, it is concerned:

¹⁶ Ibid., para. 41.

¹⁷ CED/C/7.

- (a) That the genetic database and laboratory are not yet operational, for financial and other reasons;
- (b) At allegations of the handling of incomplete remains, the obtaining of incomplete genetic profiles and disrespectful treatment of remains;
- (c) At information received, including from the delegation during the dialogue, regarding clandestine graves that have not been exhumed for lack of resources, including a grave located in El Progreso;
- (d) At the lack of a database of unidentified remains;
- (e) That the preliminary bill on the establishment of a national institute of forensic medicine and forensic sciences, submitted in March 2023, has not been adopted (arts. 12, 19 and 24).

39. **The Committee urges the State party to:**

- (a) **Ensure the effective functioning of the National DNA Database System and its interoperability with other genetic profile banks in other countries, and ensure the allocation of sufficient technical, financial and human resources;**
- (b) **Accelerate processes of identifying human remains and expand capacity for their identification, safekeeping and dignified return to families;**
- (c) **Establish a database of ante mortem/post mortem information for all disappeared persons and ensure that it is updated with the relevant information in all cases of disappearance;**
- (d) **Ensure the effective coordination and cross-checking of data between agencies responsible for identifying the remains of disappeared persons in the event of death;**
- (e) **Establish a national institute of forensic medicine and forensic sciences with functional and financial independence and an administrative structure and provide the necessary resources for its operation.**

Past disappearances

40. The Committee is concerned about the limited implementation of the recommendations contained in the 1994 report of the Office of the National Commissioner for Human Rights, *Los hechos hablan por sí mismos*, and the 2011 report of the Truth and Reconciliation Commission, *Para que los hechos no se repitan*. In this regard, the Committee notes with concern the scant progress made in the investigation and prosecution of cases of enforced disappearance that occurred in the 1980s and 1990s and in the context of the 2009 coup d'état (arts. 8, 12 and 24).

41. **The Committee calls upon the State party to fully implement the recommendations contained in the reports *Los hechos hablan por sí mismos* and *Para que los hechos no se repitan*. The State should also expedite investigations and ensure that all cases of enforced disappearance, including those perpetrated during the 1980s and 1990s and in the context of the 2009 coup d'état, are promptly investigated and the alleged perpetrators prosecuted and, if found guilty, punished appropriately, in order to guarantee victims' access to the truth and comprehensive reparation.**

4. Disappearances in the context of migration

Prevention of disappearances in the context of migration

42. The Committee expresses its concern at the reported disappearance of hundreds of migrants each year, which may include cases of enforced disappearance. In this regard, the Committee regrets the absence of a public policy to address the causes of mass migration in conditions that put migrants, especially women, girls and boys, at risk of falling victim to human smuggling and/or trafficking networks and thus of enforced disappearance (arts. 2, 3, and 24).

43. **The Committee recommends that the State party take into account its general comment No. 1 (2023) on enforced disappearance in the context of migration and urges the State party, through the Directorate General for the Protection of Honduran Migrants and in cooperation with other transit or destination countries, to design and implement a public policy that addresses the structural causes of mass migration, such as poverty, inequalities and violence, and measures for the protection of migrants travelling along migration routes, in particular unaccompanied children. This policy should include strategies and resources to search for disappeared persons in the context of migration.**

Statistical information on disappearances in the context of migration

44. The Committee notes the existence of the Consular and Migratory Observatory and the standardized form for the collection of data on missing migrants. However, the Committee is concerned that, according to the National Institute of Migration, the number of migrants in transit through Honduras almost tripled in 2023, compared with 2022. It is also concerned that the forensic database of missing migrants only maintains publicly available statistics on disappeared migrants and information regarding DNA and the circumstances of the disappearance up until 2019. Furthermore, the Committee notes with concern that there are shortcomings in the registration of persons who enter the country in an irregular manner as part of a mixed migration flow and that data collection is not uniform (arts. 1–3, 12 and 24).

45. **The Committee recommends that the State party strengthen the forensic database of missing migrants by providing the human, technical and financial resources necessary for it to function adequately and efficiently, and that it ensure that the public has access to up-to-date information on disappeared migrants. The State party should also strengthen the registration of persons who enter Honduras in an irregular manner as part of mixed migration flows in order to improve the identification of persons internationally reported as having disappeared along the migratory route.**

Searches and investigations related to disappearances in the context of migration

46. The Committee takes note of the protocol on searching for Honduran nationals missing in Mexico and the tracing bureaux for missing migrants. However, it is concerned:

(a) That the search for and identification of disappeared migrants continue to be led by families and the committees that they organize, owing to the limited intervention of the State institutions responsible for these processes;

(b) At the difficulties encountered by migrants' families in search and investigation processes, including obstacles to obtaining humanitarian visas;

(c) At the lack of coordination between the institutions in charge of searching for and investigating disappearances of migrants, particularly unaccompanied children;

(d) At the lack of information on the number of criminal proceedings initiated in connection with the disappearance of migrants and the number of convictions handed down in such cases;

(e) At insufficient cooperation between States in searching for and investigating disappearances, both of migrants in Honduras and of Honduran migrants in other countries (arts. 2, 3, 12, 14, 15 and 24).

47. **The Committee reiterates its previous recommendations¹⁸ and calls upon the State party, in cooperation with the countries of origin and destination and with input from victims and civil society, to:**

(a) **Ensure that immediate searches are conducted for disappeared migrants and, in the event that human remains are found, identify and return them in a dignified manner;**

¹⁸ CED/C/HND/CO/1, para. 29.

(b) **Ensure 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 person concerned, including by issuing them with humanitarian visas;**

(c) **Ensure effective coordination between the institutions responsible for searching for disappeared migrants and investigating their disappearances;**

(d) **Intensify its efforts to investigate disappearances of migrants and to prosecute those responsible under criminal law;**

(e) **Strengthen mutual legal assistance and 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, including by setting up a special commission for investigating disappearances of migrants.**

Deprivation of liberty on migration-related grounds

48. The Committee takes note of the delegation's statement that there are no migrant detention centres in Honduras. However, it is concerned at the lack of information on mechanisms to prevent the risk of migrants passing through Honduras disappearing in the context of the implementation of strategies to control irregular migration. In this regard, the Committee highlights its concerns in relation to the shortcomings of registration systems and the difficulties faced by migrants deprived of their liberty in establishing and maintaining communication with their families and close friends, the consular authorities of their countries, or any other person of their choice (art. 17).

49. **The Committee calls upon the State party to:**

(a) **Create a complete, reliable and up-to-date central register that includes the details of all persons held in centres for irregular migrants, and establish control and monitoring mechanisms for data verification;**

(b) **Ensure that all persons deprived of their liberty, including persons deprived of their liberty on migration-related grounds, enjoy the safeguards provided for in the Convention, in particular under article 17 (2).**

Rights of victims of disappearances in the context of migration

50. The Committee is concerned at the lack of sufficient and adequate information, and the consequent confusion of family members, regarding the institution to which they should report a disappearance and the procedure for doing so. The Committee is also concerned about insufficient coordination with States where migrants were disappeared in order to ensure victims' access to justice and their rights to know the truth and to reparation (arts. 1–3, 9, 12, 15 and 24).

51. **The Committee urges the State party to enhance the dissemination of information on mechanisms for reporting disappearances in the context of migration. The State party should engage in ongoing coordination with other countries in the region to facilitate the filing from abroad of reports of missing migrants, either electronically or through consular offices. In order to expedite and facilitate the provision of files, data, records and references that can be used to locate the relatives of as yet unidentified victims, the Public Prosecution Service should strengthen the mechanisms for internal cooperation and for cooperation with the authorities of migrants' countries of origin, transit and destination.**

Migration policy

52. The Committee takes note of the information provided by the delegation that the amnesty under which persons who enter the country illegally are exempted from fines has been extended until December 2024, and the statement that there have been no cases of push-backs in Honduras. It also notes that migrants in transit through Honduras are issued with a permit for a legal stay of five days and that there are centres for irregular migrants in Danlí, Choluteca and Tegucigalpa. However, it observes with concern:

(a) The lack of progress in adopting the package of reforms to the Migration and Aliens Act and, in that context, the proposal to exempt only vulnerable migrants from fines for irregular entry, as mentioned by the delegation;

(b) The lack of information on the guarantees of due process offered to migrants in relation to status determination processes or on the specific measures that have been taken to avoid push-backs;

(c) The limited presence of the authorities at informal border crossings, which are reportedly the starting point for routes that present significant risks for migrants, including the risk of enforced disappearance (arts. 15, 16 and 24).

53. The Committee recommends that the State party take into account its general comment No. 1 (2023) on enforced disappearance in the context of migration, and urges the State party to:

(a) **Adopt the package of reforms to the Migration and Aliens Act, including the elimination of fines for irregular entry, in order to reduce the risk of migrants falling victim to enforced disappearance;**

(b) **Consider explicitly prohibiting, in its domestic legislation, any expulsion, return, surrender or extradition when there are substantial grounds for believing that the person concerned may be in danger of being subjected to enforced disappearance, and adopt clear criteria and procedures for assessing and verifying this risk;**

(c) **Ensure that the new migration policy addresses the issue of disappeared migrants and refugees;**

(d) **Increase the authorities' presence at informal border crossings in order to identify persons reported as disappeared or at risk of disappearance; and raise awareness among local actors and in the main transit hubs about existing mechanisms for reporting cases of disappearance.**

5. Measures to protect children against enforced disappearance

Recruitment and trafficking of children

54. The Committee is concerned at multiple allegations of enforced disappearance related to the forced recruitment of children and the sex trafficking of girls by criminal groups. In particular, the Committee notes with concern:

(a) The lack of implementing regulations of the Act on AMBER Alerts to Locate and Protect Missing or Abducted Children and Adolescents;

(b) The failure to implement an early warning system in cases of missing children;

(c) The lack of a public policy and strategies for prevention and the protection of children from enforced disappearance, particularly in the context of trafficking and forced recruitment (art. 25).

55. The Committee urges the State party to:

(a) **Issue the necessary regulations for the effective implementation of the Act on AMBER Alerts to Locate and Protect Missing or Abducted Children and Adolescents and introduce the early warning digital platform with the resources needed to respond to cases of enforced disappearance of children;**

(b) **Redouble its efforts to search for and identify children and adolescents who may have been victims of enforced disappearance, particularly in the context of trafficking and forced recruitment, including the launch of the DNA database that includes genetic samples for all reported cases.¹⁹**

¹⁹ Ibid., para. 43.

Illegal intercountry adoptions

56. The Committee notes the State party's position that there have been no cases of illegal adoption or of tampering with children's identities in Honduras. The State party also reported on relevant laws, including the Special Adoption Act and its implementing regulations, which envisage measures to detect the origins of children, and their illegal abduction, through DNA testing in the event that an enforced disappearance is suspected. The Committee also notes that the Criminal Code provides for the offence of adoption, foster care or guardianship fraud. Nevertheless, the Committee is concerned about allegations of illegal intercountry adoptions in a context where, as reported by the delegation during the dialogue, half of adoptions in the State party are intercountry adoptions. It is also concerned at the lack of legal procedures to monitor, review and, where appropriate, annul any adoption that originated in enforced disappearance, and at the insufficient measures taken to restore the identities of children in such cases (art. 25).

57. **Recalling the joint statement on illegal intercountry adoptions of 2022,²⁰ the Committee urges the State party to harmonize its Criminal Code with article 25 of the Convention and establish specific procedures and measures for reviewing and, where appropriate, annulling any adoption, placement or guardianship that originated in an enforced disappearance and for restoring the true identity of the children concerned, taking into account the best interests of the child. The State party should investigate and prosecute those involved in illegal adoptions of children that may amount to enforced disappearance. Furthermore, within the framework of the Comprehensive System for the Protection of the Rights of Children and Adolescents, the State party should prioritize domestic adoption over intercountry adoption and guarantee the existence of differentiated legal and administrative procedures, in accordance with its international obligations.**

D. Implementation of the rights and obligations under the Convention, dissemination and follow-up

58. The Committee wishes to draw attention to the obligations taken on by States when they ratify the Convention and urges the State party to ensure that all the measures it adopts, regardless of their nature or the authority adopting them, are in full accordance with the Convention and other relevant international instruments.

59. The Committee also emphasizes the particularly cruel effect of enforced disappearance on women and children. Women victims of enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are also particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves have been disappeared or because they suffer the consequences of the disappearance of members of their families, are especially vulnerable to violations of their human rights. The Committee therefore places particular emphasis on the need for the State party to systematically adopt a gender perspective and take into account the specific needs of women and children as it implements the recommendations contained in the present concluding observations and the full range of rights and obligations established in the Convention.

60. The State party is encouraged to disseminate widely the Convention and the present concluding observations in order to raise awareness among governmental authorities, civil society actors and the public at large. The Committee also encourages the State party to promote the participation of civil society in the actions taken to implement the recommendations contained in the present concluding observations.

61. In accordance with article 29 (4) of the Convention, the Committee requests the State party to submit, by 5 March 2025, specific and updated information on the follow-up given to the recommendations made in the present concluding observations

²⁰ CED/C/9.

and any other information that it considers relevant in the light of the Convention. The Committee encourages the State party to adopt a national policy on the prevention of enforced disappearance and to promote and facilitate the participation of civil society, in particular organizations of victims of enforced disappearance, in the preparation of this additional information.
