



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on 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*

1. The Committee considered the initial report of Honduras (CRC/C/OPAC/HND/1) at its 1996th meeting (see CRC/C/SR.1996), held on 21 May 2015, and adopted at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/HND/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the high level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined fourth and fifth periodic reports under the Convention on the Rights of the Child (CRC/C/HND/CO/4-5) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HND/CO/1), both adopted on 5 June 2015.

II. General observations

Positive aspects

4. The Committee welcomes the accession or ratification by the State party of:

(a) The 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, in April 2008;

* Adopted by the Committee at its sixty-ninth session (18 May-5 June 2015)

(b) The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials, in October 2004.

III. General measures of implementation

Legislation

5. The Committee welcomes the precedence of international agreements, including the Optional Protocol, over national legislation in case of conflict. It is nevertheless concerned that there are provisions of the Optional Protocol that have not yet been incorporated into the State party's domestic legislation which prevents their effective application.

6. **The Committee recommends that the State party undertake a review of its domestic legislation with a view to incorporating fully the provisions of the Optional Protocol into its domestic legislation.**

Coordination

7. The Committee welcomes the creation in 2014 of the Department of Children, Youth and Family (DINAF) and the Cabinet for Violence Prevention, but regrets the lack of information on how DINAF coordinates the work of the various bodies involved in the implementation of the Optional Protocol.

8. **With reference to its concluding observations under the Convention (CRC/C/HND/CO/4-5, paragraph 13) the Committee urges the State party to enable DINAF to provide the leadership and effective general oversight for the monitoring and evaluation of activities on children's rights under the Convention and the Optional Protocols thereto at the cross-sectorial, national, state and local levels. The State party should ensure that this coordinating body is provided with the human, technical and financial resources necessary for its effective operation.**

Comprehensive policy and strategy

9. The Committee is concerned that the National Policy on Prevention of Violence against Children and Adolescents, of 2013, faces serious limitations in relation to the prevention of armed violence and to the participation of the relevant public agencies, municipal governments and civil society organizations.

10. **The Committee urges the State party to provide adequate human, financial and technical resources for the effective implementation of the National Policy on Prevention of Violence against Children and Adolescents, addressing specifically all issues related to armed violence.**

Training, dissemination and awareness-raising

11. The Committee regrets the indication of the State party that awareness-raising programmes on the Optional Protocol are not seen as a priority, while welcoming the initiatives to train armed forces, the police and judicial officials on this issue under its academic activities in the field of international humanitarian law.

12. **Pursuant to article 6, paragraph 2 of the Optional Protocol, the Committee recommends that the State party enhances its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, and in particular to law enforcement officials, military, migration authorities, health professionals, teachers, journalist, children and their families.**

Data

13. The Committee notes the information provided by the State party on the current and planned information management systems on children's issues. It is however concerned with the lack of a comprehensive data collection system covering all matters related to the Optional Protocol.

14. **In line with its concluding observations under the Convention (CRC/C/HDN/CO/4-5, paragraph 17), the Committee recommends that the State party develop and implement a comprehensive system of data collection, analysis, and impact assessment of all the areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by sex, age, geographic location and socio-economic background, of children who are especially vulnerable to practices contrary to the Optional Protocol.**

IV. Prevention

Compulsory recruitment

15. Despite the State party reporting that no forced recruitment of children into armed forces occurred, **the Committee is concerned about reported cases of forced recruitment of children into the armed forces after the coup d'état of 2009.**

16. **The Committee urges the State party to expeditiously investigate any case of recruitment of children into the armed forces and requests the State party to provide information in its next report on the outcome of those investigations and the results therein, including sanctions for offenders and redress for child victims.**

Military schools

17. The Committee notes the information provided by the State party concerning the functioning of military and mixed civilian-military schools. **The Committee is however concerned that those high school students (sixth to ninth grade) of Liceo Militar del Norte who enlist as draft reserve officers receive training on the use of weapons. The Committee is also concerned with the reported lack of students' access to independent complaints mechanisms.**

18. **The Committee recommends that the State party promote non-military education of children, ensure that children are not trained on the use of weapons, and establish an independent complaints mechanism for children attending mixed civilian-military schools.**

Military training

19. **The Committee remains deeply concerned with the government of Honduras "Guardians of the Fatherland" programme and with the participation of thousands of children, some as young as 7 years old, in activities carried out by military units and in installations of the Armed Forces. The Committee considers that this programme is incompatible with the purpose and aims of the Optional Protocol and can only result in increased violence among children and adolescents and further militarization of the Honduran society.**

20. **The Committee urges the State party to abandon the "Guardians of the Fatherland" programme and ensure that children and adolescents do not participate in activities carried out in battalions and other military installations, and promote in its place community and education sector participation in the formation of values and**

prevention of violence. The State party should also establish a follow-up mechanism to support children and adolescents that participate in the programme.

Control of Weapons

21. The Committee notes the draft law on the control of weapons in Honduras, but regrets the delays in its approval. The Committee is also concerned with the lack of information on specific measures to prevent children and adolescents from gaining access to firearms, as well as the measures that have been adopted to recover the firearms that are currently being used by children and adolescents in the State party.

22. The Committee recommends that the State party swiftly approves the reform of the Law on the Bearing, Use and Possession of firearms and munitions. Furthermore, the Committee request the State party to provide information on any additional measure to prevent children and adolescents from gaining access to firearms and to recover the ones currently being used.

Human rights and peace education

23. The Committee is concerned about the insufficient promotion of the culture of peace, as a mandatory part of primary and secondary school curricula and in teacher training programmes.

24. Taking into consideration its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party include human rights and peace education in the curricula of all schools and in teacher training programmes, with special reference to the Optional Protocol.

V. Prohibition and related matters

Criminal legislation and regulations in force

25. While noting that the Constitution sets the minimum age of military and police service at 18, the Committee regrets that the legislation does not explicitly criminalize forced recruitment and the use of children by the armed forces. The Committee is also seriously concerned that the Military Service Act (*Ley del Servicio Militar*) prescribes 15 years as the minimum age for the recruitment into armed forces in times of an international armed conflict. The Committee is further concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

26. The Committee urges the State party to take all necessary steps to ensure that children are not recruited into armed forces. The State party should also explicitly prohibit and criminalize the recruitment and use of children under 18 years of age by armed forces and define and punish the recruitment of children under the age of 15 as a war crime.

Prohibition of recruitment by non-State armed groups

27. The Committee regrets that the State party has still not adopted an explicit prohibition of recruitment of children by non-State armed groups.

28. The Committee recommends that the State party amend its legislation to explicitly criminalize all forms of recruitment and use of children under the age of 18 by non-state armed groups.

Extradition

29. The Committee notes the obligation by the State party under the Statute of Rome to hand over to the International Criminal Court any person summonsed thereby to respond for crimes against children. However, the Committee regrets that the State party has not taken any action to enable extradition for crimes covered by the Optional Protocol but outside the mandate of the International Criminal Court.

30. The Committee recommends that the State party take steps to reform the extradition law to allow for extradition of crimes covered by the Optional Protocol.

VI. International assistance and cooperation

International cooperation

31. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.

VII. Follow-up and dissemination

32. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.

33. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VIII. Ratification of the Optional Protocol on a communications procedure

34. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in order to further strengthen the fulfilment of children's rights.

IX. Next report

35. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.