

CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 141st Session of the Human Rights Committee

HONDURAS

(Military service, conscientious objection and related issues)

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CPTI aims to supply information on all States with armed forces which report under the International Covenant on Civil and Political Rights (ICCPR) with regard to their military recruitment legislation and their recognition of the right of conscientious objection, even when there appear to be no urgent questions arising.

In association with the Child Rights International Network, CPTI also reports to the Committee on the Rights of the Child on States where there appear to be issues under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and although these issues do not necessarily have implications for the ICCPR, such concerns are also reported in these submissions.

SUMMARY:

Military service has been voluntary in Honduras since 1994, however provisions still exist to permit the reintroduction of conscription in the event of an international armed conflict. It is suggested that a recommendation be made that provision is made to ensure respect of the right of conscientious objection to military service in such circumstances, and also that recruitment ages be set in conformity with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Historical Background

Honduras gained independence from Spain in 1823 as part of the United Provinces of Central America, becoming an independent state within its present boundaries (except for the northern part of the Mosquito Coast, which it gained from Nicaragua following an International Court of Justice decision in 1960) on the collapse of that union in the war of 1838-40. It was a founder member of the UN. Its independent history has been marked by a series of internal armed conflicts and coups d'état, without it descending into civil wars of the scale which characterised its neighbours in the latter part of the Twentieth Century. Its only international conflict was the brief war – ostensibly sparked by the result of a football match – against its neighbour El Salvador in 1969. Since 1980 there has been only one forcible change of government, when an apparently-bloodless military coup in July 2009 deposed President Jose Manuel Zelaya. The “interim administration” which governed until the elections due in November that year, was recognised neither by the Organisation of American States nor the UN and was in 2011 retrospectively declared illegal by the Honduran Truth Commission.

Military Service and Conscientious Objection

Conscription traditionally applied in Honduras, although it is not known exactly when it was introduced. In the 1980's forced recruitment, particularly in poorer quarters, of young men who could not produce a military service certificate was common, in a pattern characteristic of the region, and with little regard for age limits.¹ A case study for the “Machel Report” on the involvement of children in armed conflict found that even though the situation in Honduras was never officially classified as an armed conflict, children from their mid-teens were found in both Government armed forces and opposition guerrilla groups²

Article 276 of the 1982 Constitution, under which all able-bodied men aged between 18 and 30 had been liable to two years' military service, was amended in May 1994 to state that military service in time of peace would be voluntary, while retaining the clause which stated “in the event of an international war, all Hondurans able to defend and serve their country shall be considered to be soldiers”. A legislative initiative in 2003³ which sought to reinstate conscription seemingly never came to anything. The Committee on the Rights of the Child noted reports of forced recruitment, including of minors, in the aftermath of the 2009 coup⁴, but as far as can be gathered these were isolated aberrations.

Conscientious objection to military service has never been formally recognised in Honduran law, although in practice the Mennonites, the group in the population most likely to wish to avail themselves of such provisions, have never been called up to military service.⁵ Moreover, Honduras has been a co-sponsor of all resolutions of the Human Rights Council on conscientious objection to military service – Resolution 24/17 of September 2013, Resolution 36/18 of September 2017 and Resolution 51/6 of September 2022.

As elsewhere in the region, since the 1990's although the levels of armed political violence and of military recruitment have declined, their place was largely taken by the criminal gang violence of

¹ Horeman, B. & Stolwijk, M., Refusing to Bear Arms, War Resisters International, London, 1998.
(https://wri-irg.org/en/programmes/world_survey/country_report/en/Honduras)

² Brett, R. and McCallin, M. Children – the Invisible Soldiers, Radda Barnen, Stockholm, 1996, table on p57.

³ Calix, H. “Proponen volver a ‘carcerias humanas’” hcalix@elheraldo.hn 2003, undated.

⁴ CRC/C/OPAC/HND/CO/1, 13th July 2015, para 15.

⁵ Prasad, D. & Smythe, T. Conscription: A World Survey, War Resisters' International, London, 1968, p70.

the *maras*, which specialise in extortion and are deeply involved in the drug trade. In the early years of the present Century it was estimated that there were 36,000 gang members in Honduras.⁶

This problem persists; during a visit to the country in April 2023 the head of the Norwegian Refugee agency observed that the number of killings in the country was on a par with the level observed in armed conflicts; women were particularly at risk, school attendance had suffered, and thousands of people had been displaced.⁷ In 2019 the homicide rate in Honduras was 38 per 100,000, exceeded only by Jamaica and South Africa⁸

Juvenile Recruitment

In 2015, when considering Honduras' Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Committee on the Rights of the Child noted a number of loopholes in the provisions to prevent juvenile recruitment, and more generally to limit the militarisation of the country:

“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 the 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.

“The Committee urges the State party to take all necessary steps to ensure that children are not recruited into the armed forces. The State party should also explicitly prohibit and criminalize the recruitment and use of children under 18 years of age by the armed forces and define and punish the recruitment of children under the age of 15 as a war crime.”⁹

“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.

“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.”¹⁰

“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 of age, in activities carried out by military units and in installations of the armed forces. The Committee considers that this programme is

⁶ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 London p166.

⁷ Buschschlüter, V “Honduras gang violence at ‘war-like levels’ – NGO”, BBC, 25th April 2023.

⁸ <https://www.macrotrends.net/countries/ranking/murder-homicide-rate>

⁹ CRC/C/OPAC/HND/CO/1, 13th July 2015, paras 13,14.

¹⁰ Ibid, paras 17,18

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 Honduran society

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 who participate in the programme.”¹¹

“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.

“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 requests 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.”¹²

Latest statistics¹³

POPULATION (November 2023, estimated)	9,407,000
proportion of males aged 15-19	5.1%
thus annually reaching recruitment age (approx):	95,951
ARMED FORCES: Active strength, November 2023	14,950
compared to the male population reaching recruitment age	15.6%
MILITARY EXPENDITURE: US \$ equivalent, estimated 2023	\$540m
Per capita	\$51
As % of GDP	1.6%

¹¹ Ibid, paras 19, 20.

¹² Ibid, paras 21,22-

¹³ Sources: For military expenditure, Stockholm International Peace Research Institute – SIPRI, April 2024. Otherwise, The Military Balance 2024 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

Suggestion for the Concluding Observations

The Committee notes that although military service is currently voluntary Article 276 of the Constitution provides for the reintroduction of conscription in the event of an international armed conflict and that in such circumstances the Military Service Act sets the minimum recruitment age as 15.

The Committee recommends that the the State Party legislate to ensure that in the event of the reintroduction of conscription the right of conscientious objection to military service is protected in accordance with Article 18 of the International Covenant, and that no exception be made to the normal minimum recruitment age of eighteen.