



International Covenant on Civil and Political Rights

Distr.: General
26 December 2018
English
Original: Spanish
English and Spanish only

Human Rights Committee

Concluding observations on the second periodic report of Honduras

Addendum

Information received from Honduras on follow-up to the concluding observations^{*}, ^{**}

[Date received: 15 August 2018]

^{*} The present document is being issued without formal editing.
^{**} The annexes to the present report are on file with the secretariat and are available for consultation.
They are also available on the website of the Human Rights Committee.



Introduction

1. Representatives of the State of Honduras appeared before the Human Rights Committee on 5 and 6 July 2017 to present the State's second periodic report on the International Covenant on Civil and Political Rights. In accordance with rule 71 (5) of its rules of procedure, the Committee, in the concluding observations adopted at its 120th session, requested the State of Honduras to provide, within one year following the adoption of the concluding observations, relevant information on the implementation of the recommendations made in paragraphs 17 (voluntary termination of pregnancy), 21 (right to life), 41 (freedom of expression and human rights defenders) and 47 (rights of minorities and indigenous peoples).¹
2. In compliance with its international commitments, the State prepared the present follow-up report on the implementation of the aforementioned recommendations.
3. The report was coordinated and produced by the Ministry of Human Rights with information supplied by focal points in the State institutions that make up the Honduran Human Rights Recommendations Monitoring System.
4. Through this report, the State of Honduras reaffirms its willingness to comply with its international commitments and undertakes to present any further measures it may adopt in its next periodic report.

Follow-up report on recommendations (paras. 17, 21, 41 and 47)

Voluntary termination of pregnancy

5. **Paragraph 17.** The State party should, as a matter of urgency, amend its legislation to help women prevent unwanted pregnancies and to ensure that they do not have to seek clandestine abortions that could endanger their lives and health. In this connection, the State party should ensure access to safe, legal abortions, particularly in cases where the woman's life or health is in danger and in cases of rape, incest or fetal unviability due to an abnormality, and consider decriminalizing abortion. The State party should lift the ban on the emergency contraceptive pill. It should also keep precise statistics regarding the impact of restrictions on abortion and the emergency contraceptive pill on the life and health of women and girls and increase the number of programmes designed to provide full access to sexual and reproductive health services and contraceptives and raise awareness of sexual and reproductive health among men, women and children throughout the country.
6. There have been no amendments to legislation.
7. However, the State promotes the enjoyment of the highest attainable standard of sexual and reproductive health by means of the informed, free and responsible exercise of sexual and reproductive rights throughout the life cycle, in accordance with the priority measures established in the Vision for the Country and Plan for the Nation initiative,² the National Health Policy,³ the National Health Plan 2014–2018,⁴ and the National Policy on Sexual and Reproductive Health.⁵
8. Accordingly, sexual and reproductive health services and family planning services, which are provided for under the Official Standards for Family Planning Services, are in place to help prevent unwanted pregnancies.

¹ CCPR/C/HND/CO/2, section D, para. 48.

² See https://eeas.europa.eu/sites/eeas/files/lc_10.pdf (accessed on 8 August 2018).

³ See www.nationalplanningcycles.org/sites/default/files/planning_cycle_repository/honduras/modelo_nacional_de_salud_secretaria_de_salud_mayo_2013_version_21-05-13.pdf (accessed on 8 August 2018).

⁴ See www.observatoriodescentralizacion.org/wp-content/uploads/2017/09/Plan-Nacional-de-Salud-2014-2018_-Lanzamiento-9-07-14.pdf (accessed on 7 August 2018).

⁵ See https://oig.cepal.org/sites/default/files/hon_politica_nacional_ssr_2016.pdf (accessed on 7 August 2018).

9. Adolescent health clinics and family counselling services are available to help reduce recourse to clandestine abortion.
10. Post-abortion care is provided for women in various health-care units to avoid health complications.
11. Steps taken to reduce the prevalence of teenage pregnancy include the launch of the Multisectoral Plan for the Prevention of Teenage Pregnancy.
12. Some of the most notable achievements in terms of pregnancy prevention between 2014 and 2018 were:
 - (a) The establishment of 50 comprehensive adolescent health-care centres;
 - (b) The training of 300,000 people through the School for Parents and Guardians programme;
 - (c) The organization of comprehensive health fairs and discussion forums for more than 100,000 young students at schools around the country;
 - (d) The broad coverage of the prevention campaign “I’ve Decided to Realize My Dreams”, made available in the Spanish, Miskito and Garífuna languages;
 - (e) The implementation of the strategy “Ambitious Adolescents, Supportive Families” in 82 municipalities in the Departments of El Paraíso, Valle, Choluteca, Francisco Morazán, Olancho, La Paz, Intibucá, Santa Bárbara, Cortés, Lempira, Ocotepeque and Copan; the strategy has nine modules.
13. The National Institute for Women has lobbied the Ministry of Health to conduct a technical and scientific study on the use of the emergency contraceptive pill and to adopt a medical protocol for victims/survivors of sexual violence.
14. With regard to the need to keep precise statistics, the Ministry of Health currently keeps administrative records on patients who receive hospital treatment for abortion.
15. Concerning awareness-raising programmes, the National Institute for Women has held training workshops for public officials employed by the Ministry of Health, the Ministry of Education and municipal offices for women, as well as for the staff of local mayors’ offices and community leaders, to strengthen the technical skills of personnel who work in direct contact with adolescents, equipping them with the necessary tools to help adolescents improve their self-esteem, avoid abuse and develop life plans. These workshops were held in the Department of Lempira, in the municipalities of Gracias, La Campa and San Manuel de Colohete.
16. Information on the National Strategy for the Prevention of Teenage Pregnancy⁶ has been provided to coordinators in municipal offices for women, with a view to the implementation of local measures to prevent teenage pregnancy.
17. These activities will continue in the municipalities with the highest incidence of teenage pregnancy, including La Ceiba, Tocoa, Yorito, El Progreso and El Paraíso.

Right to life

18. **Paragraph 21.** The State party should continue to strengthen the national police with a view to enabling it to take over law enforcement functions from the armed forces. The State party should also pursue the certification process for members of the national police, ensuring that it is carried out in a transparent and impartial manner. In addition, the State party should adopt a legislative framework that guarantees that private security companies operate in keeping with the Covenant; improve State oversight of the activities of these companies; and boost the supervisory function of the Private Security Company Oversight Unit and increase its budget. The State party should exercise effective control over the possession and use of firearms and reduce the number of weapons in circulation, including by adopting relevant laws.

⁶ See https://www.paho.org/hon/index.php?option=com_docman&view=download&category_azo-en-adolescentes-en-honduras&Itemid=211 (accessed on 7 August 2018).

19. Regarding the strengthening of the national police, the process of change is still under way and the Police Service Act⁷ and the Organic Act on the Ministry of Security and the National Police⁸ have been adopted.

20. The security measures taken have resulted in a gradual decrease in the homicide rate, which, in December 2017, was 42.7 homicides per 100,000 inhabitants, as compared with the peak of 87.3 recorded in 2012. In June 2018, the part-year homicide rate stood at 19.82, indicating a downward trend.

21. Other measures taken to strengthen the national police include:

- (a) Skills upgrading for forensic investigation teams;
- (b) The establishment of the School of Criminal Investigation;
- (c) The recruitment and in-service training of staff at all levels;
- (d) The establishment and strengthening of special units in El Progreso and Yoro;
- (e) The modernization of infrastructure and logistics;
- (f) The introduction of community policing;
- (g) An increase in professional standards at the three educational levels of police training;
- (h) The implementation of a technological platform to facilitate the efficient and transparent administration, oversight and monitoring of resources.

22. These measures are intended to strengthen the national police so as to gradually reduce the involvement of military personnel in law enforcement activities, which had been introduced as a temporary measure to support the work of the national police, as provided for in the Constitution.

23. It is predicted that, as the national police continue to make progress and reach their targets, at least 26,183 police personnel will be in service by 2022. This will facilitate the withdrawal of the armed forces from law enforcement activities.

24. Currently, the military police do not have a presence in municipalities where the homicide rate is lower than 25 homicides per 100,000 inhabitants.

Figure 1

Predicted growth of the national police, 2016–2022



Source: Ministry of Human Rights, based on data supplied by the Ministry of Security.

25. In relation to the transparent and impartial certification of members of the national police, the State is pursuing the national police certification process. In 2017–2018, the

⁷ See annex 1: *Ley de la Carrera Policial* (Police Service Act), adopted through Legislative Decree No. 69-2017 of 22 August 2017, published in Official Gazette No. 34,463 of 10 October 2017.

⁸ See annex 2: *Ley Orgánica de la Secretaría de Estado en el Despacho de Seguridad y Policía Nacional* (Organic Act on the Ministry of Security and the National Police), adopted through Legislative Decree No. 18-2017 of 30 May 2017, published in Official Gazette No. 34,463 of 10 October 2017.

Department of Human Rights of the Ministry of Security trained 849 members of the national police.

26. As part of the process of improving the national police's professional standards, police personnel are now required to have completed secondary education. In 2017, 2,988 recruits graduated from the Police Technical Training Institute with non-university tertiary-level technical degrees in police science, specializing in community security. The programme includes training on 17 human rights topics.

27. As regards the adoption of a legislative framework that guarantees that private security companies operate in keeping with the Covenant, the National Congress is currently considering a draft bill setting out regulations on private security services and investigation agencies.

28. With regard to the possession and use of firearms, the Ministry of Security is conducting nationwide operations to curb and reduce the number of illegal weapons. The authorities confiscate any firearms found to be carried illegally, thus reducing the number of firearms in circulation. Between 2017 and July 2018, a total of 8,027 firearms were confiscated, including machine guns, shotguns, homemade firearms, explosives, rifles, grenade launchers, pistols and revolvers.⁹

29. Structural measures have also been taken, including the ratification of the Arms Trade Treaty. The National Congress is currently discussing a bill on a new Weapons, Ammunition, Explosives and Related Materials Act, which was reported favourably to the Congress.¹⁰ The bill was discussed at several information sessions attended by representatives of government institutions and civil society organizations.¹¹

Freedom of expression and human rights defenders

30. **Paragraph 41.** The State party should, as a matter of urgency, take practical steps to: (a) provide effective protection to, inter alios, human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons who are subjected to acts of violence and intimidation; (b) increase training and education programmes on the importance of freedom of expression, freedom of association and freedom of assembly for law enforcement officers, military personnel, staff of private security companies, judges and prosecutors; (c) ensure that all allegations concerning intimidation, threats and assault are investigated promptly, thoroughly, independently and impartially, that the perpetrators are brought to justice and duly punished in accordance with the gravity of the offence and that victims receive full reparation; (d) set up a mechanism to ensure that acts of violence and threats against human rights defenders are properly investigated and are not treated as ordinary offences; consider introducing a protocol for the Attorney General's Office on the investigation of such offences; and extend the jurisdiction of the Unit for the Protection of Human Rights Defenders to include offences committed by private individuals; (e) consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious cases, and imprisonment is never an appropriate penalty; (f) collect disaggregated data on assaults and murders among human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons.

31. With regard to clause (a) on providing effective protection to human rights defenders, the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials (hereafter the Defenders Act) and the Public Policy and National Plan of Action on Human Rights are being implemented.

⁹ See annex 3: *Armas decomisadas 2013–2018* (Weapons confiscated in the period 2013–2018).

¹⁰ See annex 4: *Ley de Control de Armas, Municiones, Explosivos y Materiales Relacionados (6 de marzo de 2018) Comisión* (Congressional committee report on the proposed Weapons, Ammunition, Explosives and Related Materials Act).

¹¹ See annex 5: *Jornadas de socialización Ley de Armas* (Information sessions on the Weapons, Ammunition, Explosives and Related Materials Act).

32. As part of the efforts to implement the Act, the corresponding technical committee has, at the time of writing, held approximately 246 meetings, including 103 meetings between January and June 2018, of which 25 were held in the field. Persons covered by protective measures participate in all meetings and decision-making processes concerning them.

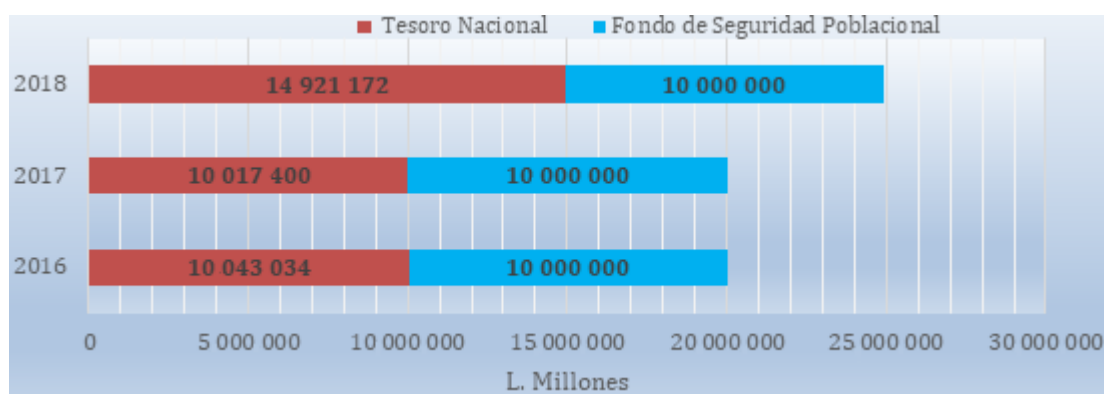
33. The General Directorate of the Protection System and its four units – the Case Processing and Rapid Response Unit, the Risk Analysis Unit, the Implementation and Monitoring Unit and the Prevention and Situation Analysis Unit – have been strengthened.

34. As at 30 June 2018, the Risk Analysis Unit had conducted 191 risk analyses. The Implementation and Monitoring Unit is currently monitoring 202 cases in which protective measures are being applied. Between April 2017 and 30 June 2018, the authorities coordinated the execution of 1,242 protective measures agreed between the protection mechanism's technical committee and the persons affected, having processed a total of 1,044.

35. The budget allocated to the General Directorate of the Protection System for the 2016–2018 period is shown below.

Figure 2

Budget allocated for the administration of the protection system, 2016–2018



Source: Ministry of Human Rights, based on data supplied by the Ministry of Finance.

36. The combination of the above-mentioned measures has resulted in a decrease in the number of deaths of human rights defenders, as recognized by the Inter-American Commission on Human Rights in the preliminary report on its on-site visit.¹²

37. With regard to clause (b), the Public Prosecution Service, as part of its efforts to protect the right to freedom of expression, has trained prosecutors, judges, police personnel and others through seminars and workshops geared towards the formulation and implementation of suitable approaches for taking account of the right to freedom of expression in all its aspects, including its limitations.

38. Regarding clause (c), the budget of the Public Prosecution Service has been increased to 1,885,475,158 lempiras for the 2018 fiscal year, representing an 8-per-cent increase over the 2017 level, to ensure that investigations are carried out effectively and to reduce crime and impunity. The Service's human resources have also been increased. Nationwide, there are currently 938 prosecutors and 322 criminal investigators.

39. Another important measure taken by the Public Prosecution Service was the establishment, in March 2018, of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials,¹³ which investigates offences committed against such persons, including threats. In order to enhance prosecutorial efficiency, the Office is divided into a Complaints Processing Section, a

¹² See http://www.oas.org/en/iachr/media_center/PReleases/2018/171.asp (accessed on 6 August 2018).

¹³ Decision No. FGR-002-2018.

Section for the Prosecution of Public Employees, Civil Servants and Public Officials, and a Section for the Prosecution of Private Individuals.

40. The Ministry of Security has reassigned 10 agents from the Police Investigation Directorate to the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials.

41. Honduras has thus become the first country in the region to introduce investigation into its protection system as a preventive measure and risk deterrent.

42. Regarding clause (d), see the reply to clause (c).

43. The Public Prosecution Service has prepared operational handbooks on the investigation of offences against freedom of expression for use by officials responsible for investigating and trying such offences, including police officers, prosecutors and judges.

44. The Public Prosecution Service has also adopted a handbook/protocol on criminal investigation in general, which includes guidelines on offences against freedom of expression in order to ensure that the Service safeguards the work of journalists and social commentators, in accordance with its role in representing the general interests of society.

45. In relation to clause (e) on the possibility of decriminalizing defamation, the new Criminal Code includes a section on offences against honour; these provisions were adopted on 18 January 2018. Extensive discussions on the provisions were held with various social stakeholders. Ultimately, the relevant congressional committee concluded that the plenary Congress should decide whether such offences should be covered under criminal law and, if so, what their scope should be. Congress decided that the penalty for defamation should be limited to a fine and that calumny should carry a prison sentence, albeit a short one ranging from 6 months to 1 year, which may be commuted to a fine or community service.¹⁴

46. Concerning clause (f), the Public Prosecution Service has a Section for the Investigation of the Deaths of Persons Belonging to Vulnerable Groups, which keeps a register of murders, homicides and attempted murders.

47. As of July 2018, 54 complaints regarding the deaths of journalists or social communicators have been received, of which 17 have been brought to trial. Six of these cases have resulted in convictions, six have resulted in acquittals upon appeal, one is still being tried and one is due to be considered at a public oral hearing. A further 20 cases are under investigation.

48. In relation to the lesbian, gay, bisexual, transgender and intersex community, between 2014 and 2018 (i.e. over the last five years), the deaths of 92 individuals were reported at the national level. Of the resulting cases, 8 ended in convictions and 5 in acquittals.

49. Between 1 July 2015 and 30 June 2018, 325 applications for protective measures for persons protected under the Defenders Act were processed. Of those, 250 were approved.

50. Of the applications approved, 217 fall within the remit of the General Directorate of the Protection System. These cases involve 133 human rights defenders, 42 journalists, 25 social communicators and 17 justice officials. Among the human rights defenders are 8 trade unionists, 23 environmental activists, 23 persons belonging to indigenous populations and 7 members of the lesbian, gay, bisexual, transgender and intersex community.

51. The Public Prosecution Service is working to establish a database that guarantees respect for the gender identity of complainants from the moment their complaint is submitted.

Rights of minorities and indigenous peoples

52. **Paragraph 47.** The State party should expedite the passage of national legislation under which consultations must be held with indigenous and Afro-Honduran peoples with a

¹⁴ See annex 6: *Código Penal aprobado 2017* (Criminal Code adopted in 2017), arts. 229 and 230.

view to obtaining their free and informed consent prior to the adoption and application of any measure that may have a substantial impact on their way of life and culture, and ensure that the law is fully in keeping with the Covenant and other relevant international standards. In addition, the State party should provide effective protection for indigenous peoples against all acts of violence and ensure that they can fully enjoy their rights, including land rights. In this connection, the State party should strengthen the capacity of the Office of the Special Prosecutor for Ethnic Groups and provide training on indigenous rights to law enforcement officers, military personnel, staff of private security companies, judges and prosecutors. The State party should provide full reparation for the communities of Punta Piedra and Triunfo de la Cruz.

53. The reply to the above recommendation will address three issues separately: first, the right to prior, free and informed consultation; secondly, the protection of indigenous and Afro-Honduran peoples against all acts of violence and the strengthening of the institutional framework in that regard; and, thirdly, compliance with the Punta Piedra and Triunfo de la Cruz judgments.

54. In relation to the first issue, Honduras provided the Committee with detailed information on the progress made in the preparation of the law on free, prior and informed consultation during the presentation of its second periodic report in July 2017.

55. A wide-ranging social dialogue continued to be held on this matter in 2017. The bill was submitted to the Socioeconomic Council and considered by a tripartite expert committee.

56. It was then reviewed by the Conference Committee on the Application of Standards of the International Labour Organization (ILO), which, on 14 March 2018, recommended a number of technical amendments that were fully incorporated into the text.

57. On 15 May 2018, the Office of the President submitted a draft decree on the law on free, prior and informed consultation to the National Congress for discussion and approval.

58. The secretariat of the National Congress commented on:

- (a) The need to hold a technical workshop with representatives of the Government, members of Congress and representatives of the indigenous peoples;
- (b) The need to give indigenous peoples the opportunity to comment on technical and substantive aspects of some of the articles of the law submitted by the executive branch;
- (c) The need to allocate a budget line for local consultations on the law among indigenous and Afrodescendent peoples;
- (d) As part of the road map to be drawn up with the relevant congressional committee, the need to set dates for these activities in order to be able to request technical assistance from an ILO expert on indigenous peoples.

59. With regard to the second issue, the Public Prosecution Service, through the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, has brought criminal charges against public officials who have violated the right to prior consultation of indigenous and Afro-Honduran peoples. At the time of writing, 208 complaints have been registered, of which 25 have been brought to trial. Nine judgments have been handed down. Eleven complaints were received in the 2017–2018 period.

60. The Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage has also organized 23 training courses for justice officials on the rights of indigenous and Afro-Honduran peoples.

61. In July 2017, the Ministry of Human Rights, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, organized training on the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) for 50 representatives of various institutions and local authorities in the Department of La Paz, including mayors' offices, the armed forces and the national police.

62. In 2018, the Ministry of Human Rights organized training on human rights, torture prevention and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) for members of the armed forces deployed to drug interdiction operations in the Department of Gracias a Dios.

63. As regards the final issue, as the Committee has previously been informed, an Inter-Agency Commission on the Enforcement of International Judgments was established to ensure compliance with the judgments handed down by the Inter-American Court of Human Rights in relation to the cases concerning the Triunfo de la Cruz and Punta Piedra communities.

64. The Inter-Agency Commission on the Enforcement of International Judgments is composed of 15 State institutions, which meet every two months. Informational meetings have been organized for the communities and third parties affected in each case, and a further meeting has been held for the preparation of a workplan.

65. In December 2017, the Inter-Agency Commission on the Enforcement of International Judgments prepared a new workplan, which was submitted to the Inter-American Court of Human Rights and, in turn, passed on to the community. The Inter-Agency Commission has decided to set up a Community Liaison Committee, which will meet with members of the communities after each regular meeting of the Commission.

66. The requirement to publicize the judgment on the radio and in written form has already been complied with and the costs paid from the Inter-American Court's Legal Assistance Fund for Victims have already been reimbursed.¹⁵ An arrest warrant has been issued as part of the criminal investigation into the death of Mr. Félix Ordóñez Suazo. Criminal investigations into the deaths of Jesús Álvarez, Óscar Brega, Jorge Castillo Jiménez and Julio Alberto Morales are under way.

67. Regarding the order to establish a community development fund and reimburse costs and expenses, given that the communities do not currently want such funds, a trust is being set up to manage the funds until the communities decide to make use of them.

68. With regard to land regularization, in the case of Punta Piedra, the National Agrarian Institute is due to conduct an assessment of the property located in the community of Río Miel. Although this community has participated in two meetings on the matter, it continues to reject the procedure for complying with the judgment. In view of the intense conflict in the area and the position taken by the inhabitants, the Institute has not been able to conduct any valuations. In the case of Triunfo de la Cruz, the Institute has received 345 sworn statements, which were used as a starting point for its on-site assessment in August 2018.

69. With regard to measures to ensure that the Triunfo de la Cruz community has free access to and the use and enjoyment of collective property in the part of its territory that overlaps with the Punta Izopo National Park, the Forestry Conservation Institute intends to build on its experience with the Miskito people to guarantee the rights of the Garífuna people of Triunfo de la Cruz. Training on international standards relating to indigenous peoples is being organized for the personnel responsible for protected areas, in cooperation with OHCHR.

70. All activities carried out without prior consultation under the Punta Piedra II project have now ceased on the orders of the Ministry of Energy, Natural Resources, the Environment and Mines. This decision was made known to the community in May 2017.¹⁶

71. Regarding the adoption of the necessary measures to avoid violations of the right to consultation in relation to mining activities, the Supreme Court has declared that the articles of the Mining Act relating to free, prior and informed consultation are unconstitutional.¹⁷ The Ministry of Energy, Natural Resources, the Environment and Mines is therefore calling for those articles to be amended. Furthermore, the rules applicable to projects requiring an

¹⁵ http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_supervision_cumplimiento.cfm?lang=en.

¹⁶ See annex 7: *Resolución No. 20-2017 y providencia* (Decision No. 20-2017 and the procedural order relating thereto).

¹⁷ See annex 8: *Recurso de inconstitucionalidad de la Ley de Minería* (Constitutional challenge in relation to the Mining Act).

environmental permit have been revised. As a result, environmental impact studies are now required for all projects carried out in indigenous territories, and such studies must include an assessment of the sociocultural impact of the project on the local community.

72. The amendments to the mining regulations are currently being considered by the Council of Ministers.
