



# International Covenant on Civil and Political Rights

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## Human Rights Committee 120th session

### Summary record of the 3379th meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 July 2017, at 10 a.m.

*Chair:* Mr. Iwasawa

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Consideration of reports submitted by States parties under article 40 of the Covenant  
(*continued*)

*Second periodic report of Honduras (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Second periodic report of Honduras (continued) (CCPR/C/HND/2;  
CCPR/C/HND/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Ms. Morales** (Honduras), replying to questions raised at the previous meeting (CCPR/C/SR.3378), said that eight individuals were on trial in connection with the Berta Cáceres case and another two were in pretrial detention. In addition, proceedings had been initiated against two former deputy ministers who stood accused of granting the environmental permit to the company whose activities Berta Cáceres had been combating and which had since been expelled from the area. Since the establishment of the Violent Death Unit of Bajo Aguán in 2014, the number of deaths had plummeted from 109 to 3, over 30 applications for prosecution had been filed and there had been 10 convictions and 13 acquittals. Between 2008 and 2016, nearly 170 murders of members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community had been investigated, 45 had gone to trial and there had been 9 convictions. The Office of the Special Prosecutor for Human Rights had set up a unit to oversee cases involving LGBTI persons nationwide. Over 230 complaints had been filed for a variety of offences, more than 20 of which were before the courts. Some 18 gang members were being held pending trial in relation to the extrajudicial killing of the five minors referred to by Mr. Shany. The National Committee for the Prevention of Torture had referred over a dozen cases of torture, abuse of power and dereliction of duty to the Office, which had filed applications for prosecution. Referring to the figures on femicide provided in paragraph 17 of the replies to the list of issues (CCPR/C/HND/Q/2/Add.1), the apparent discrepancy in the figures was due to the fact that some of the judgments that had been handed down in 2015 related to proceedings that had been brought prior to that year.

3. **Mr. Argueta Pérez** (Honduras) said that the file in the Berta Cáceres case had unfortunately been mislaid in September 2016. Disciplinary proceedings had been initiated against the judge of the appeal court who had been responsible for the file, resulting in her suspension without pay for one month under the Judicial Service Act.

4. **Ms. Cerrato** (Honduras) said that a multiparty committee, made up of 15 members of the National Congress, had been set up to consider the applications of prospective heads of the Office of the National Commissioner for Human Rights. There had been 23 candidates in the latest appointment process and the committee's public hearings, involving civil society, had lasted three days and been broadcast live on television. Ultimately, the committee had proposed five possible candidates to the National Congress. The current National Commissioner had garnered nearly 65 per cent of the congressional vote. A report entitled *Caracterización del Desplazamiento Interno en Honduras* contained the official data on the issue of internal displacement, and the number cited in paragraph 39 of the replies to the list of issues represented the number of complaints received by the Office in 2016. In 2017, US\$ 200,000 had been earmarked for handling urgent displacement cases. Information on the budget of the Office and of the National Committee for the Prevention of Torture would be provided in writing.

5. The Ministry of Human Rights, Justice, the Interior and Decentralization had taken steps to implement the recommendations of the Committee against Torture, and 20 municipalities had introduced a rights-based approach into their plans and budgets in 2013. The approach consisted of, inter alia, capacity-building and the development of compliance assessments. According to the National Statistics Institute, the Garífuna and English-speaking Hondurans of African descent together made up less than 1 per cent of the total population. The national mechanism for follow-up on treaty body recommendations was an inter-agency network supported by the Office of the United Nations High Commissioner for Human Rights and consisting of representatives of the Ministry of Human Rights,

Justice, the Interior and Decentralization, civil society and international cooperation partners.

6. **Mr. Alvarenga Urbina** (Honduras) said that broad-based consultations had been held in May 2017 regarding the criminalization of abortion, but the National Congress had voted not to amend current legislation. The Government had plans to make torture a separate offence under the Criminal Code and would take into account any relevant recommendations the Committee might make.

7. **Ms. Kran** asked what the policy was on pretrial detention, what the average duration of pretrial detention was, whether time spent in pretrial detention was deducted from the final sentence, and, if so, according to what formula, what legal remedies were available to those who spent an unreasonable time in pretrial detention, what efforts were made to ensure detention registers were properly kept and accessible, and how the State collected data on pretrial detention. She wished to know how many doctors had been trained in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and whether interpretation services were provided free of charge. She would appreciate information on what alternatives to deprivation of liberty were included in the amendments to the Criminal Code.

8. Regarding prison conditions, it would be useful to know how many of the deaths in prison mentioned by the delegation had been investigated and resolved, what penalties had been imposed, what compensation had been awarded to the families, whether the absence of several facilities from the list meant that no deaths had occurred there or that no data were available for those facilities and, if the latter, what steps were envisaged to rectify the situation. Given that overcrowding would evidently not be resolved by the opening of additional facilities, she wished to know whether there was a strategic plan, including deadlines, to remedy the situation, particularly at San Pedro Sula prison. In that connection, she wondered why it had proved impossible to assign responsibility for an incident in which over 100 inmates had been killed, whether any sanctions had been applied and whether the victims or their families had received any reparation aside from compensation. The same information would be appreciated with regard to the incident at El Porvenir prison. In that connection, she asked what action had been taken in follow-up to the recommendations of the Inter-American Commission on Human Rights following the fire at the national penitentiary in Comayagua. She also wished to know how many juvenile and adult facilities currently had problems with access to clean water.

9. More generally, she wished to know what the State party was doing to implement rule 11 of the Standard Minimum Rules for the Treatment of Prisoners, when it expected to achieve the full separation of different categories of prisoners in keeping with the Rules, how it ensured that highly dangerous offenders were treated in accordance with the Rules and what steps were being taken to ensure independent judicial oversight of prison staff. In the light of the case of the inmate who had allegedly been attacked and tortured by nine prison guards after lodging a complaint against a guard, it would be interesting to know more about any investigation and convictions in that case and about how persons who submitted or provided information on a complaint were effectively protected from retaliation. Regarding juvenile offenders, she would appreciate further details on the measures taken to improve living conditions at the Renaciendo juvenile rehabilitation centre, especially in the light of the report of the Inter-American Commission on Human Rights following the 2012 riots, and on alternatives to detention for minors in conflict with the law.

10. With reference to the independence of the judiciary, she wished to know what current legislative measures were in place to ensure that disciplinary proceedings against judges were fair and impartial, whether judges were permitted to present evidence at all stages of disciplinary proceedings and what the criteria were for removing a judge from the bench. The Committee had received reports from civil society that hundreds of judges would be required to undergo a polygraph test, which was said to be very intrusive and, contrary to the finding of the Constitutional Division of the Supreme Court, not voluntary in practice. Accordingly, she would appreciate the delegation's comments on whether refusal to take the test could be grounds for imposing sanctions, including dismissal, how

the State party intended to bring relevant legislation into line with international human rights standards and what steps were envisaged to replace the Judicial Council Act and ensure that judges were appointed by a truly independent body. It would be interesting to know what steps the State party had taken to reinstate the judges named in the judgment of the Inter-American Court of Human Rights in *López Lone et al. v. Honduras* and what the legal grounds were for the suspension of the Attorney General and his deputy in 2013. Was there a mechanism guaranteeing the protection of judges who were threatened or harassed in the exercise of their duties?

11. Lastly, data on the number and outcome of cases of torture and related prohibited treatment brought to the attention of the National Committee for the Prevention of Torture would be useful.

12. **Ms. Abdo Rocholl** asked to what extent the right to free, prior and informed consent, as defined under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), was respected. She wished to know whether the Labour Inspectorate had hired additional staff in the past three years, what its budget had been over the same period, how many cases of child labour it had identified and what type of measures had been applied in those cases. Regarding the ill-treatment of children, she also wished to know: how many children were receiving assistance from the specially created local groups; what specific measures, including legislation, had been adopted to eradicate child labour, in particular child domestic labour, and to raise awareness among the population who used the services of children; and how legal provisions banning corporal punishment in home, school and institutional settings were effectively enforced. While she commended the State party for the measures implemented to register births in border areas and indigenous communities, it would be helpful to know what budget had been earmarked for that purpose and for efforts to provide unregistered adults with identity documents.

13. She would appreciate information on the number of women in prisons, whether they were held separately from men, the number of female inmates who were pregnant and whether they had access to appropriate health care, the number of women who were held together with their children, the age until which children could remain with their incarcerated mother and the programmes available for those children. She would also appreciate the delegation's comments on the Government's intention to lower the age of criminal responsibility and stiffen penalties. Given the large number of children and adolescents in the population, the State party might consider stepping up its efforts to protect their rights. Lastly, commending the State party for its work to monitor compliance with treaty body recommendations, she suggested that it would be useful to incorporate the recommendations directly into its actions, programmes and legislation.

14. **Mr. Santos Pais** asked how many victims of human trafficking there had been in the past three years, how many of them had been children, how many of those had been unaccompanied, what the purpose of the trafficking was, how many cases had been referred for prosecution and what the conviction rate had been. Furthermore, it would be helpful to know to what extent the victim protection measures contained in the Protocol on Action by Rapid Response Teams to support Victims of Commercial Sexual Exploitation and Trafficking in Persons had been applied and to how many victims. Concerning the National Action Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons, he wished to know what the chief areas of focus were, how many persons would be trained under the Plan and what the role of the Public Prosecution Service was.

15. He would appreciate information on the number of street children, further details on the protection measures referred to in paragraphs 126 and 127 of the replies to the list of issues and a progress report on the national system for the promotion and protection of children's rights mentioned in paragraph 129. He wondered how plans to lower the age of criminal responsibility in response to data showing that 40 per cent of organized crime was committed by underage gang members squared with the fact that youth crime had been stable since 2012 and with the State party's efforts to protect children's rights.

16. **Mr. Shany** said that, although he welcomed the information provided about particular instances of rights violations, he was more interested in the bigger picture. It would be interesting to know, in that connection, what overall explanation the State party

could provide for the prevalence of impunity in its territory and whether it had an overarching plan that, by ensuring more investigations and prosecutions, would help put an end to such impunity. He would welcome an answer to his earlier question about whether the so-called social cleansing campaigns of 2002 to 2004 were still being investigated and, if so, whether any charges had been filed in connection with them. A comment from the delegation on how the country's high homicide rate affected the ability of its law enforcement agencies to address less serious matters, such as property crime, would also be welcome.

17. He wondered whether the State party's efforts to deal with conflict in the Lower Aguán Valley involved addressing allegations that private security companies had been responsible for violence against peasants and human rights defenders. In addition, he would welcome an indication of the expected time frame for the passage into law of a bill that would further restrict legal gun ownership and an overview of efforts, including the number of current investigations, to combat enforced disappearance. It would also be interesting to know whether the State party had a far-reaching plan for transferring responsibility for law enforcement matters from the military to law enforcement agencies. In a similar vein, he asked why the Public Order Military Police Act adopted in 2013 had included a provision allowing judges to take part in hearings remotely, whether judges were in fact working remotely and why that provision had been deemed necessary.

18. Turning to an issue that had not been addressed at the previous meeting, he asked on what grounds the Government could monitor online communications and whether such communications could be monitored for general law enforcement purposes or only in connection with investigations into organized crime or terrorism. The delegation should indicate whether there were any safeguards to prevent abusive surveillance or any remedies for victims of unlawful surveillance. It would be interesting to know whether the Government ever notified people that their communications had been monitored.

19. He wondered why so few of the complaints of corruption received in 2015 had led to criminal charges. The recent establishment of the Mission to Support the Fight against Corruption and Impunity in Honduras was a positive development, but its operations appeared to differ in troubling ways from those of the International Commission against Impunity in Guatemala, which, unlike the Mission in Honduras, had been able to initiate investigations and prosecutions on its own authority. He wished to know why the State party had not authorized the Mission to operate more independently and what measures had been taken to ensure that the information gathered as part of the investigations that it conducted together with law enforcement agencies was made available, as far as possible, to members of the public, especially the families of victims.

20. He asked whether the State party intended to invite international observers to monitor the general elections to be held in late 2017, as it had in the past, and whether any measures had been taken to prevent a recurrence of the irregularities that had been reported in the previous general elections. In that connection, it would be interesting to know what efforts had been made to purge the electoral rolls of ineligible voters, such as deceased persons, what measures had been taken to ensure the safety of persons running for office and why it had been decided that the constitutional provision limiting the President to a single term in office should not apply to the current holder of the office.

21. **Ms. Cleveland** said that she would welcome a comment from the delegation on reports that persons with HIV had been sterilized against their will. Regarding lawmakers' recent vote to continue criminalizing abortion, she noted that women were underrepresented in the National Congress and that human rights protections were not to be withheld at the whim of the people or their elected representatives. She would welcome information on all the charges that had been brought against women who had sought abortions and abortion providers in the last five years. The delegation should also indicate the number of convictions secured and all punishments imposed, including non-custodial sentences. It would be particularly interesting to know whether the three women against whom abortion-related charges had evidently been filed in 2016 had been convicted and, if so, what punishment they had received. Information on the case of Cindy Estephany Matute Álvarez, a girl who, according to reports, was serving a sentence for abortion and murder, would be welcome.

22. The rates of violence against human rights defenders in Honduras, perpetrated by both State and non-State actors who generally remained unpunished, remained high. Compounding the problem was the State party's excessive reliance on criminal law to harass activists and peaceful demonstrators. The ongoing pattern of violence and harassment was extremely troubling. In that connection, she wished to join Mr. Shany in asking what overarching efforts the State party was making to combat violence and impunity.

23. The adoption of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was commendable, but, in view of concerns about the implementation of the Act, it would be interesting to know how many people had received protection services other than medical treatment or psychological support under the Act and exactly what form that protection had taken. In that connection, she wondered what measures had been taken to address concerns about the State party's inability to implement precautionary measures granted by the Inter-American Commission on Human Rights. In addition, she asked whether the delegation could provide data — disaggregated by category of victim — concerning attacks on members of vulnerable groups such as human rights defenders, journalists and activists of all stripes and explain what the authorities were doing to reduce the level of impunity for such attacks.

24. In particular, she asked what mechanisms had been put in place to ensure that violence and threats against human rights defenders were investigated as such rather than as ordinary crimes. Likewise, she wished to know whether the Attorney General's Office had developed a protocol for investigating crimes against human rights defenders and, since the unit of the Office of the Special Prosecutor for Human Rights responsible for protecting human rights defenders dealt only with crimes committed by State officials, what steps had been taken to ensure that crimes committed by non-State officials were investigated. Information on that Office's system to track cases involving LGBTI persons, including the number of cases entered into the system, would also be welcome.

25. An explanation of the measures taken by the State party to ascertain whether anyone other than the gunmen themselves had been involved in the murder of Berta Cáceres would be welcome. In addition, she wished to know what action had been taken to protect union members and prevent anti-union discrimination. It would be interesting to learn how many human rights defenders had been charged with sedition or illegal occupation of land or public premises and what punishments they had received; how defamation, slander and libel were treated under the draft Criminal Code; and whether it was true that a proposed article would allow defamation, slander or libel charges to be brought directly by the Public Prosecution Service when the injured party was a public official.

26. She would welcome a comment on reports that 19 students involved in a protest at the National Autonomous University of Honduras had been charged with sedition, that 3 had been convicted on charges that carried potentially lengthy prison sentences and that 27 more had been charged with illegally occupying university premises in 2017. The State party's reliance on criminal charges to address social tensions, as exemplified by the prosecution of the protesting students, and the aggressiveness of its approach to human rights organizations were troubling, as was its readiness to use criminal law to suppress social protest but not to hold to account the perpetrators of violence against human rights defenders.

27. It would be interesting to learn what efforts the State party was making to combat the stigmatization of human rights defenders and other activists, such as the Jesuit priest Ismael Moreno Coto (Padre Melo), who had been the victim of a smear campaign accusing him of ties to common criminals, and student protesters, who had been portrayed as terrorists. More generally, she wished to know what measures were being taken to ensure that conditions in the State party were conducive to peaceful protest.

28. Turning to the issue of indigenous land rights, she said that the delegation should comment on reports that indigenous communities were not fully represented in consultations on a bill regulating a consultation mechanism and that the resulting draft fell short of international standards. She wished to know in particular how the State party intended to address those shortcomings. In that connection, she asked what the outcome of

the investigations into the 32 complaints of violations of the right to ancestral lands received by the Office of the Special Prosecutor for Ethnic Groups between 2015 and 2017 had been. In view of reports that the Special Prosecutor's recommendations were often ignored or discounted by prosecutors and judges, she wondered what efforts were being made to raise awareness of the concerns of indigenous communities among justice system and law enforcement officials. Likewise, she asked what steps were being taken to ensure that the courts adjudicating disputes over land use took into account relevant international standards and the structural conditions underlying those disputes. In addition, the Committee would welcome a reply to its request, made in the list of issues (CCPR/C/HND/Q/2, para. 27), for additional information on the Cuaca mining projects in Olancho and the construction of a model city in Trujillo. Did the State party intend to comply with the judgment of the Inter-American Court of Human Rights in the cases involving the Garifuna communities of Punta Piedra and Triunfo de la Cruz?

29. She asked what measures were being taken to ensure that indigenous persons and Afro-Hondurans were adequately represented in political decision-making, or public life more broadly. In that connection, she would welcome information on the efforts made by the State party to promote and preserve indigenous languages.

30. **Mr. Muhumuza** asked why black Hondurans did not feature prominently in the public life of the country. There were none in the delegation. Was the Government putting in place affirmative action programmes to reduce the invisibility of black Hondurans?

31. **Mr. Heyns** said that he wondered whether the measures that had led to a drop in the homicide rate from approximately 90 per 100,000 in 2012 to 60 more recently would enable the State party to lower the rate to 30 per 100,000. He sought an assurance that the State party had a longer-term vision of what needed to be done to bring the homicide rate down and keep it down.

*The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.*

32. **Mr. Argueta Pérez** (Honduras) said that translation and interpretation services were available to defendants in criminal trials. In fact, one of the items on the agenda for an upcoming judicial conference was to adopt regulations concerning the list of interpreters and translators to be called on specifically to facilitate the conduct of criminal trials. The budget for legal aid — US\$ 3 million in 2017 — had increased by 11 per cent since 2013.

33. Judges were subject to disciplinary proceedings governed by a set of outdated regulations adopted in 1995. Plans had been made to adopt a new set of regulations in the second semester of 2017. Judges could submit exculpatory evidence at various phases of the proceedings instituted against them. They had 10 days to appeal against any disciplinary sanctions that they were given by the lower courts and were never dismissed for failing a lie-detector test alone.

34. Judges were appointed in accordance with a transparent procedure aimed at preventing corruption and extortion. Civil society organizations, lawyers, judicial bodies and the Office of the National Commissioner for Human Rights were involved in the process. The Mission to Support the Fight against Corruption and Impunity of the Organization of American States and the Public Prosecution Service were about to establish a judicial body tasked with protecting judges against threats and harassment. An agreement signed by the Mission on 19 January 2016 ensured free access to all relevant police and military files.

35. Proceedings had been instituted against judges and prosecutors charged with corruption. Some were currently in pretrial detention and some had been convicted.

36. **Mr. Alvarenga Urbina** (Honduras), referring to the death of prison inmates in San Pedro Sula Prison, said that the case of *Pacheco Teruel et al. v. Honduras* before the Inter-American Court of Human Rights had been resolved through the signing of a friendly agreement, in which Honduras had acknowledged its responsibility for failing to protect the inmates. A sum of US\$ 1.5 million had been earmarked as compensation for their relatives, provided that they submitted the necessary documentation. The State had also allocated about US\$ 13 million as compensation for relatives of inmates who had died in Comayagua

prison and a number of prison officers had been sentenced to 3 years' imprisonment for failure to perform their duties.

37. With regard to the case of *López Lone et al. v. Honduras*, the State had responded positively to most of the points made in the judgment of the Inter-American Court of Human Rights. It had provided full reparations amounting to about US\$ 800,000. It had not been possible to date to reinstate Judge Adán Guillermo López Lone and Judge Tirza del Carmen Flores Lanza because other judges had been appointed to their posts. However, the Court had set a deadline of 25 August 2017 for compliance. Moreover, the judges could claim compensation for their removal from office.

38. The Special Act on Interception of Private Communications could be implemented only for the purpose of investigating organized crime. Such action should be requested by a prosecutor and ordered by a judge; persons whose privacy might be undermined could file a complaint or submit a request to the judiciary.

39. A commission was considering the judgment of the Inter-American Court of Human Rights in the cases of *Garifuna Punta Piedra Community and its members v. Honduras* and *Garifuna Triunfo de la Cruz Community and its members v. Honduras*. The State hoped to comply with all its provisions.

40. **Ms. Gudiel Ardón** (Honduras) said that persons deprived of their liberty were provided with free legal aid by public defenders and a number of universities such as the National Autonomous University of Honduras and the Catholic University of Honduras. Forty-four lawyers had been recruited for the purpose at the national level.

41. San Pedro Sula prison could accommodate 1,123 detainees, but as a result of overcrowding it currently held 3,365. A new prison had recently been opened in Ilama, Santa Bárbara, and 1,266 detainees had been transferred there to date.

42. There were currently 978 women detainees in Honduras, 662 of whom were segregated from male detainees. Six pregnant women detainees benefited from the services of a gynaecologist. A total of 43 infants lived with their mothers in detention facilities. Children normally remained with their mothers until they were 2 years of age. However, the new National Prison System Act permitted a judge to decide, as and when appropriate, that they should remain with their mothers until the age of 4 years.

43. The National Prison Institute had taken extensive action to improve the drinking-water, sanitary and waste disposal facilities in the country's prisons, with the support of the International Committee of the Red Cross.

44. Detainees could file complaints with the Human Rights Department of the Ministry of Security or the Inspectorate-General. The complaints were then referred to the Office of the Special Prosecutor for Human Rights.

45. In view of the lack of capacity, it had not been possible in the past to segregate remand and convicted inmates in the country's prisons. However, action was currently being taken to redress the situation.

46. With a view to improving the prison health-care system, 51 physicians, 48 nurses, 9 orthodontists, a gynaecologist, a pharmacist and a paediatrician had been hired to provide services for the country's 26 detention facilities.

47. **Ms. Cruz** (Honduras) said that an initial budget of US\$ 3 million had been approved for the construction of a new juvenile internment centre. It was planned to appropriate as much as US\$ 13 million for the project in due course. All juvenile detention facilities had upgraded their drinking water and nutritional services, which were subject to regular inspections.

48. With regard to alternatives to deprivation of liberty, a total of 385 adolescents in conflict with the law had been enrolled in an alternative-sentence programme since January 2017. Seventy-five were under the age of 15 years and about 15 per cent were girls. They benefited from individual social and psychological guidance and support, including for the prevention of drug abuse. They could also attend schools, workshops and vocational training courses.



49. With regard to the minor girl who was serving a 3-year sentence, she had been convicted of two offences, namely the murder of a pregnant woman and hence also abortion of the fetus.

50. She listed a number of high offices held by members of the Garifuna community. Vigorous action was being taken to promote their participation in public life. A programme on prior, free and informed consent was being implemented and a high-level Garifuna Coalition Round Table addressed issues such as health, education, infrastructure and economic development.

51. **Ms. Morales** (Honduras) said that eight persons had been charged with involvement in the assassination of the environmental and indigenous rights activist Berta Cáceres. Six were alleged perpetrators and two alleged instigators.

52. The Public Prosecution Service had submitted 8,796 applications for prosecution in 2016 and 2017. With regard to the case in which 362 inmates had lost their lives in Comayagua prison, criminal proceedings had been instituted against four prison officers.

53. The National Council for the Prevention of Discrimination had filed 13 complaints and submitted 6 requests for prosecution. They were all currently under consideration.

54. With regard to human rights defenders, complaints had been filed on behalf of 90 men, 42 women and 36 organizations. As it was a sensitive issue, a unit for protecting human rights defenders had been established in the Office of the Special Prosecutor for Human Rights. Four applications for prosecution had been submitted in 2016 and two applications had been submitted to date in 2017.

55. A total of 58 homicides and 2 femicides had been recorded in the case of journalists. Two of the victims had been members of the LGBTI community. Forty-one cases were under investigation and 19 had been referred to the criminal courts. There had been five acquittals and six convictions to date.

56. Honduras had considered the possibility of changing its policy on the right of access to ancestral land. The Office of the Special Prosecutor for Human Rights had produced a map of the area of the Lower Aguán Valley, where there were large indigenous communities and communities of African descent, with a view to identifying issues related to the expropriation of ancestral land. Training courses on the subject were being developed for judges, prosecutors and police officers.

57. A total of 234 complaints had been filed on behalf of the LGBTI community and 23 cases were currently before the courts.

58. **Ms. Urbina** (Honduras) said that her country condemned all forms of human trafficking, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The strategic plan against trafficking in persons that was currently being implemented focused on prevention, detection, prosecution and support for victims. In 2015, the Public Prosecution Service had identified 59 victims, including 17 juveniles; in 2016, it had identified 133 victims, including 57 female and 2 male juveniles; in 2017, it had so far identified 57 victims. Victims were provided with care in accordance with the Special Act against Trafficking in Persons and the Protocol. A rapid response team had been established to deal promptly with complaints, and the Ministry of Development and Social Inclusion implemented diverse social programmes on behalf of victims. In 2015, 40 complaints of sexual trafficking and exploitation had been filed, and 11 criminal trials had led to 15 convictions. In 2016, 62 complaints had been filed, and 24 criminal trials had led to 12 convictions. About 60 complaints had already been filed in 2017 and criminal proceedings were under way in 26 cases.

59. The Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was being vigorously enforced. Protective action had been taken in 389 cases since 9 November 2016. The beneficiaries had included 67 human rights defenders, 17 environmental activists, 10 members of the LGBTI community, 4 defenders of labour rights, 2 defenders of educational and student rights, and 34 defenders of other rights. Following expert risk assessments, police escorts had been provided in

seven cases, and closed circuit television cameras had been installed. A company that met 15 basic criteria had been contracted to provide protective measures and to install the requisite technology and infrastructure. Continuous support was provided by the Office of the National Commissioner for Human Rights and no protective measures were imposed without the consent of the beneficiary.

60. **Ms. Salas Montes** (Honduras) said that a proposal submitted under the consultancy project on a special protection system for children and adolescents living in the street provided for the introduction of a register and the provision of comprehensive care. The proposal was currently being reviewed with the assistance of the Global Infancia organization based in Paraguay. The Directorate for Children, Adolescents and the Family was also collaborating with the Ministry of Development and Social Inclusion with a view to developing a socioeconomic template that would enable them to focus on the most vulnerable children and adolescents, especially those living in the street. The number of street children had in fact been greatly reduced in recent years.

61. During the past two years, 12 campaigns had been conducted in the country's main cities with a view to eradicating drug trafficking among minors. The teams were composed of representatives of the Directorate for Children, Adolescents and the Family, the Public Prosecution Service, the municipalities and non-governmental organizations (NGOs). Comprehensive care was provided by social workers, psychologists, lawyers and doctors.

62. The National Autonomous University of Honduras ran a social care and reintegration project in support of 42 children aged between 7 and 17 years who had been begging in the streets.

63. Consultations concerning vulnerable minors, such as migrant children and children displaced by violence, had been conducted and nine agreements had been concluded with NGOs, which would receive subsidies under the national budget for the purpose of providing the children with legal assistance and health care. The Directorate for Children, Adolescents and the Family had referred 1,357 children to diverse national organizations. A road map containing a list of activities to be prioritized over the next five years had been developed in order to ensure the successful implementation of the comprehensive care programme.

64. The Code on Children and Adolescents had been amended in 2013 to include the offence of corporal punishment.

65. **Mr. Carranza** (Honduras) said that ILO had conducted an audit of the Labour Inspectorate and had found that some inspectors were not qualified for the role. In the light of those findings, and following the promulgation of the Inspection Act, the Government had organized a competitive recruitment process in order to establish a body of competent inspectors; it had provided training for those inspectors, in collaboration with ILO and the European Union, and had supplied them with vehicles and equipment. The Inspectorate now consisted of more than 130 inspectors and 6 independent auditors and its budget had been increased by US\$ 2.5 million in 2016. The ratio of inspectors to workers had doubled to 1 inspector for every 15,000 workers.

66. Summarizing paragraph 115 of his country's report and paragraph 101 of the replies to the list of issues, he said that a number of measures had been taken to combat child labour: for example, the trade unions had established a national workers' commission for the prevention and eradication of child labour, a group of businesses had signed a declaration in which they had committed to eradicating child labour and the Government had signed a bilateral agreement with Brazil on the subject.

67. Land titles continued to be granted to indigenous peoples in accordance with the established procedure, with due regard for the rights of those peoples. The National Agrarian Institute had cleaned up land belonging to the Miskito community that had previously been occupied by third parties and had submitted a report on the case to the Ministry of Human Rights, Justice, the Interior and Decentralization to ensure that further redress was provided. It was also conducting land surveys for the benefit of other indigenous communities, such as the Tolupan of Montaña de la Flor.

68. Steps had been taken to ensure the participation of indigenous peoples and Afro-Honduran communities in public institutions, particularly those dealing with issues that affected their communities. The bill on prior, free and informed consultation of indigenous communities had been considered by members of workers' organizations, the business sector and the Government at a meeting of the Economic and Social Council in March 2017 and various amendments had been proposed. The bill was being revised to accommodate the needs of all sectors. Eighteen regional consultations and one national consultation of indigenous peoples had been organized; those events had been attended by 1,380 people, including members of nine indigenous peoples and Afro-Honduran communities and representatives of human rights organizations.

69. **Mr. Osavas Olibera** (Honduras) said that measures were being taken to reduce the homicide rate through various national plans that contained security-related objectives, such as improving security policy and strengthening the capacities of the judiciary. Government policies in the justice and security sector focused on prevention, prosecution and criminal investigation. A community-based police model had been introduced and a police clean-up strategy was being developed. Other steps that had been taken included increased investment in police infrastructure and the amendment of the Organic Act on the National Police.

70. In an effort to engage local communities in the fight against violent crime, the Government had set up 30 municipal observatories on coexistence and citizen security and planned to set up a further 60. A system for the validation of homicide statistics had been set up and a total of US\$ 26 million had been invested in the construction of two forensic laboratories.

71. In the field of prevention, various programmes had been implemented to help young people to develop their skills and enter the labour market, instead of joining violent gangs. There were plans to expand the police force from around 14,000 officers in 2017 to over 26,000 by 2022, with a view to reducing the involvement of military personnel in law enforcement operations. Lastly, the Ministry of Security was taking steps to ensure that the next presidential election was held in peace and security.

72. **Mr. Argueta Pérez** (Honduras) said that one example of an Afro-Honduran who had been appointed to a senior public role was the prosecutor responsible for the largest prison in Honduras. The budget for the Office of the Special Prosecutor for Human Rights had risen from US\$ 240,000 in 2006 to US\$ 680,000 in 2017; the country had also received US\$ 700,000 in funding from the European Union in 2017.

73. A total of 300 additional prosecutors had been recruited since 2013 and the number of judges had risen by 100 since 2015. The selection process for prosecutors and judges was entirely transparent. Other measures to combat impunity included performance assessment within the judiciary and a police certification procedure. The Inter-Agency Criminal Justice Commission had been resurrected and police files had been digitized. The backlog of criminal cases had been reduced by around 26 per cent since November 2016. Steps were also being taken to combat drug trafficking and the unlawful acquisition of property.

74. In 2016, a technical task force had been appointed to draft a bill on careers in the judiciary. It had been observed that 99 per cent of all judicial posts were occupied by persons with the relevant skills and experience. Statistics provided by the Public Prosecution Service reflected the efforts that had been made in recent years to combat corruption: between 1994 and 2012, just 68 convictions had been handed down for corruption, compared with around 85 between 2013 and 2017. The number of prosecutors assigned to tackling corruption had tripled and each of those prosecutors worked with a designated team of investigators.

75. **Ms. Cleveland** said that she would appreciate a detailed response to her questions on the use of criminal law against human rights defenders. She would also like more information on the criminalization of defamation, slander and libel, and on any efforts made to raise awareness, among the Government and the general public, of the right to freedom of peaceful assembly.

76. The Committee was concerned by the recent reports of an attack on Bertha Zuñiga, the leader of the indigenous rights organization Consejo Cívico de Organizaciones Populares e Indígenas de Honduras, particularly in view of the fact that her mother — the former leader — and several other members of the organization had been murdered in 2016. It would like to know what investigation protocol would be applied in that case and what proactive measures would be taken to prevent further attacks of that kind.

77. **Mr. Shany** said that the delegation had not yet responded to his questions on presidential term limits, the number of enforced disappearances and remote working by judges under the Public Order Military Police Act.

78. **Ms. Urbina** (Honduras) said that the attack on Bertha Zuñiga was being investigated and information had been submitted to the Public Prosecution Service. The victim had not consented to the deployment of personal protection measures; however, the Human Rights Department of the Ministry of Security was taking general steps to protect against further attacks.

79. **Mr. Alvarenga Urbina** (Honduras) said that, under the amended Criminal Code, which was currently being discussed, defamation, slander and libel would be punishable by fines only, rather than imprisonment.

80. The Supreme Electoral Tribunal had made it clear that international bodies were welcome to observe the election process, as they had during the previous elections. Before each election, the electoral lists were displayed in all polling stations; complaints regarding the lists could be submitted by any party within the time frame established by the Supreme Electoral Tribunal.

81. **Mr. Argueta Pérez** (Honduras) said that the Government was pleased to report an improvement in the human rights situation in Honduras but also recognized that much remained to be done. It would continue working to promote and protect human rights throughout the country, taking the Committee's recommendations as a basis for action.

82. **The Chair** said that he wished to thank the delegation of Honduras for engaging in a constructive dialogue with the Committee.

*The meeting rose at 1 p.m.*