



Economic and Social Council

Distr.: General
7 December 2022
English
Original: Spanish
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the third periodic report of Honduras*

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 27 October 2023.

A. General information

2. Please provide specific examples of cases in which the provisions of the Covenant have been invoked before the courts and applied by them in their judicial decisions. In particular, please provide further information on the application of the provisions of the Covenant in the case concerning the protection of the rights to adequate food and health of the Toluþán Indigenous People in Yoro, which is currently under review in the Constitutional Chamber of the Supreme Court of Justice. Please provide specific information on the awareness-raising campaigns and training activities conducted on the provisions of the Covenant. Please also provide information on how the legislature was involved in the implementation of, and follow-up to, the previous concluding observations and in the development of the third periodic report.

3. Please provide information on how the State party is tackling the high levels of homicide affecting the country and on the measures adopted to address the impact that this violence and lack of public security is having on the effective enjoyment of economic, social and cultural rights, especially in the case of the most disadvantaged and marginalized individuals and groups, including children and adolescents, women, Indigenous Peoples and Afro-Hondurans. Please also provide information on the measures taken to ensure that strategies to tackle homicide, including public security policies, follow a human rights-based approach.

4. Please provide information on the implementation of measures to ensure the effective protection of human rights defenders, particularly their economic, social and cultural rights, and on the measures adopted to prevent criminal legislation from being used arbitrarily for the prosecution of human rights defenders. Please provide detailed information for the past five years on the number of complaints, investigations and convictions in cases of attacks and threats against defenders of economic, social and cultural rights, including defenders of Indigenous Peoples and Afro-Hondurans, as well as on the number and types of measure adopted to protect them.

5. Please provide information on the measures taken by the State party to counter the adverse impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of economic, social and cultural rights, particularly by the most disadvantaged and marginalized individuals and groups.

6. Please provide information on the legislative and regulatory measures and the policies and guidelines adopted to ensure that all businesses respect economic, social and cultural

* Adopted by the pre-sessional working group at its seventy-first session (17–21 October 2022).



rights and apply the principle of due diligence in all their activities, and to prevent economic and development projects from having an adverse impact on the effective enjoyment of economic, social and cultural rights, particularly by Indigenous Peoples and Afro-Hondurans.

7. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

8. In the light of the information provided in the State party's report,¹ please provide updated information on the progress made towards approving the draft bill on the Council of the Judiciary and Judicial Service. In addition, please indicate to what extent the measures adopted to strengthen and guarantee judicial independence, in particular the process for selecting and appointing magistrates, judges and prosecutors, have improved access to justice in cases of infringement of economic, social and cultural rights and have reduced impunity in the State party.

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

9. Please provide updated, detailed information on:

(a) The progress made in developing a legislative framework for prior consultation, as well as on the impact of the measures and mechanisms implemented to ensure that Indigenous Peoples and Afro-Hondurans are consulted prior to the adoption and implementation of legislative or administrative measures that may affect them;

(b) The participation of Indigenous Peoples and Afro-Hondurans in the development, design and implementation of measures and mechanisms relating to prior consultation;

(c) The prior consultation processes that, over the past five years, have been undertaken before granting permits for the exploitation of natural resources and carrying out economic and development projects that may affect the exercise of the rights of Indigenous Peoples and Afro-Hondurans;

(d) The legal mechanisms in place to ensure the protection of the rights of Indigenous Peoples and Afro-Hondurans to own, use, develop and exercise full control over their lands, territories and natural resources;

¹ E/C.12/HND/3, para. 50.

(e) The measures adopted to enforce the repeal of the Organic Act on Employment and Economic Development Areas and to ensure that operations in these areas cease.

Maximum available resources (art. 2 (1))

10. Please provide information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Any fiscal policies adopted in response to the COVID-19 pandemic;

(g) The proportion of the public budget allocated to defence.

11. Please specify the concrete outcomes of the implementation of measures to combat corruption and the technical, human and financial resources allocated for the implementation of such measures. In particular, please provide information on the resources allocated to the Office of the Special Prosecutor for Promoting Transparency and Combating Corruption in Public Affairs and the Specialized Prosecution Unit to Combat Corruption Networks, as well as on the number of cases of corruption reported over the past five years, the number of cases investigated and prosecuted, the number of convictions handed down and the penalties imposed on the perpetrators, if any.

Non-discrimination (art. 2 (2))

12. Please indicate whether, in addition to the anti-discrimination provisions in the Criminal Code,² the State party has considered adopting a comprehensive anti-discrimination law that defines direct and indirect discrimination and prohibits discrimination in both the public and private spheres. Please provide information on how the implementation of measures to prevent and combat discrimination has affected the enjoyment of economic, social and cultural rights by the groups most at risk of discrimination. In particular, please provide information on the specific measures adopted to combat discrimination based on sexual orientation and gender identity.

Equal rights of men and women (art. 3)

13. Please provide information on the specific impact that the measures mentioned in the State party's report³ have had in terms of facilitating the enjoyment by women of their economic, social and cultural rights, particularly with regard to their participation in economic and social life, the reduction of poverty among women and access to land, credit and production projects. Please provide information on the measures adopted to combat

² Ibid., para. 71.

³ Ibid., para. 81.

gender stereotypes and promote an equal sharing of responsibilities between men and women in the family and in society, as well as on the outcome of such measures, in particular with regard to reducing inequality in the labour market participation rates of men and women.

C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

14. Please provide statistical information, disaggregated by age, sex, ethnic or national origin and urban/rural area of residence, on the employment situation in the State party. Moreover, please provide information on the results achieved to date in the implementation of the National Employment Policy of Honduras 2017–2028 and on the extent to which unemployment and underemployment rates have been reduced in the State party, particularly among young people, women, members of Indigenous Peoples and Afro-Hondurans, and Honduran migrants who have returned to the country. Please provide information on the accessibility and specific nature of the technical and vocational training programmes available in the State party.

Right to just and favourable conditions of work (art. 7)

15. Please specify whether the minimum wage is high enough to guarantee decent living conditions for workers and their families and describe the mechanisms in place to enforce the minimum wage.

16. Please provide information on the implementation of measures to improve the working conditions of Miskito divers engaged in dive fishing, in particular the implementation of the Occupational Safety and Health Rules for Deep-Sea Dive Fishing and the multi-year strategic plan of the inter-agency commission responsible for support and prevention activities regarding the issue of dive fishing for the period 2020–2025. Please provide information on the labour inspections carried out in this sector and on the type of penalties imposed.

17. Please provide detailed information on how, in practice, the working conditions of agricultural workers, domestic workers and women employed in the maquila sector have been improved. Please provide information on the implementation of occupational health and safety measures, the incidence of workplace accidents and occupational diseases over the past five years and the measures taken to prevent them. Furthermore, please provide information on how regularly labour inspections are conducted and on the types of measures and penalties imposed as a result of infringements of labour standards and workers' rights. Please provide information on the complaints mechanisms available to workers, the number and main types of complaints filed and their outcome.

Trade union rights (art. 8)

18. Please provide information on the monitoring mechanisms aimed at ensuring that workers' trade union rights are respected and at preventing violations of these rights, including reprisals against union members and leaders, union dissolution and undue employer interference with the right to associate and bargain collectively. In particular, please provide information on the progress made in complying with the tripartite agreement on action to combat anti-union violence and on the functioning and activities of, and resources allocated to, the Committee on Anti-Union Violence. Please also provide information on the number of cases involving harassment, threats and acts of violence against union members and leaders that have been investigated and have resulted, where appropriate, in those responsible receiving due punishment.

Right to social security (art. 9)

19. Please provide information, including disaggregated statistics, on the specific results that have been achieved through the implementation of the Framework Act on the Social Protection System, in particular on the functioning, accessibility and coverage of the Social Protection Floor Scheme guaranteeing non-contributory benefits. Please explain what is

being done to ensure that social services are available across the country and that the benefit amounts are sufficient to provide decent living conditions for beneficiaries and their families. Please also provide information on beneficiary coverage and the funding provided by the State party.

Protection of the family and children (art. 10)

20. Please provide updated information, including disaggregated statistical data, on the incidence of child labour in the State party, as well as on the progress made in the implementation of the Road Map for the Elimination of All Forms of Child Labour 2021–2025. Please also indicate whether the State party has considered raising the minimum age of employment in order to bring it into conformity with international standards.

21. Please indicate whether the State party has carried out a preliminary assessment of the effectiveness of the Programme for the Protection of Children and Adolescents Whose Rights Have Been Violated,⁴ as well as of the measures to protect children and adolescents from all forms of exploitation and violence, including recruitment by gangs.

Right to an adequate standard of living (art. 11)

22. Please provide information on the specific outcomes of measures to combat poverty in the State party. Please describe the specific measures envisaged to tackle the persistent challenges impeding a significant reduction in the levels of poverty, extreme poverty and inequality in the State party.

23. Please provide information on the specific steps taken by the State party to prevent conflicts over access to land, particularly in the Bajo Aguán area. Similarly, please provide information on the measures taken to prevent forced evictions, with a view to ensuring that these evictions do not violate the right to adequate housing and are carried out in compliance with human rights standards and that victims have access to effective legal remedies. In this connection, please comment on the recent amendments to the Code of Criminal Procedure aimed at authorizing forced evictions, and on the extent to which these amendments are consistent with the obligation to respect the right to adequate housing and other related rights.

24. Please provide information on the specific outcomes of measures taken to prevent internal displacement. Please also indicate whether State authorities and private sector actors worked together to design and implement such measures and whether the communities most affected by the problems causing internal displacement participated in this process. Please provide information on the measures taken to mitigate the adverse impact of natural disasters, particularly the recent Hurricanes Eta and Iota, on the enjoyment of economic, social and cultural rights and on how the needs of the most disadvantaged groups have been taken into account when implementing evacuation and resettlement plans.

25. Please provide information on the specific measures being taken by the State party to protect water resources and facilitate access to safe drinking water in rural areas, particularly in the territories inhabited by Indigenous Peoples and Afro-Hondurans.

26. Please provide information on the specific steps being taken by the State party to support local agricultural production and the productivity of small-scale farmers, as well as to promote sustainable local food systems in order to guarantee the right to adequate food. Furthermore, please provide information on the measures being adopted by the State party to enable small-scale fishers and coastal communities to have access to and use fishing areas and the coast on an equitable basis.

Right to physical and mental health (art. 12)

27. Please provide information on how the State party plans to address persistent challenges so as to ensure that health-care services are available, accessible, affordable and of good quality and that they have sufficient and adequate infrastructure, equipment and medicines, particularly in rural and remote areas. Please indicate whether the implementation of the measures adopted to guarantee the right to health, such as the National Health Policy,

⁴ Ibid., para. 157.

has been evaluated and how the implementation of those measures has contributed to achieving universal access to health care in the State party, particularly for lower-income groups. Please provide information on the impact of the COVID-19 pandemic on access to health services in the State party.

28. Please provide information, including disaggregated statistics, on access without discrimination to COVID-19 vaccines that are effective, safe and based on the best scientific developments. Please also provide information on the measures taken to guarantee access to COVID-19 testing, health services and information, particularly for the most disadvantaged and marginalized individuals and groups.

29. Please provide information on any plans by the State party to move towards abolishing the ban on abortion⁵ and to repeal Decree No. 54-2009 prohibiting the use of emergency contraceptives.⁶ Please provide updated information on how the implementation of the National Strategy for the Prevention of Teenage Pregnancy has affected teenage pregnancy rates, particularly in rural areas.

Right to education (arts. 13 and 14)

30. Please provide information on the measures taken to address the negative impact of the disruptions to educational activities resulting from the COVID-19 health emergency and to ensure the availability of, and access to, online learning, particularly for individuals and children and adolescents belonging to disadvantaged, marginalized and low-income groups. Please also provide information, including statistics disaggregated by, inter alia, income level on the impact of the measures taken to increase enrolment and attendance rates in preschool, primary and secondary education, to reduce school dropouts at both the primary and secondary levels and to improve academic performance and results. Please provide information on the implementation of the Intercultural Bilingual Education Model⁷ and how it has facilitated access to education for Indigenous and Afro-Honduran children and adolescents. Please provide information on the specific measures taken to prevent and protect students from bullying, harassment and violence.

Cultural rights (art. 15)

31. Please specify the measures that have been taken to ensure that everyone, in particular disadvantaged and marginalized individuals and groups, has affordable access to the benefits of scientific progress and its applications, including the Internet.

⁵ Ibid., para. 236.

⁶ Ibid., para. 238.

⁷ Ibid., para. 268.