



**International Covenant on  
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**Human Rights Committee**

**Third periodic report submitted by Honduras  
under article 40 of the Covenant, due in 2021\***

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\* The present document is being issued without formal editing.



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## A. Introduction

1. The State of Honduras is pleased to submit to the Human Rights Committee (hereinafter the Committee) its third periodic report under article 40 of the International Covenant on Civil and Political Rights (hereinafter the Covenant) in accordance with the Committee's reporting guidelines and its previous concluding observations.<sup>1</sup>
2. The report was prepared by the Ministry of Human Rights – the body responsible for coordinating the preparation of reports to international and regional human rights bodies – in conjunction with the focal points that make up the Special Response Group on Human Rights and are part of the Honduran Recommendations Monitoring System.<sup>2</sup>
3. The report summarizes the measures adopted by the State, the advances made and the challenges faced in its efforts to guarantee the rights protected in the Covenant in the period 2017–2021. It accords particular attention to the establishment of electoral institutions, the creation of the electoral register and the adoption of the new Electoral Act, all of which were key to strengthening Honduran democracy in the run-up to the 2021 general elections.
4. The State reaffirms its commitment to compliance with its international obligations and to transparency and accountability before the people of Honduras and before international human rights organizations.

## B. Normative framework

### International law

5. The following instruments were ratified or adopted during the reporting period:
  - (a) Treaty on the Prohibition of Nuclear Weapons;<sup>3</sup>
  - (b) Optional Protocol to the Covenant on Economic, Social and Cultural Rights;<sup>4</sup>
  - (c) 2030 Agenda for Sustainable Development;
  - (d) Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption;<sup>5</sup> and
  - (e) Hague Conference on Private International Law,<sup>6</sup> effective September 2021.

### National legislation

6. The following legislation was adopted during the reporting period:
  - (a) Labour Inspection Act<sup>7</sup> and its implementing regulations;<sup>8</sup>
  - (b) Organic Act on the Ministry of Security and the National Police of Honduras;<sup>9</sup>
  - (c) Police Service Act<sup>10</sup> and its implementing regulations;<sup>11</sup>
  - (d) Criminal Code<sup>12</sup> and amendments thereto;<sup>13</sup>

<sup>1</sup> CCPR/C/HND/CO/2. Adopted at the 3404th meeting on 24 July 2017.

<sup>2</sup> Executive Decree No. PCM-028-2017, *Gaceta* No. 34,410.

<sup>3</sup> Legislative Decree No. 127-2020, *Gaceta* No. 35,404.

<sup>4</sup> Legislative Decree No. 8-2017, *Gaceta* No. 34,408.

<sup>5</sup> Consulted on 19 May 2021 at [bit.ly/3qXpAI2](http://bit.ly/3qXpAI2).

<sup>6</sup> Consulted on 18 October 2021 at [bit.ly/3DvxNYI](http://bit.ly/3DvxNYI).

<sup>7</sup> Legislative Decree No. 178-2016, *Gaceta* No. 34,290.

<sup>8</sup> Agreement No. STSS-350-2019, *Gaceta* No. 35,183.

<sup>9</sup> Legislative Decree No. 18-2017, *Gaceta* No. 34,463.

<sup>10</sup> Agreement No. SEDS-0265-2019, *Gaceta* No. 34,867.

<sup>11</sup> Legislative Decree No. 69-2017, *Gaceta* No. 34,463.

<sup>12</sup> Legislative Decree No. 130-2017, *Gaceta* No. 34,940.

<sup>13</sup> Legislative Decree No. 119-2019, *Gaceta* No. 35,247, Decree No. 46-2020, *Gaceta* No. 35,092 and Decree No. 93-2021, *Gaceta* No. 35,760.

- (e) Amendment of the Family Code to prohibit child marriage;<sup>14</sup>
- (f) Special Adoption Act of Honduras<sup>15</sup> and its implementing regulations;<sup>16</sup>
- (g) Act on the Control of Firearms, Munitions, Explosives and Related Materials;<sup>17</sup>
- (h) Special Act on the Selection and Appointment of Electoral Authorities, Attribution of Powers, Competencies and Prohibitions;<sup>18</sup>
- (i) Special Act on Economic Stimuli and Social Protection to Address the Impact of COVID-19<sup>19</sup> and amendments thereto;<sup>20</sup>
- (j) Act on the Electronic Management of Judicial Proceedings;<sup>21</sup>
- (k) Electoral Act of Honduras;<sup>22</sup>
- (l) Regulations for the implementation of the principle of parity and a mechanism requiring that men and women candidates occupy alternating positions on electoral lists;<sup>23</sup>
- (m) Special Regulations for the Organization and Operation of the Directorate General of the Attorney General's Office;<sup>24</sup>
- (n) Special Regulations for the Act on the Protection of Witnesses in Criminal Proceedings;<sup>25</sup>
- (o) Regulatory Guidelines for the Design and Approval of Municipal Development Plans;<sup>26</sup>
- (p) Special Regulations for the Organization and Operation of the Forensic Medicine Directorate;<sup>27</sup>
- (q) Regulations implementing the Act on the National Solidarity Loan Programme for Rural Women;<sup>28</sup>
- (r) Regulations implementing the Act on Responsible Parenting;<sup>29</sup>
- (s) Regulations on Protected Adolescent Labour in Honduras;<sup>30</sup>
- (t) General Regulations implementing the Act on the Protection of Honduran Migrants and Members of Their Families;<sup>31</sup>
- (u) Regulations on Electronic Governance;<sup>32</sup>
- (v) Regulations for the Organization and Operation of the National Prison Academy of Honduras.<sup>33</sup>

<sup>14</sup> Decree No. 44-2017, *Gaceta* No. 34,471.

<sup>15</sup> Legislative Decree No. 102-2018, *Gaceta* No. 34,841.

<sup>16</sup> Agreement No. DINAF-309-2021, *Gaceta* No. 35,569.

<sup>17</sup> Legislative Decree No. 101-2018, *Gaceta* No. 34,866.

<sup>18</sup> Legislative Decree No. 71-2019, *Gaceta* No. 35,027.

<sup>19</sup> Legislative Decree No. 31-2020, *Gaceta* No. 35,199.

<sup>20</sup> Legislative Decree No. 74-2020, *Gaceta* No. 35,300.

<sup>21</sup> Legislative Decree No. 146-2020, *Gaceta* No. 35,426.

<sup>22</sup> Legislative Decree No. 35-2021, No. 35,610.

<sup>23</sup> Agreement No. 106-2016 of the Supreme Electoral Court.

<sup>24</sup> Agreement No. FRG-011-2016, *Gaceta* No. 34,028.

<sup>25</sup> Agreement No. FGR-012-2017, *Gaceta* No. 34,456.

<sup>26</sup> Agreement No. 00163, *Gaceta* No. 34,632.

<sup>27</sup> Agreement No. FGR-011-2017, *Gaceta* No. 34,403.

<sup>28</sup> Executive Agreement No. 014-2018.

<sup>29</sup> Executive Agreement No. 004-2019, *Gaceta* No. 34,888.

<sup>30</sup> Executive Agreement No. STSS-578-2020, *Gaceta* No. 35,459.

<sup>31</sup> Executive Agreement No. 01-SG-2020, *Gaceta* No. 35,182.

<sup>32</sup> Executive Agreement No. PCM-086-2020, *Gaceta* No. 35,383.

<sup>33</sup> Agreement No. 01-2021, *Gaceta* No. 35,608.

### **Institutions and coordination mechanisms**

7. The following were created during the reporting period:
- (a) Ministry of Human Rights;<sup>34</sup>
  - (b) Ministry of Transparency;<sup>35</sup>
  - (c) Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials;<sup>36</sup>
  - (d) Specialized Prosecution Unit for Combatting Corruption Networks;<sup>37</sup>
  - (e) Unit for the Investigation of Violent Deaths of Women and Femicides;<sup>38</sup>
  - (f) Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides and its implementing regulations;<sup>39</sup>
  - (g) National Commission on the 2030 Agenda for Sustainable Development;<sup>40</sup>
  - (h) Comprehensive System for Upholding the Rights of Children and Adolescents<sup>41</sup> and reforms thereto;<sup>42</sup>
  - (i) National Electoral Council;<sup>43</sup>
  - (j) Electoral Court; and
  - (k) Special Expert Advisory Board, established in November 2019 on the occasion of the visit of the Inter-American Commission on Human Rights.

### **Policies, plans and programmes**

8. The main medium- and long-term development planning instruments are:
- (a) Act establishing the Vision for the Country 2010–2038 and National Plan 2010–2022;
  - (b) National 2030 Agenda for Sustainable Development; and
  - (c) Strategic Government Plan 2018–2022.<sup>44</sup>
9. Public policies adopted were the following:
- (a) Cities for Women (Ciudad Mujer) Programme National Policy;<sup>45</sup>
  - (b) Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans;<sup>46</sup>
  - (c) Alliance for the Development of La Mosquitia;<sup>47</sup>
  - (d) National Employment Policy 2017–2028;<sup>48</sup>

<sup>34</sup> Executive Decree No. PCM-055-2017, *Gaceta* No. 34,441.

<sup>35</sup> Executive Decree No. PCM-111-2020, *Gaceta* No. 35,421, amended by Executive Decree No. PCM-128-2020, *Gaceta* No. 35,482.

<sup>36</sup> Agreement No. FGR-002-2018, *Gaceta* No. 34,593.

<sup>37</sup> Agreement No. FGR-001-2020, available at [bit.ly/3Fa9mCi](https://bit.ly/3Fa9mCi).

<sup>38</sup> Legislative Decree No. 106-2016, *Gaceta* No. 34,201.

<sup>39</sup> Agreement No. 001-CISMWMF-2019, *Gaceta* No. 35,027.

<sup>40</sup> Executive Decree No. PCM-064-2018, *Gaceta* No. 34,756.

<sup>41</sup> Executive Decree No. PCM-020-2019, *Gaceta* No. 34,983, ratified by Legislative Decree No. 34-2021.

<sup>42</sup> Executive Decree No. PCM-038-2019, *Gaceta* No. 35,006.

<sup>43</sup> Legislative Decree No. 200-2018, *Gaceta* No. 34,856.

<sup>44</sup> Consulted on 9 September 2021 at [bit.ly/2YbSRVm](https://bit.ly/2YbSRVm).

<sup>45</sup> Executive Decree No. PCM-031-2016, elevated to National Policy by Legislative Decree No. 159-2016 and decentralized by Executive Decree No. PCM-023-2018.

<sup>46</sup> Executive Decree No. PCM-027-2016, *Gaceta* No. 34,031.

<sup>47</sup> Signed on 7 April 2016.

<sup>48</sup> Executive Decree No. PCM-029-2017, *Gaceta* No. 34,333.

- (e) National Population Policy 2026;<sup>49</sup>
- (f) National Policy on Cooperation for Sustainable Development;<sup>50</sup>
- (g) Inclusive Education Policy;<sup>51</sup>
- (h) Environmental Agenda for Honduras;<sup>52</sup>
- (i) Public Debt Policy 2020–2023;<sup>53</sup>
- (j) National Policy on Aging and Older Adults 2021–2050;<sup>54</sup>
- (k) Strategic Plan for the Education Sector 2018–2030;<sup>55</sup>
- (l) Fourth Open Government Action Plan 2018–2020;<sup>56</sup>
- (m) Protocol for the Referral of Children Engaged in Child Labour to State Social Programmes;<sup>57</sup>
- (n) Special measures to disseminate information on, prevent and address violence against women and actions to guarantee gender equality during the national emergency declared as a result of the coronavirus disease (COVID-19) pandemic;<sup>58</sup>
- (o) Support strategy for preventing and containing the COVID-19 pandemic among vulnerable groups;<sup>59</sup>
- (p) Institutional Strategic Plan of the Public Prosecution Service 2021–2025;<sup>60</sup>
- (q) Road Map for the Elimination of All Forms of Child Labour 2021–2025;<sup>61</sup>
- (r) National Plan for Responding to Violence against Children and Adolescents 2021–2026;<sup>62</sup>
- (s) National Reconstruction and Sustainable Development Plan.

10. The Ministry of General Government Coordination has established an online public policy repository that contains 47 documents relating to policies, plans and strategies formulated by 26 institutions since 2010. It can be consulted at [bit.ly/2Wqkb1g](http://bit.ly/2Wqkb1g).

## C. Progress in implementing the concluding observations

### 1. National human rights institution (art. 2)

11. Concerning the recommendation contained in paragraph 7 of the concluding observations, the Office of the National Commissioner for Human Rights (CONADEH) received notice of its international accreditation and elevation to A status by the Global Alliance of National Human Rights Institutions in December 2019.

<sup>49</sup> Executive Decree No. PCM-007-2018, *Gaceta* No. 34,620.

<sup>50</sup> Executive Decree No. PCM-080-2018, *Gaceta* No. 34,842.

<sup>51</sup> Executive Decree No. PCM-054-2019, *Gaceta* No. 35,096.

<sup>52</sup> Consulted on 9 September 2021 at [bit.ly/3mc4XWK](http://bit.ly/3mc4XWK).

<sup>53</sup> Consulted on 9 September 2021 at [bit.ly/2WtBcrB](http://bit.ly/2WtBcrB) and [bit.ly/3B9Xy04](http://bit.ly/3B9Xy04).

<sup>54</sup> Executive Decree No. PCM-005-2021, *Gaceta* No. 35,542.

<sup>55</sup> Adopted by the National Education Council. Extraordinary session No. 001-2019 of 9 April 2019.

<sup>56</sup> Consulted on 18 October 2021 at [bit.ly/2Z6ImDd](http://bit.ly/2Z6ImDd).

<sup>57</sup> Agreement No. STSS-389-2019, *Gaceta* No. 35,113.

<sup>58</sup> Legislative Decree No. 99-2020, *Gaceta* No. 35,353.

<sup>59</sup> Legislative Decree No. 31-2020, *Gaceta* No. 35,199.

<sup>60</sup> Agreement No. FGR-001-2021, amended by Agreement No. FGR-003-2021.

<sup>61</sup> Pending approval, consulted on 6 October 2021 at [bit.ly/3aM5Ek6](http://bit.ly/3aM5Ek6).

<sup>62</sup> Consulted on 12 October 2021 at [bit.ly/3pt59nR](http://bit.ly/3pt59nR).

12. The budget allocated to CONADEH in 2021 was 83,469,126.00 lempiras (L),<sup>63</sup> representing a 13.94 per cent increase on the 2016 budget of L 73,255,474.00.<sup>64</sup> Maintaining progressive annual increases remains a challenge.

## 2. Truth and Reconciliation Commission (art. 2)

13. With regard to the recommendation contained in paragraph 9, concerning the implementation of the recommendations made by the Truth and Reconciliation Commission, at the end of 2021 17 of the recommendations had been implemented, 14 had been partially implemented, 35 were in the process of implementation and 18 were pending implementation. The recommendations are implemented by means of 47 actions envisaged under the National Human Rights Action Plan. They also served as input for the 2018 political dialogue on the post-electoral conflict, which culminated in 169 agreements being referred to the National Congress.

14. The investigation and prosecution of alleged human rights violations that occurred in 2009 remain a challenge for the Public Prosecution Service, which decided that, for efficiency, the cases should be all be processed by the Office of the Special Prosecutor for Human Rights. Cases that had already gone to trial were also referred, with a view to better managing developments in the related criminal proceedings.

15. Homicide cases under investigation:

(a) Simple homicide of Pedro Pablo Hernández, committed at a military checkpoint by a sergeant who was sentenced to 15 years' imprisonment in 2014, although the hearing to set the individual terms of his sentence has yet to take place. The victim's family reached an agreement with the Attorney General's Office and received compensation in January 2020;

(b) Simple homicide of Ángel Fabricio Salgado by a soldier on duty with the Joint Chiefs of Staff. An initial hearing was held in 2016 and the case was definitively dismissed. The Public Prosecution Service filed an appeal, which was dismissed in 2017. *Amparo* proceedings remain pending;

(c) Homicide of Pedro Magdiel Muñoz, which occurred during a joint police and military operation in July 2009. A hearing at which an advance statement was provided by a protected witness was held on 4 February 2021;

(d) Simple homicide of Elvin Jacobo Euceda, committed during a routine patrol by a police officer who is now on the run. A warrant for his arrest has been in place since 2009;

(e) Simple homicide of Isis Obed Murillo. The identity of the party responsible is still not known; and

(f) Murder of Roger Abrahán Vallejo and Gabriel Fino Noriega. Both remain under investigation.

16. Progress in the investigation of offences committed against the media:

(a) In June 2021, the Office of the Special Prosecutor for Human Rights secured the conviction of a member of the Armed Forces of Honduras for offences committed against the media and other public services, and specifically against the television channel Choluta Sur/Canal 36 and the online radio station Radio La Catracha, in 2009. The accused was declared civilly responsible, sentenced to 3 years and 6 months' imprisonment, and received a special disqualification and ban as an additional penalty;<sup>65</sup>

(b) Application for the prosecution, on offences of abuse of authority and offences against the media, of two army officers responsible for taking Radio Globo off air. A

<sup>63</sup> Legislative Decree No. 182-2020, *Gaceta* No. 35,468.

<sup>64</sup> Legislative Decree No. 168-2015, *Gaceta* No. 33,912.

<sup>65</sup> Consulted on 12 October 2021 at [bit.ly/3y9W6u8](https://bit.ly/3y9W6u8).

conciliation hearing took place in 2016 and compensation was paid to the owner of the radio station;

(c) Application for the prosecution, on offences of abuse of authority and offences against the media, of two army officers responsible for taking Radio Progreso off air. A hearing was held and the case was definitively dismissed. An appeal was filed, but was also dismissed. The case is thus concluded;

(d) In the Radio Juticalpa case, two army officers were charged with offences of abuse of authority and violation of the duties of public officials but the case was definitively dismissed at a hearing held in 2010; and,

(e) In the Radio Liberación case, two military officers have been charged with offences against the media but a date for the public, oral hearing is still pending.

### 3. Equality and non-discrimination (arts. 2, 3, 25, 26 and 27)

17. Concerning the recommendation contained in paragraph 11 of the concluding observations, in order to ensure comprehensive protection against the discrimination experienced by women, Indigenous Peoples, Afro-Hondurans and members of the lesbian, gay, bisexual, transgender and intersex community, the new Criminal Code, which entered into force in 2020, specifies that the offence of discrimination encompasses any distinction on grounds of ideology, religion, beliefs, language, ethnicity or race, national origin, Indigenous or Afrodescendent identity, sex, sexual orientation or gender identity, gender, marital status, family or economic situation, age, and illness or disability, in accordance with article 2 of the Covenant.

18. The principle of non-discrimination is a cross-cutting theme of the Public Policy and National Plan of Action on Human Rights being implemented by the Ministry of Human Rights. The lines of action envisaged under the Plan include promoting a culture of respect for human rights and preventing discrimination by developing, reviewing and adjusting training curricula and running capacity-building courses for public servants.

19. Members of the armed forces, cadets and military police officers receive training in the prevention of discrimination. The human rights component of the curriculum of the individual basic training course run by the Army Military Training Centre, now known as the Military Training Centre of the Armed Forces, was revised in 2019, albeit with the prevention of discrimination remaining the cross-cutting theme.

20. An average of 7,400 law enforcement officers were trained annually in the period 2015–2019 and 2,787 were trained in 2020.

21. In the period 2018–2021, a team of facilitators from 11 target groups received online training on topics including migration, the rights of lesbian, gay, bisexual, transgender and intersex persons, Indigenous Peoples and Afro-Hondurans, the prevention of mass atrocities associated with conflict, and transitional justice. During the COVID-19 pandemic, the training was opened up to members of the general public interested in learning about human rights and the prevention of discrimination.

22. A total of 446 public servants have been trained to work as State institutional trainers in human rights and the culture of peace, through both on-site and remote courses.

23. The Virtual Human Rights Education Platform<sup>66</sup> offers a virtual training course on the right to peace, a course on preventing discrimination and a course on reviewing compliance with treaties.

24. In the period 2018–2021, the Ministry of Human Rights delivered training in human rights to 25,021 persons, consisting of 4,024 public servants, 19,213 law enforcement officers, 500 persons deprived of liberty, 100 students, 240 teachers, 47 parents, 13 persons from private companies, 16 persons with disabilities and 701 members of the general public.

25. To promote equality and non-discrimination for Indigenous Peoples and Afro-Hondurans, the actions envisaged under the Public Policy against Racism and Racial

<sup>66</sup> Available at [bit.ly/31FJ5MJ](http://bit.ly/31FJ5MJ).

Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans include establishing spaces for participation and the exercise of their rights in the social, economic, political, cultural and environmental spheres while respecting their worldview.

26. The Office of the Special Prosecutor for Human Rights and the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage are responsible for processing complaints and investigating offences of discrimination on the grounds of membership of an Indigenous People or Afrodescendent group, applying the law relevant in such cases.

27. In the period 2017–2020, the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage registered 27 complaints of racial discrimination and issued three applications for prosecution. It also registered six case dismissals, two *amparo* applications, one appeal, one appeal in cassation, one conciliation settlement and one pending trial.

28. In the period 2016–2020, the Office of the Special Prosecutor for Human Rights investigated 72 complaints of discrimination against lesbian, gay, bisexual, transgender and intersex persons. In the cases that went to trial, convictions were secured against five citizens charged with offences of discrimination on grounds of sexual orientation.

29. To cement a culture of crime reporting, raise awareness of the importance of respect for human rights and make the Office of the Special Prosecutor for Human Rights more accessible to the public, in 2017 the Public Prosecutor's Office and the Honduras Human Rights Support Programme launched the "Your Life, Your Rights" (Tu Vida, Tus Derechos) campaign, within the framework of Operation Firestorm II. Supporting materials were published in Spanish and in the Miskito and Garifuna languages.<sup>67</sup>

30. In the period 2017–2021, the Office of the Special Prosecutor for Offences against Life registered 119 deaths of lesbian, gay, bisexual, transgender and intersex persons, investigated 84 cases, referred 30 cases for trial and secured 5 convictions.<sup>68</sup>

31. With a view to strengthening the National Institute for Women, in 2020 a budget of L 45,356,400.00 was allocated, which represented a 101.40 per cent increase on the 2016 budget of L 22,519,584.00. The budget for 2021 was L 43,115,331.00, plus an additional L 5,000,000.00 earmarked for the establishment and start-up of a new shelter.

32. With a view to the progressive realization of women's rights, the National Institute for Women has been implementing its second Gender Equality and Equity Plan, covering the period 2010–2022. The Plan is promoted and monitored at the local level by the municipal offices for women and, as part of the final cycle of activities thereunder, is currently under evaluation. The outcomes of this evaluation will be key determinants in the formulation of the next plan.

33. The Public Policy for Indigenous and Afrodescendent Women is currently being formulated, with expert advice from the National Institute for Women and the Ministry for Human Rights.

34. With a view to ensuring inclusion and effective political participation for Indigenous Peoples and Afro-Hondurans, the Act on Political and Electoral Participation contains provisions concerning cooperation with related organizations. In 2017, the Supreme Electoral Court signed a letter of understanding with the Network of Indigenous and Afro-Honduran Women concerning women's participation in electoral processes, as observers, and in training initiatives.

35. In the 2017 elections process, the number of Indigenous and Afro-Honduran persons elected as deputies rose from 8 to 20 (9 women and 11 men). At the time of writing, the final results of the 2021 elections were not yet known.

<sup>67</sup> Consulted on 9 September 2021 at [bit.ly/3uuw1UB](https://bit.ly/3uuw1UB).

<sup>68</sup> Prosecution service figures/central-southeast region.

#### 4. Political participation of women (arts. 2, 3, 25 and 26)

36. In connection with the recommendation contained in paragraph 13 of the concluding observations, concerning efforts to increase the participation of women in political life, the following should be highlighted:

(a) The equal 50 per cent quota for the political participation of women and men, in place as of the 2017 primary elections;<sup>69</sup>

(b) The regulations for the implementation of the principle of parity and a mechanism requiring that men and women candidates occupy alternating positions on electoral lists; and

(c) The new Electoral Act of Honduras, which incorporates the principle of parity and provides for alternating lists.

37. The National Electoral Council has taken the following action to prevent political violence against women and guarantee their participation:

(a) Formulation of a bill on preventing gender-based political violence, presented on 5 November 2021;

(b) Adoption of a protocol for preventing gender-based political violence,<sup>70</sup> to be applied in all stages of the electoral cycle with a view to raising public awareness of gender-based political violence, with support from the United Nations Development Programme (UNDP), the Netherlands Institute for Multiparty Democracy (NIMD-Honduras) and the European Union; and

(c) Development of an online learning platform<sup>71</sup> to provide training for women standing for elected office on topics including democratic values, women's political participation and combating gender-based political violence.

38. In addition, the Academy for Women Parliamentarians – an initiative coordinated by the Gender Equity Commission, the National Democratic Institute, OXFAM-Honduras, NIMD-Honduras, OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and UNDP – provides training for women deputies on legislation with a gender perspective, good practices and political participation.

39. In November 2018, the National Congress's Gender Equity Commission welcomed the Human Rights Council's Working Group on the issue of discrimination against women in law and in practice and shared with it the progress that had been made in the area of legislative reform and policy implementation and the related impact on the promotion of women's rights and their participation in public and political life, among other information.

40. In the 2021 presidential election, the country elected its first woman president-elect and, thus, its first woman president. The preliminary results of the vote<sup>72</sup> to elect the deputies of the National Congress indicate that the number of women elected to serve has risen to 35, up from 27 in the 2017 elections, and that 6 women have been elected to serve as deputies in the Central American Parliament.

#### 5. Violence against women (arts. 2, 3, 6, 7 and 26)

41. Concerning the recommendation contained in paragraph 15 of the concluding observations, the following measures have been adopted to prevent, combat and punish violence against women:

(a) For the investigation of violent deaths of women and femicides, a dedicated unit has been created that is attached to the Specialist Criminal Investigation Agency and

<sup>69</sup> Legislative Decree No. 54-2012, addition of art. 105-A to the Electoral and Political Organizations Act.

<sup>70</sup> Consulted on 18 October 2021 at [bit.ly/3162vKC](http://bit.ly/3162vKC).

<sup>71</sup> Available at [bit.ly/3CZjTOo](http://bit.ly/3CZjTOo).

<sup>72</sup> Judgment of 15 December 2021.

under the technical and legal oversight of the Office of the Special Prosecutor for Offences against Life;

(b) To improve inter-agency coordination, the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides, composed of representatives of the Public Prosecution Service, the Ministry of Security, the Ministry of Human Rights, the National Institute for Women, the Office of the National Commissioner for Human Rights and three women's organizations, was established. Its operating regulations were adopted in 2019;

(c) To provide comprehensive services for women, the Cities for Women Programme runs women's rights support and protection units;

(d) The Strategic Plan for Combating Commercial Sexual Exploitation and Trafficking in Persons for the period 2016–2022;

(e) The National Institute for Women has rolled out the CONECTA Platform through which psychosocial and legal assistance is provided to women victims of violence,<sup>73</sup> has created the School for Gender Education, to strengthen knowledge and promote substantive gender equality through online courses,<sup>74</sup> and has established the Gender Observatory, within the framework of the global Spotlight Initiative;

(f) In 2020, special measures for disseminating information on, preventing and addressing violence against women and actions to guarantee gender equality during the national emergency declared as a result of the COVID-19 pandemic were adopted in response to the increase in domestic and intra-family violence observed during the period of lockdown attributable to the health emergency; and

(g) The bill on shelters, which has now been adopted.

42. During the reporting period, the following training on women's rights and the prevention and investigation of violence against women and gender-based violence was provided:

(a) The Ministry of Human Rights trained 37,104 police officers on human rights and women's rights in the period 2016–2020. In addition, in 2019, it launched a diploma on violence prevention and hosted an international conference on women, peace and security;<sup>75</sup>

(b) Since 2016, the Francisco Salomón Jiménez Castro Judicial Training School, run by the judicial branch, has been training justice officials in the prevention and investigation of violence against women and gender-based violence, victim support and the incorporation of a gender perspective in judicial decisions;

(c) As part of the Justice for Victims of Sexual and Gender-Based Violence Project, the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides, aided by the Justice Education Society, has delivered the second and third iterations of a seminar on the criminal investigation of offences of femicide and training courses for judges on access to justice for girls, women and persons of sexual diversity who are victims of offences of sexual and gender-based violence;

(d) In 2018, the National Institute for Women trained 240 police officers on the critical pathway for reporting domestic violence. In 2019, it ran the diploma course on women's human rights, gender-based violence and trafficking in persons, designed for justice officials, and, in 2020, it ran four workshops and three seminars providing training for 315 public officials, including investigators, police officers, prosecutors and judges, on human rights, gender and the prevention of violence;<sup>76</sup> and

(e) The capacities of the staff of the municipal offices for women were strengthened through completion of the diploma course on human rights and gender with a focus on training for trainers and the prevention of femicide.

<sup>73</sup> Available at [bit.ly/30UPTGr](http://bit.ly/30UPTGr).

<sup>74</sup> Available at [bit.ly/3E8ffPv](http://bit.ly/3E8ffPv).

<sup>75</sup> Consulted on 27 September 2021 at [bit.ly/3ybW59d](http://bit.ly/3ybW59d).

<sup>76</sup> 2020 report on the achievements of the National Institute for Women. Available at [bit.ly/3CZjTOo](http://bit.ly/3CZjTOo).

43. Various campaigns have been carried out to increase public awareness of the different forms of violence used against women, including:

(a) The “Overcoming Fear” (Vencer el Miedo) campaign, run jointly by the Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for the Protection of Women and the specialized comprehensive support units, with the aim of preventing trafficking in persons, domestic and intra-family violence and femicide;

(b) The “I am a woman and living without violence is my right” (Soy mujer y vivir sin violencia, es mi derecho) campaign to prevent trafficking in persons, domestic and intra-family violence and femicide;

(c) The “The National Institute for Women is there for you” (INAM te acompaña) campaign;

(d) The “Living together without violence” (Convivencia sin violencia) campaign;

(e) The “Women, you are not alone” (Mujer, no estas solas) campaign;

(f) The “The Other Pandemic” communication campaign launched by the Spotlight Initiative and the gender-based violence sub-cluster; and

(g) The “And you, what reasons do you have to be a better man?” (Y vos, ¿qué razones tenéis para ser mejor hombre?) campaign, focused on masculinity.

44. To draw attention to domestic violence, which increased during the COVID-19 pandemic, the National Institute for Women, the Cities for Women Programme and the Ministry of Human Rights conducted awareness-raising campaigns in the media, working with the 911 national emergency system (SNE911) to prioritize the reporting of domestic violence. In addition, guidelines for action for victims and survivors of violence during the COVID-19 national health emergency were issued in 2020.<sup>77</sup>

45. With regard to the adoption of a law on violence against women, the National Institute for Women, in conjunction with women’s organizations, has prepared a comprehensive bill that is currently being reviewed and updated following the entry into force of the new Criminal Code.

46. To make it easier for women victims of violence to file complaints and seek assistance and protection, since 2016 the women’s rights support and protection units run under the Cities for Women Programme have been providing comprehensive support services that include formulating life and safety plans, crisis intervention, support and self-help groups, legal advice and representation, and processing complaints. Between 2017 and July 2021, the units received 42,327 complaints of gender-based violence and organized around 65,000 service interventions in response.

47. To ensure comprehensive protection for women victims of violence and their children, victims referred by the domestic violence courts are cared for in one of the seven shelters in the main cities. The shelters’ operation is guided by a protocol for care and action that has been disseminated and distributed in coordination with the municipal offices for women.

48. For the investigation of cases of violence against women, the Public Prosecutor’s Office runs 23 specialized comprehensive support units across the country. These units receive complaints and provide comprehensive support to women, child and adolescent victims of violence. They also implement security measures to ensure that victims are fully protected and refer them to shelters. Five of these support units have teams of prosecutors, social workers and psychologists.

49. Between 2017 and June 2021, the support units dealt with 51,926 persons at risk, provided advice in 28,020 cases and processed 23,906 complaints from victims of violence (women and persons at risk), of which 12,886 related to domestic violence against women, 2,029 to sexual assault and 163 to harassment. They also put in place 7,260 security measures.

50. In the investigation of violent deaths of women and femicides, the Public Prosecution Service applies the Manual for the Investigation of Violent Deaths of Women. The intention

<sup>77</sup> Consulted on 20 October 2021 at [bit.ly/3EMx07i](https://bit.ly/3EMx07i).

is that this manual will be aligned with the guidelines set forth in the Latin American model protocol for investigating gender-based killings of women (femicides) and in the Consolidated Criminal Investigation Manual, with which prosecutors, forensic officers, investigators, police officers, experts and military police officers are expected to comply with a view to harmonizing investigative actions and procedures.

51. From 2017 to August 2021, the Office of the Special Prosecutor for Offences against Life registered 951 violent deaths of women and femicides nationwide. The cases that went to trial resulted in 194 convictions and 6 acquittals.

52. Between 2016 and July 2020, the special courts responsible for hearing domestic violence cases registered 81,928 complaints and handed down 76,895 rulings against perpetrators of offences of domestic violence. In areas where there are no special courts, domestic violence cases are heard before magistrates' courts.

53. Regarding studies of the phenomenon of violence, in October 2021 the National Institute of Statistics and the Ministry of Health published the national demographic and health survey prepared using the multiple indicator cluster methodology (ENDESA/MICS-2019), which for the first time included sections on victimization, disability, disciplining children, child labour and physical violence against women, among other topics.

54. According to the 2019 national demographic and health survey, 20 per cent of women in the 15–49 age bracket have been beaten or physically abused by another person at least one in their life (23 per cent in rural versus 18 per cent in urban areas) and 16 per cent of this same group of women have experienced some form of psychological, physical or sexual violence by a spouse or partner in the last 12 months. In the 45–49 age bracket, 29 per cent of women have suffered physical violence and 34 per cent have suffered psychological, physical or sexual violence by a spouse or partner. In this age group, 36.5 per cent are divorced women and 29 per cent are women who have had no schooling.

## 6. Decriminalization of abortion and sexual and reproductive rights (arts. 3, 6, 7, 17 and 26)

55. Concerning the recommendation contained in paragraph 17, relating to the amendment of the legal provisions criminalizing abortion, abortion remains a criminal offence under the new Criminal Code.

56. Regarding access to legal abortion in cases where the woman's health is in danger, the pregnancy is the result of rape or the fetus is non-viable, in June 2021 the Constitutional Chamber admitted appeals of unconstitutionality against article 67 of the Constitution and article 196 of the Criminal Code filed by a group of civil society organizations that are seeking the decriminalization of abortion on three grounds.

57. With regard to the recommendation to lift the ban on the emergency contraceptive pill, Ministerial Agreement No. 2744<sup>78</sup> of 2009, prohibiting the marketing, distribution, use, sale and purchase of the emergency contraceptive pill, remains in force.

58. The Ministry of Health has provided the following statistical data on deliveries and abortions, including ectopic pregnancies, missed abortions, spontaneous abortions, other types of abortion and complications following abortion, among women of all ages and, separately, among adolescent girls between 10 and 19 years of age, throughout the country:

*Statistical data on fertility, hospital admissions for childbirth, abortions and vaccination against human papillomavirus (HPV)*

Description	2017	2018	2019	2020	2031
Total fertility rate	2.54	2.51	2.47	2.44	2.58
Hospital births	144 680	144 749	137 143	125 193	99 684*
Adolescent deliveries	30 468	29 741	27 571	23 913	16 158*
Abortions***	-	13 202	12 194	9 751	7 530*

<sup>78</sup> *Gaceta* No. 32,045.

*Statistical data on fertility, hospital admissions for childbirth, abortions and vaccination against human papillomavirus (HPV)*

<i>Description</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2031</i>
Adolescent abortions (girls up to 19 years of age)***	1 754	1 641	1 414	1 118	1 276*
Girls having received the full HPV vaccine schedule	63 245	53 703	59 446	46 849	27 188**

*Source:* Ministry of Health.

\* As of September.

\*\* As of June.

\*\*\* Does not include abortions performed in private facilities and/or in community settings.

59. According to data provided by the Health Monitoring Unit, a total of 93 maternal deaths was recorded in 2019, including 7 deaths of adolescents between 15 and 19 years of age (7.5 per cent of all maternal deaths). In 2020, the total number of maternal deaths rose to 103, including 13 deaths of adolescents between 15 and 19 years of age (12.6 per cent of all maternal deaths).

60. The Maternal Mortality Monitoring Committee was established to prevent maternal mortality. It is active in 15 hospitals serving 12 regions and is represented by 37 municipal committees, each of which has developed an action plan to reduce maternal mortality.

61. The Ministry of Health has updated its guide to providing family planning services and its family planning protocol based on medical eligibility criteria set by the Pan American Health Organization/World Health Organization (PAHO/WHO). The updated versions broaden the range of long-term contraceptive methods available to adolescents. A rural family planning strategy has also been developed.

62. The policy for the prevention of adolescent pregnancies is primarily based on a preventive approach, hence the adoption of the National Strategy for the Prevention of Teenage Pregnancy in Honduras, the goal of which is to reduce the teenage pregnancy rate in 20 health districts through training initiatives.

63. In 2019, the National Strategy for the Prevention of Teenage Pregnancy in Honduras was evaluated by a multisectoral team of officials from the Ministry of Health, the Ministry of Education, the Ministry of Social Development and Inclusion, the Honduran Social Security Institute, the Honduran Paediatric Society, PAHO/WHO, the United Nations Population Fund and civil society organizations. The team also consulted adolescents from Indigenous and Afro-Honduran communities, adolescents living in rural areas and adolescents not in the school system in order to incorporate their views. The Adolescent Health Plan 2019–2024 was developed on the basis of this evaluation, with input from civil society organizations.

64. The implementation of the Multisectoral Plan for the Prevention of Teenage Pregnancy led to the creation of the Teenage Pregnancy Prevention Programme, a comprehensive initiative of the Dry Corridor Alliance aimed at improving the living conditions of teenage girls and their families and with a focus on the municipalities in six departments in the Dry Corridor.

65. Under the aforementioned Plan, the Adolescent-friendly Health Services Initiative has provided assistance to 302,500 teenagers in 48 adolescent-friendly health centres and adolescent care centres have been established in 58 priority municipalities, providing counselling, training and access to family planning and sexually transmitted infection prevention services.

66. As part of the “Yo Decido Cumplir mis Sueños” (I Decide to Realize my Dreams) teenage pregnancy prevention campaign, health fairs, forums and home visits benefiting 13,126 children and adolescents were organized between 2017 and 2019.

67. In addition, sexual and reproductive health units at Cities For Women Centres provided sexual and reproductive health services to women and support for pregnant

teenagers 474,646 times between 2016 and 2020. Over the same period, adolescent support units provided services on 32,016 occasions and child support units on 36,941 occasions.<sup>79</sup>

68. With regard to sexual and reproductive health education, in accordance with the National Sexual and Reproductive Health Policy, the Ministry of Education has published guides entitled “Cuidando mi Salud y mi Vida” (Taking Care of My Health and My Life) and “Escuelas para Padres en Educación Integral de la Sexualidad” (School for Parents: A Guide on Comprehensive Sex Education), which are used in training activities for students, teachers and parents at the preschool, primary and secondary school levels and cover topics such as sexuality, sexually transmitted infections, teenage pregnancy, responsible parenting and contraceptive methods.

69. In 2019, 22,750 teachers from 1,055 primary schools were certified to teach a comprehensive education course using the guides mentioned above and 17,672 students took the course nationwide.

70. Under the “Miles de Manos” (Thousands of Hands) programme, the Ministry of Education provided instruction on reproductive and sexual health and pregnancy prevention to 45,000 young persons and training on the use of the comprehensive sex education guides to 14,000 teachers, besides setting up an online teacher training platform.

71. Community education units at Cities For Women Centres provide training to adolescents – both those in school and those outside the school system – on gender issues, women’s rights and sexual and reproductive health through community activities in which adolescents are invited to participate alongside their parents.

## 7. Right to life (art. 6)

72. Concerning the recommendation contained in paragraph 19, the State has taken a series of measures to prevent and combat violence, reduce the homicide rate and strengthen the judicial system within the framework of the National Policy for the Justice and Security Sector 2011–2022,<sup>80</sup> the Comprehensive Policy on Coexistence and Citizen Security 2011–2022,<sup>81</sup> the Policy for the Prevention of Violence against Children in Honduras, the Vision for the Country 2010–2038 and the National Plan 2010–2022.

73. To bring the National Police closer to the community and improve local security in the municipalities, a national community policing model has been introduced, under which 8,590 police officers received training on community-based policing in 2017.<sup>82</sup>

74. The Ministry of Security has established and strengthened 30 local peace and coexistence observatories in 30 priority municipalities. In 2019, no homicides were recorded in 43 municipalities.<sup>83</sup> In 2020, the number rose to 48 municipalities and, in 2021, as of the month of July, no such offences had been reported in 68 municipalities.

75. The Ministry of Security referred 219 cases of deaths of minors to the Public Prosecution Service in 2019<sup>84</sup> and a further 106 such cases in 2020.<sup>85</sup>

76. According to the Digital Police Statistics System of the Ministry of Security, the total number of homicides committed throughout Honduras decreased from 3,685 in 2017 to 3,496 in 2020.

<sup>79</sup> Revista Resumen de Logros 2020.

<sup>80</sup> Consulted on 27 September 2021 at [bit.ly/3DzSRgx](http://bit.ly/3DzSRgx).

<sup>81</sup> Consulted on 27 September 2021 at [bit.ly/31A1pr7](http://bit.ly/31A1pr7).

<sup>82</sup> Consulted on 12 September 2021 at [bit.ly/31zQilj](http://bit.ly/31zQilj).

<sup>83</sup> 2019 report on the achievements of the Ministry of Security, consulted on 27 September 2021 at [bit.ly/3pZBMrV](http://bit.ly/3pZBMrV).

<sup>84</sup> 2020 report on the achievements of the Ministry of Security, consulted on 27 September 2021 at [bit.ly/31LSEto](http://bit.ly/31LSEto).

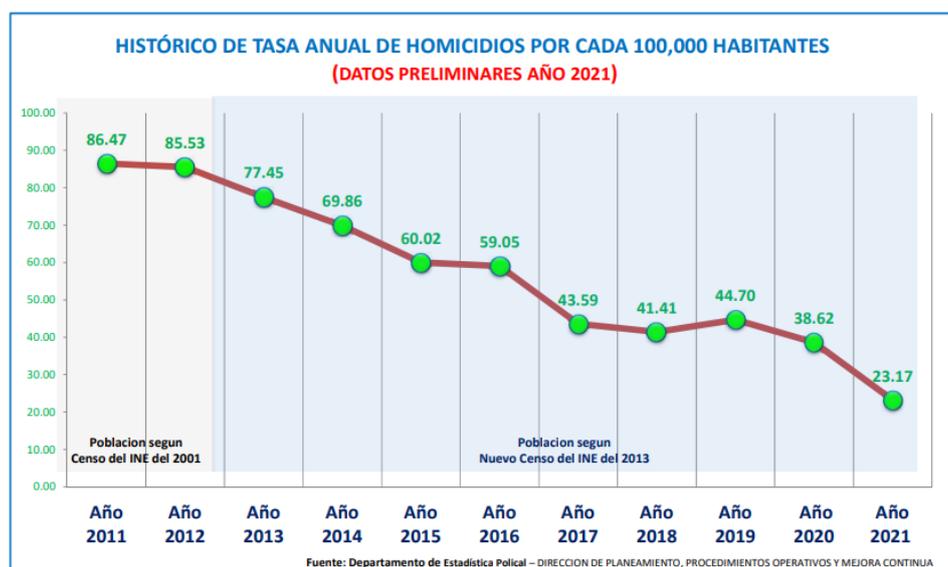
<sup>85</sup> Consulted on 27 September 2021 at [bit.ly/3y7OV5L](http://bit.ly/3y7OV5L).

Homicides by year, disaggregated by sex and age of the victim, provided by the Digital Police Statistics System

Age of victim	2017			2018			2019		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
0–17 years	65	280	345	60	239	299	47	202	249
18–39 years	229	2 333	2 562	203	2 237	2 440	205	2 487	2 692
40–59 years	77	701	778	84	712	796	102	815	917
60+ years	22	158	180	29	168	197	39	154	193
<b>Total</b>	<b>391</b>	<b>3 466</b>	<b>3 685</b>	<b>376</b>	<b>3 335</b>	<b>3 535</b>	<b>393</b>	<b>3 656</b>	<b>4 051</b>

Source: Digital Police Statistics System/Ministry of Security, homicides 2017/18,<sup>86</sup> 2019<sup>87</sup> and 2020.<sup>88</sup>

77. In 2020, the homicide rate decreased by 7 percentage points relative to 2019, equivalent to 586 homicides. One in every 10 victims was a woman and 1 in every 23 victims was a child, and 2,661 homicides in this period were committed using firearms. The annual homicide rate per 100,000 inhabitants from 2011 to July 2021 is shown below:



78. From January to May 2020, during the COVID-19 pandemic, the National Violence Observatory of the National Autonomous University of Honduras recorded 1,182 homicides, 334 fewer, or 22 per cent less, than the 1,516 homicides recorded over the same period in 2019.<sup>89</sup>

79. The budget allocated to the Prevention, Security and Defence Cabinet in 2020 was L 19,081,902,511 million, representing an increase of 36.25 per cent on the 2017 budget of L 14,004,826,770.

80. The Prevention, Security and Defence Cabinet is made up of 18 public institutions, including the Ministry of Security, which receives 36 per cent of the budget (L 6,970,580,428), the Ministry of Defence (44.36 per cent of the budget, or L 8,464,949,206), the Directorate for Police Disciplinary Matters (0.23 per cent of the budget, or L 45,405,615), the National Prison Institute (6.29 per cent of the budget, or

<sup>86</sup> Digital Police Statistics System, consulted on 27 September 2021 at [bit.ly/3oEpvJH](https://bit.ly/3oEpvJH).

<sup>87</sup> Digital Police Statistics System, consulted on 27 September 2021 at [bit.ly/3EFt6Nr](https://bit.ly/3EFt6Nr).

<sup>88</sup> Digital Police Statistics System, consulted on 27 September 2021 at [bit.ly/3y8uGoy](https://bit.ly/3y8uGoy).

<sup>89</sup> University Institute for Democracy, Peace and Security/National Violence Observatory/National Autonomous University of Honduras, Special Bulletin No. 84 of May 2020, consulted on 28 September 2021 at [bit.ly/3ye7oxp](https://bit.ly/3ye7oxp).

L 1,200,698,724), the Executive Directorate for Culture, Arts and Sports (0.99 per cent of the budget, or L 190,391,692), the National Prevention, Rehabilitation and Social Reintegration Programme (L 7,530,169) and the National Directorate for Parks and Recreation (0.19 per cent of the budget, or L 35,725,655).<sup>90</sup>

81. The Police Investigation Directorate operates 44 criminal investigation offices throughout Honduras and has two crime laboratories.<sup>91</sup> The first laboratory, located in the city of San Pedro Sula, became operational in 2017, and the second, located in the Central District, in 2019, thanks to an investment of US\$ 5,180,000 from the Public Security Tax Trust. The laboratories provide forensic services in the areas of chemistry, ballistics, identification, documentation, facial composites, topography, crime scene processing, video analysis, weapons tracing and analysis, munitions and explosives, photography and information technology and have 155 experts who have undergone training in countries including Chile, the United States of America, Russia, China, Colombia and Mexico.<sup>92</sup> There are also 21 mobile laboratories operating nationwide.<sup>93</sup>

82. The budget allocated to the Public Prosecution Service in 2020 was L 2,105,475,158 – an increase of 20.62 per cent with respect to the 2017 budget of L 1,745,475,158. Nationwide there are 47 public prosecutor's offices.

83. From 2017 to August 2021, the Office of the Special Prosecutor for Offences against Life registered 7,863 violent deaths throughout Honduras (7,023 men and 840 women) and prosecuted and convicted the perpetrators in 761 cases.

*Violent deaths investigated by the Public Prosecution Service, by year and sex of victim*

Description	2017	2018	2019	2020	2021*	Total
Women	222	228	168	140	82	840
Men	1 519	1 556	1 711	1 355	882	7 023
<b>Total</b>	<b>1 741</b>	<b>1 784</b>	<b>1 879</b>	<b>1 495</b>	<b>964</b>	<b>7 863</b>

Source: Office of the Special Prosecutor for Offences against Life.

\*As at August.

84. To strengthen cooperation and mutual assistance in the fight against organized crime, on 10 November 2021 representatives of the Public Prosecution Services of Honduras and Colombia met to devise joint strategies to address the challenges posed by criminal activities such as migrant trafficking, drug trafficking and money laundering and to establish a bilateral agenda for the two institutions based on respect for due process and human rights.

85. In 2021, the Public Prosecution Service put 80 people through a specialized course on organized crime.

86. Regarding efforts to combat drug trafficking, operations in 2020 resulted in the seizure of more than 20,000 kilograms of cocaine, 2.9 million marijuana plants and 176,000 pounds of marijuana, the destruction of 267 clandestine airstrips, the confiscation of 1,767 assets financed from drug trafficking and money laundering activities, the dismantling of 18 drug laboratories, 23 extraditions and the disbanding of 507 criminal organizations.<sup>94</sup> In addition, arrests were made for the following offences:

*Number of arrests per offence*

Offence	2017	2018
Drug possession and trafficking	1 902	2 342

<sup>90</sup> Legislative Decree No. 182-2020, *Gaceta* No. 35,468.

<sup>91</sup> Consulted on 11 October 2021 at [bit.ly/3IAAd5us](http://bit.ly/3IAAd5us).

<sup>92</sup> Consulted on 11 October 2021 at [bit.ly/31RpDwM](http://bit.ly/31RpDwM).

<sup>93</sup> Consulted on 11 October 2021 at [bit.ly/3IyzOHe](http://bit.ly/3IyzOHe).

<sup>94</sup> Revista Resumen de Logros 2020.

<i>Number of arrests per offence</i>		
<i>Offence</i>	<i>2017</i>	<i>2018</i>
Domestic violence	3 584	3 858
Family violence	2 194	2 747
Sexual assault	820	1 018

*Source:* 2017/18 report on the achievements of the Ministry of Security.

87. In the 2013 International Narcotics Control Strategy Report of the Department of State of the United States of America, it was noted that 87 per cent of drugs destined for the United States transited through Honduras, whereas, in the 2020 report, it was estimated that only 4 per cent, or 120 metric tons, of cocaine shipments<sup>95</sup> transited through Honduras in 2019, pointing to a significant reduction in the volume of drugs being trafficked through the country.

88. In 2017, there were 884 magistrates and judges working in the judicial branch nationwide (471 women and 413 men), spread across 481 chambers, collegiate courts, courts of first instance and magistrate's courts.<sup>96</sup> The court system has now introduced the possibility of organizing virtual hearings and videoconferences during criminal proceedings.<sup>97</sup>

89. In 2019, the Register of Experts, Interpreters and Translators was established to provide a reference database for the various legal processes.<sup>98</sup> In 2020, the Act on the Electronic Management of Judicial Proceedings came into force, providing for the introduction of an electronic judicial file system to facilitate and increase the transparency of criminal proceedings.

90. In 2020, the judiciary registered 1,115 offences against sexual freedom and issued 1,107 rulings in these cases.<sup>99</sup> It also issued 3,340 rulings in cases of domestic violence.

*Statistical data on offences against sexual freedom in 2020, provided by the judicial branch*

<i>Offence</i>	<i>Cases</i>	<i>Sex of victim</i>		<i>Protected witnesses</i>	<i>Ruling</i>
		<i>Women</i>	<i>Men</i>		
Rape	616	669	65	18	541
Trafficking in persons	12	10	0	6	12
Lewd acts	416	424	64	0	450
Abduction	20	18	1	2	28
Statutory rape	26	25	1	0	51
Sexual harassment	19	17	3	0	12
Sexual exploitation	1	1	0	2	3
Procuring	5	5	1	1	10
<b>Total</b>	<b>1 115</b>	<b>1 169</b>	<b>135</b>	<b>29</b>	<b>1 107</b>

*Source:* Statistics unit of the judicial branch.<sup>100</sup>

91. In 2019, the Public Defence Service provided legal assistance to 16,950 persons (15,762 men and 1,188 women) in criminal proceedings. In 2020, it assisted 12,409 persons

<sup>95</sup> Consulted on 20 October 2021 at [bit.ly/3GqAtbZ](https://bit.ly/3GqAtbZ).

<sup>96</sup> 2017 annual report of the judicial branch, available at [bit.ly/3ya0vxa](https://bit.ly/3ya0vxa).

<sup>97</sup> Amendment of arts. 127-A and 127-B of the Code of Criminal Procedure, pursuant to Legislative Decree No. 97-2017, *Gaceta* No. 34,473.

<sup>98</sup> 2019 annual report of the judicial branch, available at [bit.ly/3IyIRIi](https://bit.ly/3IyIRIi).

<sup>99</sup> Consulted on 12 October 2020 at [bit.ly/32oN2FS](https://bit.ly/32oN2FS).

<sup>100</sup> Consulted on 12 October 2020 at [bit.ly/3Gr2gcg](https://bit.ly/3Gr2gcg).

(11,975 men and 725 women)<sup>101</sup> and obtained 8,292 resolutions (8,012 adults and 290 children and adolescents in conflict with the law). In 2020, it was employing 275 public defenders nationwide spread across 33 judicial offices.

92. Between 2017 and 2020, the Judicial Facilitators Programme organized community discussions with 163,479 persons (80,098 men and 83,381 women), conducted 23,431 advice sessions, facilitated 3,725 settlements and referred 4,447 cases to the competent courts.<sup>102</sup>

93. In 2019, within the framework of the EuroJusticia Programme, a manual on the training of judicial facilitators for the lesbian, gay, bisexual, transgender and intersex community was developed and approved by the National Commission for the Development of Alternatives to Formal Education. Three round tables on access to justice for lesbian, gay, bisexual, transgender and intersex persons were established in Tegucigalpa, Choluteca and Tela and the San Pedro Sula round table was reactivated.<sup>103</sup>

94. The 1,011 employees of the 911 national emergency system provide emergency assistance through emergency and operations coordination centres in the cities of Tegucigalpa, San Pedro Sula, Santa Rosa de Copán, Tela and Choluteca. From 2017 to July 2021, the 911 system received 64 million calls and coordinated the following assistance:<sup>104</sup>

(a) Response to 1.2 million emergencies in which people's lives and safety were in danger;

(b) Response, by 62 physicians, to 703,000 pre-hospital medical emergencies, in coordination with the Honduran Red Cross, the Emergency Medical Unit and the Telemedicine Platform;

(c) Provision of psychological care in 12,000 cases;

(d) Response to 190,000 emergencies caused by natural phenomena, in particular tropical storms Eta and Iota;

(e) Response to 300,000 building, forest and industrial fires, in coordination with the Honduran Fire Department;

(f) Referral of 800,000 cases to the investigation and intelligence agencies that dealt severe blows to criminal organizations.

95. Regarding prevention and protection programmes for children and young persons who refuse to join criminal gangs, within the framework of the National Policy on the Prevention of Violence against Children and Young Persons, in 2019 the National Prevention, Rehabilitation and Social Reintegration Programme for Gang Members was operating 124 community networks for the prevention of violence and the promotion of a culture of peace and social coexistence, covering 5 departments, 15 municipalities and 124 neighbourhoods and serving 76,298 children and young persons through various initiatives, in coordination with other institutions.

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*Children and young persons benefiting*

<i>Initiative</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
I dare to live my dreams (Desafío de soñar mi vida)	7 485	7 485	171
Decision-making and conflict resolution	5 279	3 871	374
Strong families (Familias fuertes)	324	543	-
Film screenings and discussions	3 512	639	232
The truth about drugs (aimed at children and young persons between 12 and 25 years of age)	3 613	3 268	2 493
Stories left untold (Cuentos que no son cuentos), a child sexual abuse prevention campaign	1 757	1 543	1 394

<sup>101</sup> 2019 and 2020 statistical reports of the Public Defence Service.

<sup>102</sup> Consulted on 12 October 2020 at [bit.ly/3Gov2dm](https://bit.ly/3Gov2dm).

<sup>103</sup> 2019 annual report of the judicial branch.

<sup>104</sup> Consulted on 11 October 2021 at [bit.ly/3EGqVJo](https://bit.ly/3EGqVJo).

*Children and young persons benefiting*

<i>Initiative</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Road to happiness (Camino a la felicidad)	730	3 182	2 363

*Source:* 2018, 2019 and 2020 reports on the achievements of the National Prevention, Rehabilitation and Social Reintegration Programme for Gang Members.<sup>105</sup>

96. Noteworthy activities led by the National Prevention, Rehabilitation and Social Reintegration Programme for Gang Members include:

(a) Psychological and vocational assistance workshops in the Victoria Project rehabilitation centres, Marco Aurelio Soto Prison, National Women's Prison for Social Adaptation, rehabilitation centres run by non-government organization (NGO) Hogar Crea and secondary schools in Francisco Morazán, Olancho, Cortés, Comayagua, Santa Bárbara and Lempira;

(b) In 2019, removal of tattoos from 1,224 young persons (859 men and 365 women) in the Central District;

(c) Update, in 2019, of the Study of Gangs and Maras in Honduras, with support from UNDP and Asociación para una Sociedad más Justa, an NGO, with a view to determining how best to approach the issue through public policies, State action, social actors and interviews with gang members, neighbours and the community;

(d) With the support of the Ministry of Social Development and Inclusion, development of a digital methodological platform that will make it possible to educate and interact virtually with children and adolescents who are in vulnerable situations or live in a violent environment;

(e) In the departments of Francisco Morazán and Olancho, implementation of a project to promote empowerment, sanitation and sports with a view to strengthening the family unit and the community sector and preventing violence, which includes a health component under which psychological counselling is provided with a focus on drug abuse, suicide, sexual abuse and harassment, violence and resilience during the COVID-19 pandemic;

(f) Development of the National Policy for the Social Reintegration of Adolescents and Young Persons in Conflict with the Law;

(g) In coordination with the United Nations Office on Drugs and Crime Regional Office for Central America and the Caribbean, development of a methodology for the formulation of a strategy and plan for reducing demand for drugs.

97. The National Prevention, Rehabilitation and Social Reintegration Programme for Gang Members employs community-based experts certified in restorative justice and development.

98. In 2020, under the Recreation and Violence Prevention Strategy, 70 youth outreach centres spread across seven different departments organized sporting, artistic and entertainment activities for more than 42,000 children and adolescents, having received an investment of L 100 million.

99. Within the framework of the National Policy on Prevention of Violence against Children and Young Persons and the Gang Resistance Education and Training Programme, the Ministry of Security has been working to promote peace and healthy coexistence by organizing talks on drug prevention, sexual abuse, civil coexistence and values and recreational camps and activities, in which 347,990 children and adolescents between 7 to 17 years of age took part between 2017 and 2021. In 2017, 87,617 children and adolescents benefited; in 2018, 101,998 children and adolescents; in 2019, 136,720 children and

<sup>105</sup> Consulted on 27 September 2021 at [bit.ly/3m6Ksvm](http://bit.ly/3m6Ksvm).

adolescents; in 2020, 1,546 children and adolescents; and in 2021, 20,109 children and adolescents.

100. As at September 2021, under the Strategy for the Prevention of Violence and Return to Peace, which is part of the Better Life Programme, 116 “parks for a better life” had opened across the country.<sup>106</sup> These parks are inclusive spaces that promote healthy coexistence, a culture of peace and the prevention of violence and, on average, are visited by more than 375,000 people of all ages every month.<sup>107</sup>

101. The Ministry of Education is pursuing the following strategies to prevent violence in schools:

(a) The “Building Peace, Coexistence and Citizenship” strategy, which is being implemented in 85 schools;

(b) The “Prevention, Protection and Reducing Violence in Schools” strategy, under which 19,586 persons received training in 2017;

(c) The “Live Better Without Drugs” strategy, from which more than 100,000 children and adolescents between 13 to 16 of years of age in 127 schools across the country benefited in 2018;

(d) The “Thousands of Hands” strategy, under which an agreement on violence prevention measures has been concluded with the Ministry of Security.<sup>108</sup>

102. With the support of the United Nations Children’s Fund and civil society organizations, the Ministry of Security is implementing the “Apapáchame: Educate Me with Love and Respect, It’s in Your Hands” campaign, under which more than 8,000 children and adolescents have benefitted from violence prevention services.<sup>109</sup>

103. To facilitate the implementation of the System for the Promotion and Comprehensive Protection of the Rights of the Child, the Integrated System for the Rights of Children and Adolescents in Honduras was established in 2019. The System comprises the National Children’s Rights Council, 5 departmental councils and 164 municipal councils, other State agencies and around 150 children’s civil society organizations.

104. In 2020, the System for the Promotion and Comprehensive Protection of the Rights of the Child, represented by the Directorate for Children, Adolescents and Families, conducted 44 training courses on protecting children’s rights for members of municipal children’s rights councils. It also launched the Children’s Rights Observatory, drew up 25 action plans and held 10 workshops to disseminate the draft national policy on the rights of children and adolescents in Honduras, besides providing assistance, in 24,000 cases, to children and adolescents in need of protection whose rights had been violated.

105. With a view to developing a comprehensive approach to assisting children and adolescents in street situations, in 2020, during the COVID-19 pandemic, the Directorate for Children, Adolescents and Families launched the Inter-Agency Strategy on Street Families and Children, under which it carried out operations in the Central District and San Pedro Sula. It also formulated the Protocol for Supporting Unprotected Children, Especially Street Children, and provided 179 children and adolescents from 148 families with food rations and masks.

## 8. Right to liberty and security of person (art. 9)

106. With regard to the recommendations contained in paragraph 21, as part of efforts to strengthen the National Police, the Organic Act on the Ministry of Security and the National Police of Honduras entered into force in 2017 and the Police Service Act and its implementing regulations entered into force in 2019, creating a police force within which preventing, controlling and prosecuting crime are the central focus.

<sup>106</sup> Consulted on 6 September 2021 at [bit.ly/3GMIIzm](http://bit.ly/3GMIIzm).

<sup>107</sup> Consulted on 27 September 2021 at [bit.ly/3F5Hyi0](http://bit.ly/3F5Hyi0).

<sup>108</sup> Consulted on 27 September 2021 at [bit.ly/33wWTtY](http://bit.ly/33wWTtY).

<sup>109</sup> Revista de Logros 2020.

107. From 2017 to October 2021, the Technical Police Institute trained 8,845 new police officers (7,238 men and 1,607 women) and 479 deputy police inspectors (397 men and 82 women) graduated from the National Police Academy. In the period 2019–2021, 17,345 police officers received training on human rights issues.

108. In 2018, the Ministry of Security, the Mobile Anti-Riot Squadron of the Colombian National Police and the Republican Security Company of the French Police trained members of the Police Investigation Directorate on police procedures and actions used in crowd management and control and the legal use of force in police procedures, with a focus on human rights.

109. In May 2021, the fourth phase of the Morazán Plan was launched in the 30 municipalities with the highest crime rates. Following the redistribution of law enforcement forces, the National Inter-institutional Security Force is focused on restoring peace and tranquillity in these municipalities, in which 70 per cent of the violence afflicting the country is concentrated.<sup>110</sup>

110. The Special Commission for the Reform of the National Police established in 2016 to undertake a comprehensive overhaul of the police force led to the dismissal of 5,635 police officers and other law enforcement officials.<sup>111</sup>

111. The Organic Act on the Ministry of Security provided for the establishment of the Directorate for Police Disciplinary Matters,<sup>112</sup> responsible for investigating serious and very serious misconduct committed by members of the police force. From the start of 2019 to October 2021, it received 6,270 complaints (1,471 for serious misconduct and 4,799 for very serious misconduct).

112. The number of complaints received increased by 31.35 per cent between 2019 and 2020. In total, 1,667 cases were investigated, 167 were closed on a preliminary basis and 357 were shelved definitively, 1,266 discharge hearings were conducted and 1,025 technical-administrative rulings recommending dismissal were issued.<sup>113</sup>

113. With regard to the adoption of a legislative framework guaranteeing that private security companies operate in keeping with the Covenant, the Regulations for the Control of Private Security Services assign responsibility for the registration, monitoring, supervision and oversight of private security services to the Private Security Companies Oversight Unit of the Ministry of Security.<sup>114</sup>

114. In order to improve State oversight of the activities of these companies and reinforce the supervisory role of the Private Security Company Oversight Unit, since August 2021 the Unit has had four regional offices, located in the Central District, San Pedro Sula, La Ceiba and Choluteca. These offices have registered 826 private security companies (519 for-profit and 307 not-for-profit) throughout Honduras and sanctioned 21 companies for committing offences under the aforementioned Regulations. In 2017/18, the regional offices conducted 1,749 field inspections of security companies, 196 inspections of armoured vehicles and 820 supervisory visits to non-legalized companies, seized 509 weapons and registered a further 220 weapons.<sup>115</sup>

115. In 2017, the Ministry of Security arrested 3,252 persons for the offence of unlawfully carrying a weapon and 503 persons for the offence of unlawfully possessing a weapon and seized 115,122 rounds of ammunition. In 2018, it arrested 3,552 persons for the offence of unlawfully carrying a weapon and 493 for the offence of unlawfully possessing a weapon.

116. In the the same period, the Police Investigation Directorate issued 19,911 permits to carry a weapon and renewed 781 such permits.<sup>116</sup>

<sup>110</sup> Consulted on 5 October 2021 at [bit.ly/3pSnnJy](https://bit.ly/3pSnnJy).

<sup>111</sup> Revista Resumen de Logros 2020, p. 42.

<sup>112</sup> Legislative Decree No. 18-2017, *Gaceta* No. 34,463.

<sup>113</sup> Consulted on 11 October 2021 at [bit.ly/3EYFjgh](https://bit.ly/3EYFjgh).

<sup>114</sup> Agreement No. 013-2009.

<sup>115</sup> 2017 and 2018 reports on the achievements of the Ministry of Security.

<sup>116</sup> 2017 report on the achievements of the Ministry of Security.

117. In order to exercise effective control over the possession and use of firearms and reduce the number of weapons in circulation, the Act on the Control of Firearms, Munitions, Explosives and Related Items was passed in 2018.

**9. Extrajudicial killings, enforced disappearance and excessive use of force (arts. 6 and 7)**

118. Concerning the recommendation contained in paragraph 23, on the investigation of cases of extrajudicial execution and enforced disappearance, acting through the Disappearances Unit of the Police Investigation Directorate<sup>117</sup> and under the technical and legal guidance of the Office of the Special Prosecutor for Ordinary Offences and the Office of the Special Prosecutor for Human Rights, the National Police coordinates with justice officials and other bodies to undertake the investigative actions and processes necessary to gather the evidence required to bring criminal proceedings, applying the Missing and Disappeared Persons Protocol. Between 2017 and 2021, the Office of the Special Prosecutor for Human Rights registered 26 allegations of enforced disappearance nationwide.

119. In 2016, the Ministry of Security, acting through the National Central Bureau of the International Criminal Police Organization (INTERPOL) and the Public Prosecution Service signed an agreement on the prosecution of transnational crimes and crimes of a transnational nature that provides access to INTERPOL databases by means of the Fixed INTERPOL Network Database, through which information on DNA, fingerprints, the Firearms Reference Table and the Ballistic Information Network can be consulted.<sup>118</sup>

120. In April 2019, the Missing Persons Unit was set up within the Police Investigation Directorate. The Unit is attached to the INTERPOL National Central Bureau and is responsible for handling missing persons reports that have been lodged on a variety of grounds and referring cases to the Public Prosecution Service where appropriate. As at May 2021, it had registered 2,478 missing persons reports. Of that number, 1,632 persons have been located, 60 are presumed dead and 786 individuals remain unaccounted for, with their cases still under investigation.

121. The 1,632 persons who were located had been missing for a variety of reasons, the main ones being intentional disappearance, emotional issues, migration, mental health problems, detention and abduction.

*Missing and located persons reports*

<i>Year</i>	<i>Missing persons reports</i>	<i>Male</i>	<i>Female</i>	<i>Located</i>	<i>Presumed dead</i>	<i>Unaccounted for</i>
2016	774	507	267	n/a	n/a	n/a
2017	793	483	310	n/a	n/a	n/a
2018	1 207	772	435	n/a	n/a	n/a
2019	1 547	787	760	1 098	32	417
2020	798	453	345	448	21	329
2021	133	60	73	86	7	40

*Source:* Police Investigation Directorate/Disappearances Unit.

\* n/a: No data available.

122. Between 2018 and April 2021, the Directorate for Police Disciplinary Matters received 17 allegations of enforced disappearance. It also handled 28 allegations of unlawful detention.

123. The Forensic Medicine Directorate is responsible for identifying remains, examining bodies and making a scientific determination of causes of death.

<sup>117</sup> Arts. 1 and 4 (u), Executive Decree No. PCM-063-2015, *Gaceta* No. 33,979.

<sup>118</sup> Consulted on 25 May 2021 at [bit.ly/3wprWRf](http://bit.ly/3wprWRf).

124. To strengthen the Directorate's capacity:

(a) In 2017, it was provided with five mobile morgues, a cold room, two forensic clinics and three criminalistics units;

(b) The regional forensic medicine headquarters in San Pedro Sula were rebuilt, using an investment of L 33.57 million from the Public Security Tax Trust;<sup>119</sup>

(c) In 2020, 47 specialists were recruited, including 22 physicians, 2 psychologists, 6 toxicologists, 7 radiologists, 5 evidence collection technicians and 5 dissection technicians,<sup>120</sup> all of whom trained at the Orlan Arturo Chávez Academy run by the Public Prosecution Service;

(d) A humanitarian cemetery has been set up with the support of the International Committee of the Red Cross (ICRC) to improve the handling of the remains of unidentified deceased persons and unclaimed bodies. In 2020, an additional section was constructed to provide an extra 96 spaces<sup>121</sup> and 122 unclaimed bodies were buried in individual plots; and

(e) With support from ICRC, training days on forensic anthropology and best practices in the recovery of buried bodies were organized for medical and technical staff working in forensic pathology in Tegucigalpa, San Pedro Sula, La Ceiba, Yoro and Santa Rosa de Copán. The aim was to improve the investigation of homicide cases and ensure the dignified recovery of human remains by using scientific techniques that meet international standards. The training also covered the application of archaeological techniques in the recovery of remains in cases linked to disappearances, clandestine graves and natural disasters.<sup>122</sup>

125. In 2019 and 2020 combined, ICRC trained:<sup>123</sup>

(a) 78 forensic specialists in subjects related to their areas of expertise;

(b) 18 mental health and psychosocial support specialists;

(c) 61 officials from the Forensic Medicine Directorate and the armed forces, in the dignified treatment of relatives of missing persons;<sup>124</sup> and

(d) 44 forensic doctors in the proper collection and analysis of skeletal remains.

126. In June 2019, the Forensic Medicine Directorate, the Criminal Investigation Academy run by the Police Investigation Directorate and the Judicial Training School trained 16 judges and prosecutors in the work of the crime laboratories at the Centre for Forensic Medicine and Science. Topics covered included crime scene management methodologies, proper use of the guarantee of authenticity, the services provided by forensic laboratories and their contribution to case resolution and the administration of justice.<sup>125</sup>

127. To provide for the use of fingerprints to identify deceased persons, in 2016 the Public Prosecution Service and the National Registry Office signed an inter-agency cooperation agreement to ensure that persons subject to autopsy, inspection or recognition are properly identified and deaths are registered within the time frames established by law.<sup>126</sup>

128. Regarding the search for Honduran nationals missing abroad, the Ministry of Foreign Affairs and International Cooperation, acting through the Directorate General for the Protection of Honduran Migrants and the consular network, responds to requests from relatives of the missing person, who play an active role in the search and identification process.

<sup>119</sup> Consulted on 18 May 2021 at [bit.ly/3hROkgD](https://bit.ly/3hROkgD).

<sup>120</sup> Consulted on 26 May 2021 at [bit.ly/3k2KPqk](https://bit.ly/3k2KPqk).

<sup>121</sup> Consulted on 20 May 2021 at [bit.ly/3wwkxj5](https://bit.ly/3wwkxj5).

<sup>122</sup> Consulted on 16 June 2021 at [bit.ly/3e4Tm8q](https://bit.ly/3e4Tm8q).

<sup>123</sup> Consulted on 3 May 2021 at [bit.ly/3wwkxj5](https://bit.ly/3wwkxj5).

<sup>124</sup> Consulted on 21 June 2021 at [bit.ly/3yFqNq7](https://bit.ly/3yFqNq7).

<sup>125</sup> Consulted on 16 June 2021 at [bit.ly/3qXsJHM](https://bit.ly/3qXsJHM).

<sup>126</sup> Consulted on 24 May 2021 at [bit.ly/3hQhjle](https://bit.ly/3hQhjle).

129. In February 2020, the ICRC tracing bureau for missing persons, which is composed of representatives of the Ministry of Foreign Affairs and International Cooperation, the Ministry of Security, the National Registry Office, CONADEH, the Honduran Red Cross, OHCHR and civil society organizations, published a guide for the relatives of missing migrants that informs them of their rights to truth, justice, reparation and guarantees of non-repetition and how to exercise these rights.

130. The bill on comprehensive reparation for victims of human rights violations caused by actions or omissions attributable to the State was resubmitted to the National Congress on 16 May 2018. It has now been submitted to the Commission on Justice and Human Rights for a decision, pending the receipt of expert opinions from stakeholders in relevant sectors.

131. With regard to the recommendation contained in paragraph 25 (a), the Office of the Special Prosecutor for Human Rights and the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials are responsible for investigating alleged acts of torture and cruel, inhuman or degrading treatment.

132. From the start of 2017 to September 2021, the Office of the Special Prosecutor for Human Rights investigated 58 allegations of torture. Of that number, 51 are now at the preparatory stage, 2 at the intermediate stage and 2 at the trial stage, and 2 convictions have been secured. Two of the allegations investigated were referred in 2021 by the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment and are still under investigation.

133. The Office of the Special Prosecutor for Human Rights has registered 23 allegations of cruel treatment, 22 of which are at the preparatory stage and 1 at the intermediate stage. In October 2021, the Office of the Special Prosecutor for Human Rights and the Technical Criminal Investigation Agency were investigating the case of a serving police officer implicated in an offence of this nature.<sup>127</sup>

134. In the period 2018–2020, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials investigated five allegations of torture. Three of these cases have since been closed but two remain under investigation. It should be noted that two of the cases stemmed from allegations filed by human rights defenders.

135. The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment monitors conditions of deprivation of liberty in detention centres, custody and internment centres and police stations and issues recommendations to the various authorities. It has 17 local committees for the prevention of torture around the country.

136. CONADEH also receives complaints of torture and other cruel, inhuman or degrading treatment. Between the start of 2017 and July 2021, it registered 428 complaints, 120 of which related to torture and 308 to cruel, inhuman or degrading treatment. Of the total number of cases, 171 were complaints related to treatment in detention facilities.

137. With regard to the recommendation contained in paragraph 25 (b), in order to strengthen the investigative capacity of the Office of the Special Prosecutor for Human Rights, within the framework of the Plan to Strengthen the Office of the Special Prosecutor for Human Rights, the Public Prosecution Service Training Academy and the University for Peace signed a cooperation agreement to develop training programmes including a diploma course in criminal investigation, analysis of forensic evidence and human rights violations.<sup>128</sup>

138. In May 2021, the Public Prosecution Service and OHCHR signed a letter of understanding to establish a framework for technical cooperation to strengthen the Service's criminal investigation capacities in cases of human rights violations and draw up a workplan for sharing experiences and case studies, formulating and implementing protocols, manuals,

<sup>127</sup> Consulted on 22 October 2021 at [bit.ly/3oWR3Kv](https://bit.ly/3oWR3Kv).

<sup>128</sup> Consulted on 21 May 2021 at [bit.ly/3dY88xO](https://bit.ly/3dY88xO).

documents and processes for strengthening human and technical resources for criminal investigations and promoting access to justice for the most vulnerable groups.<sup>129</sup>

139. In order to strengthen prosecution strategies and their effectiveness, in line with international standards and particularly in complex cases of human rights violations, with the support of OHCHR the Public Prosecution Service Training Academy organized a workshop on standards, tools and best practices for the investigation of serious human rights violations for public servants including prosecutors, investigators of the Technical Criminal Investigation Agency and forensic doctors from the cities of Tegucigalpa and San Pedro Sula.<sup>130</sup>

140. The Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, in coordination with the Public Prosecution Service Training Academy, conducts training sessions on the rights of Indigenous Peoples in which participants are familiarized with the manual for the investigation of violations of the rights of Indigenous and Afro-Honduran Peoples, which is designed for the use of prosecutors and members of the investigative police nationwide.

141. In 2020, the Public Prosecution Service trained 229 persons, including medical personnel from the University Teaching Hospital and the San Felipe Hospital and members of the National Inter-institutional Security Force, in torture prevention, international standards and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

142. The Forensic Medicine Directorate applies the Istanbul Protocol when conducting examinations of victims of torture and cruel, inhuman or degrading treatment.

143. With regard to the recommendation contained in paragraph 25 (c), concerning the adoption of legislation on the use of force, the Commission on Justice and Human Rights of the National Congress has issued a favourable opinion on the bill governing the use of force by law enforcement officials and forces, which is currently before the Congress for consideration.

144. Allegations accusing military, police and State officials of excessive use of force are handled by the section of the Office of the Special Prosecutor for Offences against Life dedicated to investigating deaths committed by members of the defence and/or security forces, law enforcement officials or State officials. Since 2017, this section has obtained four convictions for homicide, four for involuntary homicide, one for abuse of authority and one for personal injury, in addition to two acquittals. It is currently investigating 36 cases.

145. The Office of the Special Prosecutor for Human Rights is also investigating 13 allegations of personal injury caused by excessive use of force by officers.

146. Training sessions on the principles governing the use of force, the prevention of torture and human rights have been conducted for law enforcement and military officials, as follows:

(a) In 2019, more than 100 police officers of Departmental Police Unit No. 7 and 30 members of the armed forces of the 110th Infantry Brigade were trained by the Ministry of Security in human rights and the manual on the use of force;

(b) Also in 2019, 1,385 persons (447 investigative police officers, 367 prison officers, 207 military police personnel and 364 road and transport officers, municipal police officers and students of the National Police Academy) were trained in torture prevention, international standards and the Istanbul Protocol;

(c) In 2020, 110 officers of the Technical Criminal Investigation Agency were trained on the manual on the use of force in 2020, followed, in 2021, by approximately 360 members of the COBRA and TIGRES preventive and special operations units;

<sup>129</sup> Consulted on 24 June 2021 at [bit.ly/3dVcqpe](https://bit.ly/3dVcqpe).

<sup>130</sup> Consulted on 6 October 2021 at [bit.ly/3IYSEGJ](https://bit.ly/3IYSEGJ).

(d) The curricula of the academies and educational and training centres of the armed forces include the subject of use of force and firearms, with a focus on international standards, and are taught by ICRC-certified military instructors;

(e) New army recruits at the Military Training Centre of the Armed Forces attend a seminar on human rights and the use of force and firearms conducted by the Ministry of Human Rights that, since 2015, has included the subject of prevention of discrimination;

(f) The National Prison Institute, in coordination with the Ministry of Human Rights, CONADEH, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment, ICRC and civil society organizations, provides training for its staff and members of the Intervention Commission in human rights and the rights of persons deprived of their liberty, the prohibition of torture, and cruel, inhuman or degrading treatment, and the use of force; and

(g) In 2019, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment trained 40 public officials of the National Institute for Juvenile Offenders on torture prevention, the Istanbul Protocol and the human rights of children and adolescents deprived of their liberty.

147. With regard to the recommendation contained in paragraph 25 (d), concerning the penalties for acts of torture established in criminal law, the new Criminal Code makes torture punishable by terms of imprisonment of 6 to 10 years and a general disqualification from office for 15 to 20 years. These penalties are multiplied by one third when the victim is a minor, a pregnant woman, an older person or a person with a disability. Furthermore, the Code applies penalties for the offence of commission by omission to authorities, officials and public servants who, by dereliction of duty, allow others to commit acts constituting torture.

148. With regard to the recommendation contained in paragraph 27, the Office of the Special Prosecutor for Human Rights was allocated a budget of L 19,852,147.34 in 2019, which was 64.47 per cent greater than the amount allocated in 2017 (L 12,069,883.46). The budget for 2021 is L 14,742,732.44. The Office has 14 prosecutors, 3 assistant prosecutors and 6 administrative staff spread across the office in Tegucigalpa and five regional offices in La Ceiba, San Pedro Sula, Santa Rosa de Copán, Tocoa, Comayagua and Choluteca.

149. In order to develop the skills of staff of the Office of the Special Prosecutor for Human Rights, training was provided through the following workshops:

(a) Human Rights and Enforced Disappearance, delivered in 2017 to 20 prosecutors attached to the Office of the Special Prosecutor for Human Rights, the Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for Organized Crime and the Office of the Special Prosecutor for Children, to expand their knowledge of approaches and methodologies for analysing, assessing and understanding situations involving enforced disappearance;<sup>131</sup>

(b) Command responsibility and duty of the State in investigating and punishing offenders: Analysis and comparison of experiences in the Latin American Region, delivered in 2018 by the Public Prosecution Service Training Academy, OHCHR and Lawyers Without Borders Canada to prosecutors from the Office of the Special Prosecutor for Human Rights, the Prosecution Support Unit of the National Inter-institutional Security Force, the Office of the Special Prosecutor for Offences against Life and the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials;<sup>132</sup>

(c) Incorporation of a Differentiated Approach for Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Criminal Investigations, hosted in 2019 by Cattrachas, a Honduran NGO; and

(d) In 2021, the Office strengthened its expertise for handling cases involving human rights defenders, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and persons deprived of liberty and cases involving malpractice in the public

<sup>131</sup> Consulted on 25 May 2021 at [bit.ly/3yFu2hh](https://bit.ly/3yFu2hh).

<sup>132</sup> Consulted on 7 August 2020 at [bit.ly/3281mCJ](https://bit.ly/3281mCJ).

and private hospital systems during the COVID-19 pandemic. It also established a unit to investigate offences under the Agrarian Reform Act committed against campesinos and organized campesino groups.<sup>133</sup>

150. During the reporting period, the budget approved for the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment was increased, from L 9 million in 2017<sup>134</sup> to L 12,379,403 in 2021,<sup>135</sup> and the Committee's commissioners were appointed (Miguel Arturo Sánchez Aguilera, who is a lawyer, was appointed by the legislature, while María Jessica Abufele, also a lawyer, was appointed to the position of pro tempore secretary by the executive branch).

151. To strengthen the capacities of the local committees around the country,<sup>136</sup> in 2021, with the support of OHCHR, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment held several training sessions on subjects including the functions and powers of national preventive mechanisms, international instruments, the implementation of safeguards in the first few hours of detention and differentiated treatment for vulnerable groups.

## 10. Internally displaced persons (arts. 2, 12 and 26)

152. With regard to the recommendation contained in paragraph 29, in order to prevent internal displacement the Ministry of Human Rights' Directorate for the Protection of Persons Internally Displaced by Violence and the Inter-Institutional Commission for the Protection of Persons Displaced by Violence have implemented the following measures:

(a) Publication and dissemination of a second study on forced internal displacement in Honduras in the period 2004–2018, and provision of related training to 258 persons;

(b) Submission to the National Congress, in 2019, of a draft bill on the prevention of forced displacement and the care and protection of forcibly displaced persons and organization of a campaign advocating its passage, under the slogan: "There are 247,000 reasons to pass the bill on the prevention of forced displacement and the care and protection of forcibly displaced persons" (Existen 247,000 razones para aprobar la Ley para la Prevención, Atención y Protección de las Personas Desplazadas Forzadamente); and

(c) Signature of five inter-institutional coordination agreements with the Ministry of Foreign Affairs and International Cooperation, the Office of the United Nations High Commissioner for Refugees (UNHCR), ICRC and Médecins du Monde, with the signature of two agreements with the Ministry of Social Development and Inclusion and the Cities for Women Programme in process.

153. A pilot project on humanitarian assistance and durable solutions for persons internally displaced by violence is being implemented in partnership with UNHCR under which support has been provided in 57 cases (humanitarian assistance in 27 cases and technical, psychosocial and legal assistance in 37) to a total of 116 persons, including women, men, children and adolescents and one member of the lesbian, gay, bisexual, transgender and intersex community.

154. Measures taken to improve available support include:

(a) Development of a manual on the emergency humanitarian assistance mechanism;

(b) Production of a practical guide on providing differentiated care with a psychosocial focus to persons internally displaced by violence, which was presented to 80 health workers over four induction training days;

<sup>133</sup> Consulted on 4 October 2021 at [bit.ly/3s65y0H](https://bit.ly/3s65y0H).

<sup>134</sup> Legislative Decree No. 171-2016, *Gaceta* No. 34,223.

<sup>135</sup> Legislative Decree No. 182-2020, *Gaceta* No. 35,468.

<sup>136</sup> Targeted at the local committees of Comayagua, Márcala, La Esperanza, La Paz, Copán, Ocotepeque, La Ceiba, Puerto Lempira and Roatán.

(c) Development of municipal internal displacement response plans, including local coordination and response mechanisms, for three priority municipalities; and

(d) Training for 212 public servants and members of the staff of municipal support centres for returning migrants, civil society organizations and international organizations on topics including durable solutions, emergency humanitarian assistance and internal displacement.

155. The actions taken to address displacement have been based on the Guiding Principles on Internal Displacement and the recommendations issued in 2016 by the Special Rapporteur on the human rights of internally displaced persons during his visit to Honduras.

156. As penalties for forced displacement, the new Criminal Code establishes terms of imprisonment of 6 to 9 years for anyone who uses violence or intimidation to force or attempt to force a person or family to abandon their residence, place of work or business, educational establishment or any location over which they have property rights.

157. The 2021 amendment of the Criminal Code increases the penalty for offences of forced displacement by one third when the offence is committed by a criminal organization or a public official or authority and/or by taking advantage of the victim's vulnerable situation, when the offence involves cruel, inhuman or degrading treatment and when the property in question is destroyed or occupied. In addition, a life sentence is applicable if the offence results in the death of the displaced person.<sup>137</sup>

## 11. Persons deprived of their liberty (arts. 6, 7, 9 and 10)

158. Concerning the recommendation contained in paragraph 31 of the concluding observations, to improve the living conditions of persons deprived of their liberty, the budget of the National Prison Institute was increased by 65 per cent, from L 749,634,590 in 2016 to L 1,238,530,010 in 2020, making it possible to improve food, health services and infrastructure, hire staff and purchase equipment, among other activities.

159. The improvements made to prisons include:

(a) Infrastructure: repair, expansion and construction of living quarters, painting of walls, adaptation and construction of clinics, storage rooms and new wings;

(b) Security: monthly searches are carried out to remove prohibited objects and substances that pose a risk to the physical integrity of persons deprived of their liberty and prison staff; and

(c) To deal with persons deprived of their liberty suffering from infectious diseases, the Ministry of Health developed a set of regulations for care in prisons in the form of guides, manuals, protocols and guidelines, including guidelines for prison visits during the COVID-19 pandemic<sup>138</sup> and a guide for the prevention and control of tuberculosis in the prison population.<sup>139</sup>

160. The fifth COVID-19 vaccination campaign, carried out from 21 June to 31 July 2021, covered persons deprived of their liberty nationwide. Of the target of 20,166 persons deprived of their liberty, 19,795 (98 per cent) received a first dose and 15,163 (75 per cent) received a second dose.<sup>140</sup>

161. In 2019, the National Prison Institute, ICRC, the Mission to Support the Fight against Corruption and Impunity in Honduras and the European Union's Programme of Assistance against Transnational Organized Crime held two workshops, on the Nelson Mandela Rules and on Challenges in Prison Management, providing training for 76 National Prison Institute officials (36 directors, 12 deputy directors, 23 prison officers and 5 members of the Technical Council).

<sup>137</sup> Art. 248, amended by Legislative Decree No. 93-2021, *Gaceta* No. 35,760.

<sup>138</sup> Resolution No. 38-DGN-DEC19-22 of 10 December 2020, developed in accordance with National Risk Management System guidelines.

<sup>139</sup> Resolution No. 11-DGN of 24 June 2021.

<sup>140</sup> Statistics department of the Ministry of Health.

162. To alleviate prison overcrowding, in 2019 the National Prison Institute's legal department and the judiciary reviewed the criminal files of 845 persons sentenced to less than 5 years' imprisonment and subsequently released them. A further 517 persons deprived of their liberty were granted early release and 6 were freed under the Special Act on Terminal Illnesses.

163. On 10 June 2020, the National Congress amended article 184 of the current Code of Criminal Procedure, on the catalogue of offences for which alternatives to pretrial detention are not admitted, which includes drug trafficking, specific cases of rape, arms trafficking and offences related to organized crime.<sup>141</sup> The amendment also provides for an ex officio review of pretrial detention measures for indicted prisoners exposed to a higher risk of contracting COVID-19 owing to their age or state of health, such as persons over 60 years old, persons with diabetes or high blood pressure, immunocompromised persons and those living with HIV, cancer patients and persons suffering from autoimmune diseases, heart failure and chronic kidney disease, who may instead be placed under house arrest.

164. Under a plan to ease prison overcrowding in the context of the COVID-19 pandemic, persons deprived of their liberty were granted early release, released on parole, or, in a smaller number of cases, had their sentences commuted, remitted or reviewed, while some were released on account of a terminal illness. A total of 2,850 persons benefited in 2020 and 1,575 between January and June 2021.

165. In 2019, to improve prison conditions and strengthen the prison management system, a state of emergency was declared in prisons throughout the country<sup>142</sup> and the National Prison System Intervention Commission was set up. In December 2020, the state of emergency was extended until 31 December 2021.<sup>143</sup>

166. In April 2021, the Intervention Commission decided to close down the prison wings located in the military installations of the Second Airborne Battalion in Támara and the Third Infantry Battalion in Naco Cortés, leaving only the wing of the First Infantry Battalion in Ocotal, Francisco Morazán, for the detention of military and police officers.<sup>144</sup>

167. Between 2017 and June 2020, the National Prison Institute recorded 84 violent deaths of persons deprived of their liberty in prison (77 men and 7 women), 10 violent deaths outside prison (8 men and 2 women), 131 deaths from natural causes (118 men and 13 women), 14 suicides and 4 accidental deaths of men. The highest number of violent deaths occurred in 2019 at the time of the crisis in the prison system, when 60 were registered (56 inside prison facilities and 4 outside).

168. Regarding prompt and thorough investigations into the deaths of persons in detention or custody, the Office of the Special Prosecutor for Offences against Life has issued instructions stipulating that wrongful deaths that have occurred in the various prisons must be investigated with the aim of identifying the perpetrators of, and/or participants in, acts or omissions that were a determining factor in these deaths. As part of the investigation protocol, the forensic medicine service has been ordered to carry out an autopsy in each case.

169. Between 2017 and 2021, the Office recorded 78 violent deaths of persons deprived of their liberty (22 cases under investigation and 7 cases prosecuted), 51 of which occurred in 2019.

## 12. Access to justice and independence of the judiciary (arts. 9, 14 and 17)

170. Concerning the recommendation contained in paragraph 33, to ensure that persons deprived of their liberty enjoy fundamental legal safeguards, articles 68 and 71 of the Constitution, articles 101, 175, 282 and 285 of the Code of Criminal Procedure, police procedure handbooks and the Procedural Guidelines establish procedures for arrest and detention under which human rights are strictly respected.

<sup>141</sup> Legislative Decree No. 036-2020, *Gaceta* No. 35,279. Arts. 36 (3) (c), 39, 40, 52, 73–78, 81, 84 and 631.

<sup>142</sup> Executive Decree No. PCM-068-2019, *Gaceta* No. 35,125.

<sup>143</sup> Executive Decree No. PCM-102-2020.

<sup>144</sup> Extraordinary session No. 001/CISNP/2021, *Gaceta* No. 35,604.

171. Whenever they detain a person, law enforcement officers have a duty to:
- (a) Identify themselves as such and show the card or badge that attests to their status;
  - (b) Use force only when strictly necessary;
  - (c) Refrain from committing, encouraging or permitting the use of torture or cruel, inhuman or degrading treatment or punishment;
  - (d) Uphold detainees' right to be presumed innocent and to the protection of their image;
  - (e) Inform arrested or detained persons of their fundamental rights, including the rights to be informed of the reason for their arrest, to notify a person of their choosing of their arrest and the facility to which they will be taken, to be assisted by counsel, to remain silent, not to be forced to testify against themselves, to be informed that only statements made before a competent judge have probative value and to be examined by a forensic doctor or other available doctor for the purpose of having their physical and mental condition recorded; and
  - (f) Record information on the place, date and time of arrest in a dedicated register.

172. To guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons during search and arrest procedures, the Ministry of Human Rights drew up a protocol for the search and arrest of persons in this category that is in accordance with the Code of Criminal Procedure and international standards. Pursuant to the protocol, such procedures must be carried out with respect for their physical integrity, right to privacy, sexual orientation and gender identity. The Ministry also organized training and awareness-raising activities for 600 civil servants of the National Prison Institute (419 men and 181 women) on the subject of non-discrimination and differential treatment for groups of persons deprived of their liberty in vulnerable situations, and for a further 40 civil servants through a virtual conference entitled "Shaping a culture of peace, human rights and prevention of discrimination".

173. In 2020, ICRC provided training on the conduct of medical examinations in the first few hours of detention to 71 officials, including doctors, sentence enforcement judges, public defenders, members of local torture prevention committees and police and military officers.

174. Authorities including the Public Prosecution Service, CONADEH, the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment and civil society organizations are guaranteed access to the facilities of the National Police so that they may fulfil, without hindrance, their remit of verifying the treatment and conditions of persons deprived of their liberty.

175. Both the National Committee for the Prevention of Torture and CONADEH carry out regular visits to places of detention and deprivation of liberty to verify the treatment of persons deprived of their liberty and make recommendations to the prison authorities. They also conduct visits to police stations to verify compliance with the safeguards applicable in the first few hours of detention, the treatment of detainees and the differential treatment of persons in vulnerable situations.

176. To promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the National Committee for the Prevention of Torture ran a campaign supported by the Association for the Prevention of Torture.

177. Regarding registers of detained persons, the National Prison Institute maintains official registers, up-to-date records and a database containing information on the prison population.

178. In 2019, with the support of ICRC, the National Prison Institute installed the Digital Prison Records System in 10 prisons. The system consists of a national prison registry that ensures the proper administration of prison records and facilitates the provision of services, including those related to prisoner classification, access to health care and in-prison benefits for persons deprived of their liberty. It provides accurate, reliable information and can generate statistical data to improve decision-making.

179. Article 324 of the General Regulations implementing the National Prison System Act provides that the officials responsible for prison files, registers and records must guarantee the security of the data and information they contain and ensure that they remain confidential even after the prisoner concerned has served his or her sentence in full.

180. Concerning the recommendation contained in paragraph 35, to protect the autonomy, independence and impartiality of judges and magistrates, the judiciary is driving:

(a) An amendment to the Act on Special Protection for Officials and Former Officials at Extraordinary Risk<sup>145</sup> to broaden the list of officials and former officials who receive protection against risks in the performance of their duties;<sup>146</sup> and,

(b) The adoption of the Regulations of the judicial branch's General Oversight Office.<sup>147</sup>

181. To ensure the safety of judges, prosecutors and other persons involved in judicial proceedings, the use of virtual hearings and videoconferencing in criminal proceedings was authorized in 2017.<sup>148</sup>

182. The budget approved for the judiciary in 2021 was L 2,724,882,804.<sup>149</sup>

183. In 2021, the Judicial Training School and the judiciary's Quality Management Unit, together with the Polytechnic University of Honduras, organized training and capacity-building courses such as the diploma in quality management for judicial officials and a workshop entitled "Dialogue on Building an Open Justice System in Honduras", carried out as part of a project to strengthen the rule of law in the Northern Triangle of Central America with the support of the German Development Cooperation (GIZ).

184. Within the framework of an open justice and open government initiative, the judiciary, with the support of GIZ, is spearheading the development of an open justice and integrity policy.

185. The judiciary's Expert Committee, with input from various actors including consultants, judicial facilitators, civil society organizations and academia, is preparing a judicial integrity plan to prevent corruption, strengthen citizen participation and enhance legal security nationwide.<sup>150</sup>

186. Regarding the adoption of a law regulating the judicial service and the Judicial Council, in 2020 the judiciary submitted the bill on the Judicial Council and the judicial service to the plenary Supreme Court of Justice for discussion and approval.<sup>151</sup>

187. From 16 to 22 August 2019, the Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán, conducted an official visit to Honduras during which he held meetings with representatives of the Supreme Court, the judiciary, the National Congress, the Public Prosecution Service, the Attorney General's Office, the Ministry of the Interior, Justice and Decentralization, the Ministry of General Government Coordination, the Ministry of Defence, the Ministry of Security, the Ministry of Foreign Affairs and International Cooperation and the Ministry of Human Rights.

188. In June 2021, the State informed the Inter-American Court of Human Rights that it had implemented the comprehensive reparation measures ordered in the judgment issued in the case of *López Lone et al. v. Honduras* through a Supreme Court ruling of 24 August 2018 that ordered the reinstatement of lawyers Adán Guillermo López Lone and Tirza del Carmen Flores Lanza to positions that met all the requirements set out in the judgment.<sup>152</sup>

<sup>145</sup> Legislative Decree No. 223-2013, *Gaceta* No. 33,467.

<sup>146</sup> Legislative Decree No. 184-2016, *Gaceta* No. 34,292.

<sup>147</sup> Agreement No. 04-2018, *Gaceta* No. 34,845.

<sup>148</sup> Amendments to arts. 127-A and 127-B, Legislative Decree No. 97-2017, *Gaceta* No. 34,473.

<sup>149</sup> Legislative Decree No. 182-2020, *Gaceta* No. 35,468.

<sup>150</sup> Consulted on 25 October 2021 at [bit.ly/3dQ7X7r](http://bit.ly/3dQ7X7r).

<sup>151</sup> Consulted on 25 October 2021 at [bit.ly/3GGc1Ds](http://bit.ly/3GGc1Ds).

<sup>152</sup> Order of the Inter-American Court of Human Rights of 9 March 2020. Monitoring Compliance with Judgment. Case of *López Lone et al. v. Honduras*. Resolution 12.

189. On 19 October 2018, Mr. López Lone took office as a judge of the San Pedro Sula Sentencing Court. On 1 March 2019, Ms. Flores Lanza took the oath of office for reinstatement to her post.

### 13. Prohibition of slavery and trafficking (art. 8)

190. Concerning the recommendation contained in paragraph 37, on efforts to identify victims of contemporary forms of slavery, forced labour and trafficking in persons and provide them with appropriate protection and assistance, the Inter-Agency Commission for Combating Commercial Sexual Exploitation and Trafficking in Persons carries out activities under the Strategic Plan 2016–2022 to prevent trafficking in persons and provides training to raise awareness of, prevent and combat trafficking and sexual exploitation. In 2020, it was allocated a budget of L 9,185,076.

191. The Inter-Agency Commission has carried out the following campaigns to prevent and raise awareness of these crimes:

(a) The “Report Trafficking – That’s What Matters” (Denuncia la Trata, de eso se trata) campaign;

(b) The Blue Heart Campaign;

(c) A campaign to prevent child pornography;

(d) The “Online Crime is Real Crime” crime prevention campaign spearheaded by INTERPOL; and

(e) During the COVID-19 lockdown, social networks were used to disseminate preventive material on trafficking in persons and sexual exploitation, providing information to some 61,368 persons.<sup>153</sup>

192. Regarding capacity-building, training on reporting and preventing cybercrime, which increased during the COVID-19 lockdown, was provided to 56,152 persons in 2020 and 11,526 in 2021 and steps were taken to raise awareness of the issue among 495,892 persons in 2020 and 63,254 in 2021.

193. The Regional Congress on Good Practices in the Investigation, Prosecution and Punishment of Trafficking in Persons, which focused on child and adolescent victims and vulnerable groups, took place with the in-person participation of 76 persons from member States of the Regional Coalition against Trafficking in Persons and Smuggling of Migrants (CORETT).

194. The Inter-Agency Commission has a road map for identifying, assisting and protecting victims of trafficking in persons in Honduras (procedures and resources for the municipalities of San Pedro Sula, Choloma, Puerto Cortés and Omoa). It has also drawn up a standard operating procedure for the prevention of human trafficking and the specialized care of victims.

195. In the period 2017–2020, the Commission identified 390 trafficking victims, 90 per cent of whom were women, children and adolescents, and provided follow-up, care and comprehensive protection to 1,398 direct and indirect victims.

196. On victim protection and assistance, between 2017 and 2020 the rapid response team, the inter-agency team of experts and the 24 local committees coordinated more than 500,000 comprehensive primary and secondary assistance services for victims of trafficking in persons and their families. These services encompassed: protection; support; shelter; food; clothing; psychological, social, legal and medical assistance; housing; education; vocational training; documentation; asylum; transportation; employment; family assistance; treatment for addiction; financial loans; entrepreneurships; repatriation; follow-up; family visits; recreation; and therapeutic and self-help groups.

<sup>153</sup> 2020 Annual Report of the Inter-Agency Commission for Combating Commercial Sexual Exploitation and Trafficking in Persons, available at [bit.ly/3GPXmG1](https://bit.ly/3GPXmG1).

197. Between 2017 and 2021, the Inter-Agency Commission and the Public Prosecution Service's Unit for Combating Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling received 477 complaints of human trafficking, of which 389 related to trafficking in the form of servitude, illegal adoption, commercial sexual exploitation, forced labour and the recruitment of persons under 18 years of age for criminal activities. There were also 88 recorded complaints of commercial sexual exploitation, procuring, paid sexual relations, production and possession of child pornography and sexual exploitation of adults and minors. These complaints resulted in 242 prosecutions (124 for trafficking in persons and 118 for sexual exploitation) and in 108 individuals being convicted on 105 counts of both offences.

198. Investigations into human trafficking, people smuggling and sexual exploitation are carried out by the Public Prosecution Service Unit for Combating Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling, the Technical Criminal Investigation Agency, the Transnational Criminal Investigation Unit, INTERPOL, the Cybercrime Unit of the Police Investigation Directorate and the Police Intelligence Directorate.

199. In 2020, the Public Prosecution Service's Unit for Combating Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling conducted 175 in-person and virtual hearings for the crimes of trafficking in persons, sexual exploitation, child pornography and people smuggling and secured 12 convictions against 14 defendants, who received sentences ranging from 5 to 13 years' imprisonment and fines of between 100 and 200 minimum wages and 350 day-fine units pursuant to the new Criminal Code. Two sentences were for the offence of trafficking in persons for the purposes of forced labour and servitude.

200. Cases of servitude and forced labour have been prosecuted under the Trafficking in Persons Act, leading to one conviction for forced labour. One case of exploitation in conditions of slavery was prosecuted under the Criminal Code.

201. The new Criminal Code punishes for the offence of human trafficking any person who facilitates, promotes or carries out the recruitment, transportation, transfer or harbouring of persons, within or outside the national territory, with the aim of using them in or forcing them into some form of exploitation.<sup>154</sup> It covers the following forms of exploitation:

- (a) Exploitation in conditions of slavery, servitude, forced service or labour, begging and forced participation in criminal activities;
- (b) Forced or commercial sexual exploitation;
- (c) Servile or forced marriage or de facto union;
- (d) Forced pregnancy;
- (e) Removal of bodily organs, tissues or parts thereof; and
- (f) Testing of medicines, drugs, substances and clinical techniques.

202. The victim's consent is irrelevant when any of the above forms of exploitation has been used and when the victim is under 18 years of age. In no case is trafficking in persons subject to a statute of limitations.<sup>155</sup>

203. Article 219 of the Criminal Code was amended<sup>156</sup> to increase the penalty for trafficking in persons to between 10 and 15 years' imprisonment, to include among the forms of exploitation any other purpose referred to in the Trafficking in Persons Act and provide for a one-third increase in the penalty in the event of aggravating circumstances such as the use of violence, intimidation or deceit, abuse of a position of power or the need of the victim, the giving or receiving of payments or benefits to achieve the consent of a person having control over another, or when the victim is under 18 years of age.

<sup>154</sup> Criminal Code, art. 219.

<sup>155</sup> Art. 116, on imprescriptible offences and penalties. Legislative Decree No. 130-2017.

<sup>156</sup> Legislative Decree No. 93-2021, *Gaceta* No. 35,760.

204. In 2021, the Public Prosecution Service Training Academy, the Unit for Combating Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling and the Human Trafficking and Migrant Smuggling Section of the United Nations Office on Drugs and Crime worked together to strengthen the skills and knowledge of prosecutors, police investigators and other officials responsible for investigating these crimes and the exploitation or forced service of domestic and agricultural workers.<sup>157</sup>

205. Moreover, the Unit and the Inter-Agency Commission managed the protection of 31 victims acting as protected witnesses.

206. The Unit is part of the Network of Specialized Anti-Trafficking Prosecutors of the Northern Triangle of Central America, Costa Rica, Panama and the Dominican Republic, which coordinates the investigation and prosecution of trafficking cases, victim rescue and judicial assistance, among other activities.

207. In collaboration with the International Bureau for Children's Rights, the Labour Inspection Directorate of the Ministry of Labour and Social Security was tasked with creating training packages on the detection and identification of trafficking cases.

208. To prevent revictimization, a standard operating procedure was developed for the referral and care of persons identified in places of work as victims of trafficking in the form of forced labour and exploitation in conditions of slavery and servitude.

209. Several measures have been taken to prevent child labour in line with indicator 8.7.1 of Sustainable Development Goal 8:

(a) Reactivation, in 2017, of the National Commission for the Gradual Elimination of Child Labour;<sup>158</sup>

(b) Road Map for the Elimination of All Forms of Child Labour 2021–2025;<sup>159</sup>

(c) Protocol for the Organization, Training and Certification of Committees for the Prevention of Child Labour;

(d) Certification and swearing-in, in 2019, of 87 Committees for the Prevention of Child Labour in six departments by the Ministry of Labour and Social Security and the National Commission for the Gradual Elimination of Child Labour, with support provided under World Vision's Bright Futures project;

(e) Protocol for Referral of Children Engaged in Child Labour to State Social Programmes to prevent the worst forms of child labour and coordinate the care, protection and referral, by public and private institutions, of children engaged in child labour, adopted in 2019; and

(f) Regulations on Protected Adolescent Labour in Honduras.<sup>160</sup>

210. The Ministry of Labour and Social Security is a member of the Latin American and the Caribbean Free of Child Labour Regional Initiative, which is working to eradicate child labour, develop a new five-year plan for Latin America and prepare an application for inclusion in the Child Labour Risk Identification Model.

211. From the start of 2020 to June 2021, the Ministry assisted 1,902 children and adolescents engaged in child labour and carried out 135 training sessions on the prevention of child labour, occupational health and safety, and labour rights and obligations.

212. According to the 2019 national demographic and health multiple indicator cluster survey, 15 per cent of children and adolescents aged 5 to 17 years old (18 per cent of boys and 13 per cent of girls) were engaged in child labour, with higher rates among children and adolescents in rural areas and those who did not attend school. Of these children and adolescents, 14 per cent were working in hazardous conditions.

<sup>157</sup> Consulted on 19 October 2021 at [bit.ly/3yt21uo](https://bit.ly/3yt21uo).

<sup>158</sup> Executive Decree No. PCM-025-2017, Gazette No. 34,342.

<sup>159</sup> Consulted on 12 September 2021 at [bit.ly/3aM5Ek6](https://bit.ly/3aM5Ek6).

<sup>160</sup> Executive Agreement No. STSS-578-2020, Gazette No. 35,459.

**14. Protection against arbitrary interference in private life (art. 17)**

213. Concerning the recommendations contained in paragraph 39, on measures to ensure that surveillance activities are in keeping with article 17 of the Covenant, article 100 of the Constitution guarantees the inviolability and confidentiality of communications, while the Special Act on Interception of Private Communications<sup>161</sup> establishes that only judges responsible for procedural safeguards may authorize the interception of communications, as an exceptional and temporary measure in criminal investigations, through the Communications Interception Unit of the National Directorate of Investigation and Intelligence.

**15. Freedom of expression, freedom of association and human rights defenders (arts. 6, 7, 19, 21 and 22)**

214. Concerning the recommendation contained in paragraph 41 (a), effective protection is provided to human rights defenders, journalists and communicators under the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials and its implementing regulations.

215. To implement the Act, with technical assistance from the European Union and the United States Agency for International Development, the Directorate General for the Protection System strengthened the Case Processing and Rapid Response Unit, the Risk Analysis Unit and the Implementation and Monitoring Unit. Between the start of 2019 and September 2021, the Risk Analysis Unit prepared 351 risk analyses, which lay the groundwork for protection plans subsequently agreed upon with the beneficiaries of the Act.

216. To identify risk scenarios and patterns in the activities of human rights defenders, the Prevention and Context Analysis Unit, created in 2018, developed a methodology for analysing risk situations and formulating prevention plans. By October 2021, 15 prevention plans had been developed with input from civil society organizations and communities.

217. In 2020, the Directorate General for the Protection System issued a manual on the application of gender-sensitive and intersectional approaches to guarantee the differentiated handling of cases involving women and lesbian, gay, bisexual, transgender and intersex persons. It trained its operating personnel in the application of the manual with the assistance of OHCHR and developed two protocols, one for the implementation and monitoring of temporary relocation and the other for the comprehensive handling of requests for protection measures, together with guidelines for their implementation during a pandemic or similar situation.

218. To prevent the use of violence and intimidation against human rights defenders, the Directorate General endeavours to raise public awareness of the importance of their work by issuing statements recognizing its value and denouncing discrimination. Training activities carried out are as follows:

(a) With the support of Freedom House and the Honduras Human Rights Support Programme, 48 information and training sessions were organized on the protection mechanism for a total of 610 persons between 2016 and 2018;

(b) The Prevention and Context Analysis Unit trained 1,059 persons, including human rights defenders, journalists, social communicators and public officials, between 2019 and 2021; and,

(c) In August 2021, the Inter-American Commission on Human Rights led a course on the protection of human rights defenders.

219. In 2019, the Public Prosecution Service ran a course on protecting defenders of justice and human rights attended by 173 persons.

220. As at 30 November 2021, the Directorate General for the Protection System had received 636 requests for protection measures, of which it had admitted 433. Of this number,

<sup>161</sup> Legislative Decree No. 243-2011, *Gaceta* No. 32,731.

126 cases remain open: 67 individual cases (48 men, 18 women and 1 transgender woman) and 59 collective cases.

221. Of the open cases mentioned, 96 involve defenders of the environment, common goods, sexual diversity, Indigenous Peoples and Afro-Hondurans, 14 have to do with social communicators, 7 concern journalists and 9 involve justice officials. In addition, 32 cases are related to precautionary measures ordered by the Inter-American Commission on Human Rights while 2 are related to collective provisional measures ordered by the Inter-American Court of Human Rights.

222. Between 2018 and 2021, the Protection Mechanism's Expert Committee held 717 meetings to reach consensus with beneficiaries and their representatives on preventive and protection measures and 64 follow-up meetings on protection measures to gauge their effectiveness.

223. The approved budget for the Protection Mechanism increased by 355 per cent, from L 4,979,350 in 2016 to L 22,699,725 in 2020.

224. Concerning the recommendation contained in paragraph 41 (b), the Public Prosecution Service Training Academy trains prosecutors, judges, police officers and others on the right to freedom of expression and association and human rights through seminars and workshops. The Office of the Special Prosecutor for Human Rights has provided human rights training to 2,254 justice officials.

225. In addition, manuals have been prepared to strengthen procedures for the investigation of offences against freedom of expression.

226. To ensure press freedom and prevent acts that undermine it, the Ministry of Human Rights disseminates information and provides training to media professionals on a variety of topics:

(a) Together with the Association of Journalists of Honduras and the Honduran Press Association, the Ministry trained 190 journalists and social communicators, including cameramen and women and photographers, from the departments of Copán, Comayagua, Atlántida, Cortés, Intibucá and El Paraíso on the procedure for requesting measures under the Act on the Protection of Human Rights Defenders in the event of danger to life or physical integrity;<sup>162</sup>

(b) In March 2020, the Ministry held a meeting with journalists and social communicators in the south of the country to discuss prevention, freedom of expression and the search for alternatives that enable safe environments in which to inform and guide the public on the work of journalists;<sup>163</sup>

(c) In July 2020, with the support of the Association for Democracy and Human Rights of Honduras, the Ministry organized a virtual training workshop for the Santa Bárbara Network of Journalists and Social Communicators on the promotion and protection of fundamental rights and freedoms, the Act on the Protection of Human Rights Defenders, the Protection Mechanism and the identification of the elements needed to prepare a context analysis, risk scenarios and proposals for a prevention plan for journalists and social communicators;<sup>164</sup> and

(d) In May 2021, as a follow-up to an earlier event entitled "Great Talk: Commitments, Challenges and Opportunities around Media Freedom in Honduras", the Ministry, the Embassy of the United Kingdom of Great Britain and Northern Ireland and PEN International organized a dialogue on press freedom, the protection of journalists and communicators and recognition of the work of the Protection Mechanism.<sup>165</sup>

227. In 2018, to assess the situation of human rights defenders, the State received an official visit from the United Nations Special Rapporteur on the situation of human rights defenders,

<sup>162</sup> Consulted on 15 October 2021 at [bit.ly/3GMMw3y](https://bit.ly/3GMMw3y).

<sup>163</sup> Consulted on 15 October 2021 at [bit.ly/3GP3XjI](https://bit.ly/3GP3XjI).

<sup>164</sup> Consulted on 15 October 2021 at [bit.ly/3DXhGdt](https://bit.ly/3DXhGdt).

<sup>165</sup> Consulted on 15 October 2021 at [bit.ly/3s8NSBm](https://bit.ly/3s8NSBm).

who issued a joint statement with the Ministry of Human Rights. In 2020, a virtual meeting was held with the current Special Rapporteur, Ms. Mary Lawlor.

228. In 2019, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights met with various stakeholders to discuss freedom of expression and provide recommendations. He condemned the murders of media professionals and urged the authorities to investigate the cases and decriminalize offences against honour. Officials from the Ministry of Human Rights informed him about the Protection Mechanism, which he recognized as a good practice.

229. Concerning the recommendations contained in paragraph 41 (c) and (d), to ensure the proper investigation of acts of intimidation, threats and attacks against human rights defenders and establish a special mechanism for this purpose, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was created in 2018 with a remit to investigate and prosecute attacks committed against human rights defenders because of their work. In 2021, the Office had recorded 42 cases of violence against human rights defenders, of which 8 are under investigation and 34 have been administratively closed.

230. To strengthen investigation procedures, the Public Prosecution Service provides ongoing training to staff of the Office and the Technical Criminal Investigation Agency. In 2018, it trained members of the Agency from the cities of Santa Rosa de Copán and San Pedro Sula, while in 2019 its Training Academy, together with OHCHR, organized a specialized course on international standards and the investigation of human rights violations, which was completed by 30 prosecutors.

231. The Special Unit for Vulnerable Groups of the Office of the Special Prosecutor for Offences against Life applies a differentiated, exhaustive and effective methodology, incorporating a gender perspective, when investigating deaths of women defenders.

232. The Office of the Special Prosecutor for Offences against Life, the Office of the Special Prosecutor for Human Rights, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, the Technical Criminal Investigation Agency, the Police Investigation Directorate, the Forensic Medicine Directorate and the Attorney General's Office, with the support of OHCHR, are currently developing a differentiated protocol for the investigation of crimes against human rights defenders, which they expect to finalize in the first quarter of 2022.

233. Concerning the recommendation contained in paragraph 41 (f), the Public Prosecution Service had registered 19 murders of human rights defenders, 10 of indigenous leaders, 5 of environmentalists, 9 of journalists, 15 of social communicators, 9 of justice officials, 2 of trade unionists and 31 of lesbian, gay, bisexual, transgender and intersex persons committed between 2017 and 2021.

234. Between 2018 and 2021, the Office of the Special Prosecutor for Human Rights investigated complaints of intimidation, threats and attacks against 40 human rights defenders, 47 journalists and social communicators, 35 justice officials and 4 environmentalists. Of these complaints, 19, involving 7 human rights defenders, 6 journalists and social communicators and 6 justice officials, remain under investigation.

235. The Office of the Special Prosecutor for Offences against Life is investigating three deaths that occurred between 2019 and 2021.

## **16. Right to vote and to political participation (arts. 6 and 25)**

236. With regard to the recommendations contained in paragraph 45 (a), to ensure fair and free elections two new electoral bodies were created in 2019, namely, the National Electoral Council and the Electoral Court. Both bodies are autonomous, independent, have nationwide competence and are not subordinate to any other. Together they are responsible for implementing an electoral model that separates administrative, technical and logistical duties from the jurisdictional duties carried out by the Supreme Electoral Court.

237. In order to build confidence among citizens and ensure certainty regarding election results among political actors, the National Congress approved the new Electoral Act of

Honduras in May 2021. The Act regulates the organization and operation of electoral bodies, is designed to protect and guarantee the free exercise of political rights and establishes mechanisms and procedures to guarantee the realization of these rights.

238. Actions taken by the National Electoral Council in the organization of the 2021 elections were as follows:

(a) In September 2020, it convened<sup>166</sup> primary and internal party elections<sup>167</sup> for the factions of the three main political parties,<sup>168</sup> which were held on 14 March 2021, with the winners at the three electoral levels being declared<sup>169</sup> on 13 April 2021;

(b) Independent candidates and candidates belonging to political parties that did not hold primary elections were registered subsequently;

(c) On 27 May 2021, it called general elections, to be held on 28 November 2021, with the participation of 15 political parties;<sup>170</sup>

(d) In October 2021, an alliance between the Liberty and Refoundation Party and the United National Opposition of Honduras,<sup>171</sup> led by the Liberty and Refoundation Party, was established for the presidential elections.

239. The National Congress adopted the following provisions, regulations and instruments to ensure the smooth running of the elections:

(a) The Special Act on the National Electoral Register for the 2021 Primary Elections, adopted in October 2020;

(b) A budget of L 1,504,453,131.00 for the National Electoral Council for 2021;<sup>172</sup>

(c) A transfer from the special budget for the 2021 general elections, approved on 5 August 2021, in order to increase the budget assigned to the National Electoral Council by up to L 1 billion<sup>173</sup> to finance the acquisition of materials, computer applications, equipment and services;<sup>174</sup> and

(d) The Special Procedure and Direct Contracting Authorization Decree,<sup>175</sup> establishing a temporary special procedure for contracting a voter identification system based on fingerprint recognition and a system for transmitting and publishing preliminary election results.

240. A total of L 820 million was released from the National Electoral Council budget increase on 9 September 2021 and was invested in 23 projects related to the general elections.

241. With the support of UNDP, as part of constitutionally established structural reforms and in line with international standards<sup>176</sup> the National Registry Office carried out a digital biometric enrolment process, updated and cleaned up the electoral register and issued new national identity cards through the “Identify Yourself” (Identificate) initiative.<sup>177</sup>

242. The massive enrolment and identity card issuance process began in 2019 and, by November 2021, 5,464,979 citizens (2,846,784 women and 2,618,195 men) had been placed

<sup>166</sup> Agreement No. 03-2020 of the National Electoral Council, *Gaceta* No. 35,370.

<sup>167</sup> Held in accordance with art. 115 of the Electoral and Political Organizations Act, in force when elections were called (six months prior to the elections taking place).

<sup>168</sup> The Liberal Party of Honduras, the Liberty and Refoundation Party and the National Party of Honduras participated.

<sup>169</sup> Agreement No. 09-2021 of the National Electoral Council, *Gaceta* No. 35,571.

<sup>170</sup> Agreement No. 10-2021 of the National Electoral Council.

<sup>171</sup> Made up of the Savior Party of Honduras and the Innovation and Unity Party.

<sup>172</sup> Legislative Decree No. 182-2020, *Gaceta* No. 35,468.

<sup>173</sup> Legislative Decree No. 60-2021, *Gaceta* No. 35,680.

<sup>174</sup> Consulted on 28 September 2021 at [bit.ly/3q22lfl](https://bit.ly/3q22lfl).

<sup>175</sup> Decree No. 61-2021, *Gaceta* No. 35,683, available at [bit.ly/3dVz0OI](https://bit.ly/3dVz0OI).

<sup>176</sup> Decree No. 200-2018, *Gaceta* No. 34,856.

<sup>177</sup> Consulted on 9 October 2020 at [bit.ly/3EY9iVn](https://bit.ly/3EY9iVn).

on the electoral register, 5,200,000 identity cards had been printed and 4,822,339 had been delivered to the cardholders.<sup>178</sup>

243. The definitive national electoral register for the general elections, containing 5,182,000 registered voters, was published in October 2021 and can be consulted on the web page of the National Electoral Council.<sup>179</sup>

244. To ensure peace, harmony and smooth governance during the elections, candidates for election to municipal offices voluntarily signed a commitment to fair, transparent and peaceful elections during a forum entitled “My Commitment to Peace, Democracy and Respect for Human Rights” held in November 2021 by the Ministry of Human Rights, with the support of UNDP, as part of its strategy for preventing and addressing social conflicts before, during and after the electoral process.

245. With regard to the recommendation contained in paragraph 45 (b), on fairness, impartiality and transparency in campaign financing, the National Electoral Council set a campaign spending limit for each electoral level in the 2021 general elections.<sup>180</sup>

246. The Act on Political Party and Candidate Financing, Transparency and Oversight was amended to ensure effective application of the provisions related to the financing and oversight of political campaigns for primary and internal party elections and those related to precandidates and factions.<sup>181</sup>

247. The National Congress extended the deadline for submission of the financial expenditure reports of party factions and their candidates to the Financing, Transparency and Oversight Unit – known as the Clean Politics Unit and responsible for analysing the financial income and expenditure reports of precandidates and other parties subject to disclosure obligations – until 26 May 2021.<sup>182</sup>

248. According to the Preliminary Accountability Report for the 2021 Primary Elections, 459 candidates standing for office in the general elections did not submit their reports by this deadline.

249. The Honduras Accountability Platform was launched to make it easier for parties subject to disclosure obligations to file declarations of their outgoings and expenditure during the electoral campaign.<sup>183</sup>

250. With regard to the recommendation contained in paragraph 45 (c), to guarantee security during vote counting in electoral processes, the National Electoral Council adopted observation and oversight regulations for the 2021 primary elections process<sup>184</sup> and regulations governing the work of the electoral custodians<sup>185</sup> and updated the Biosafety Manual for the 2021 General Elections to provide for the coronavirus disease (COVID-19) pandemic.

251. For the 2021 primary elections, 7,960 polling stations were set up for each political party; electoral materials were transported and distributed to all 298 municipalities; the vote count carried out by polling station members was verified; and the 324 challenges lodged by the three parties were resolved in due time and form.

252. For the 2021 general elections, the National Electoral Council contracted specialized companies to implement the system for transmitting preliminary election results and the biometric voter identification system (fingerprint reader) in polling stations. The Council also

<sup>178</sup> Consulted on 23 November 2021 at [bit.ly/3CP8hx7](http://bit.ly/3CP8hx7).

<sup>179</sup> Available at [bit.ly/3GMu5vL](http://bit.ly/3GMu5vL).

<sup>180</sup> Agreement No. 12-2021 of the National Electoral Council, *Gaceta* No. 35.624.

<sup>181</sup> Legislative Decree No. 137-2020, *Gaceta* No. 35,460 and Legislative Decree No. 183-2020, *Gaceta* No. 35,499.

<sup>182</sup> Legislative Decree No. 19-2021, *Gaceta* No. 35,602.

<sup>183</sup> Consulted on 27 October 2021 at [bit.ly/3IPBjRr](http://bit.ly/3IPBjRr).

<sup>184</sup> Agreement No. 03-2020 of the National Electoral Council, available at [bit.ly/3IZO4ID](http://bit.ly/3IZO4ID).

<sup>185</sup> Agreement No. 06-2021 of the National Electoral Council, *Gaceta* No. 35,540.

adopted regulations for the transmission of preliminary election results and the final vote count.<sup>186</sup>

253. The National Electoral Council signed the following agreements:

(a) General Agreement for Interinstitutional Cooperation with the Inter-American Institute of Human Rights<sup>187</sup> in the implementation of bilateral and multilateral academic and professional exchange projects in the areas of democratic development, human rights, electoral processes and electoral justice;

(b) Electoral observation agreements with the Latin American Council of Electoral Experts<sup>188</sup> to verify the reliability, transparency and coherence of the electoral process;

(c) Memorandum of understanding with the Honduran Private Enterprise Council for observation, oversight and support in the 2021 electoral process;<sup>189</sup>

(d) Agreements with CONADEH and the National Forum for Citizen Convergence to provide accreditation to national observers of the electoral process for purposes of ensuring transparency, democracy and electoral legitimacy. Across the country, 603 observers from CONADEH and 1,000 observers from the National Forum received accreditation.<sup>190</sup>

254. At the invitation of the National Electoral Council, the European Union Election Observation Mission arrived in Honduras on 13 October 2021 and, on the day of the election, 78 of its observers visited 282 polling stations in 16 departments. They later recognized that the elections ran smoothly, with a high voter turnout and an improved electoral process, despite the high levels of politicization and violence during the campaigns.

255. Regarding the procedure for jurisdictional recounts, in March 2021 the Electoral Court approved the Jurisdictional Recount Procedures Manual,<sup>191</sup> which establishes clear and binding rules for the verification of vote counts conducted at polling stations or by the National Electoral Council and, during the primary elections, was used to conduct 15 jurisdictional recounts and 3 judicial electoral inspections, verifying results at 351 polling stations.<sup>192</sup>

256. The Electoral Court received 45 appeals: 22 from the Liberty and Refoundation Party, 16 from the Liberal Party of Honduras and 7 from the National Party of Honduras. Of this total, 1 appeal was declared admissible and 7 partially admissible, 31 were dismissed, 2 were found inadmissible, 1 was rejected and 2 were joined.

257. To guarantee transparency and communication with the public, the Electoral Court presented a report to the nation on the jurisdictional and administrative results of the 2021 primary and party elections.

258. In September 2020, the Attorney General's Office reactivated<sup>193</sup> the Special Unit against Electoral Crimes to ensure compliance with the criteria for conducting investigations and prosecuting offences committed before, during and after the 2021 election year.<sup>194</sup>

## 17. Rights of Indigenous Peoples and Afro-Hondurans (arts. 2, 26 and 27)

259. With regard to the recommendation contained in paragraph 47, concerning the draft law on consultation prepared in accordance with the Covenant and other international standards with input from Indigenous Peoples and Afro-Hondurans, consultations were carried out in 2015 that resulted in the formulation of a preliminary bill. The content of the

<sup>186</sup> Agreement No. 20-2021 of the National Electoral Council, *Gaceta* No. 35,783.

<sup>187</sup> Consulted on 7 October 2020 at [bit.ly/3dVWkeZ](http://bit.ly/3dVWkeZ).

<sup>188</sup> Consulted on 27 September 2021 at [bit.ly/3IUiUmw](http://bit.ly/3IUiUmw).

<sup>189</sup> Consulted on 5 October 2021 at [bit.ly/3F2nbSO](http://bit.ly/3F2nbSO).

<sup>190</sup> Consulted on 22 October 2021 at [bit.ly/3DZ5Qc3](http://bit.ly/3DZ5Qc3).

<sup>191</sup> Jurisdictional Agreement No. TJE-01-2021, *Gaceta* No. 35,562.

<sup>192</sup> Second Annual Management Report of the Electoral Court September 2020–2021.

<sup>193</sup> Agreement No. FGR-008-2020, available at [bit.ly/3s687zR](http://bit.ly/3s687zR).

<sup>194</sup> Agreement No. FGR-016-2013.

bill was further developed and agreed in 18 workshops involving 100 organizations and more than 1,300 representatives held between May 2016 and October 2017.

260. In addition, the United Nations Special Rapporteur on the rights of Indigenous Peoples made recommendations during her visit to Honduras in 2017, the International Labour Organization (ILO) agreed to provide technical advice and OHCHR provided support for the process of consultation with Indigenous Peoples and Afro-Hondurans in order to ensure that the project and the consultations were carried out in line with international standards, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples.<sup>195</sup>

261. In 2018, the executive branch referred the bill to the Special Advisory Committee of the National Congress, where it is currently under consideration.

262. In January 2020, the Committee held a meeting about the draft legislation with representatives of 10 Indigenous and Afro-Honduran communities, namely, the Miskito Masta, the Lenca, the Garifuna, the Maya Chortí, the Tawahka, the Pech, the Nahuas, the Tolupán, the English-speaking Black community and the Chorotega.<sup>196</sup>

263. To ensure that Indigenous Peoples and Afro-Hondurans are consulted and their opinions are respected, the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans promotes culturally appropriate participation and consultation procedures and the establishment of effective mechanisms for obtaining their free, prior and informed consent before the adoption of legislative or administrative measures that may affect their rights. Examples of best practice with regard to consultation include:

(a) Consultations with the DIUNAT Miskito Territorial Council in Brus Laguna regarding a photovoltaic energy project;

(b) Consultations with Miskito territorial councils and people, held in accordance with the Biocultural Protocol of the Miskito Indigenous People, regarding an oil exploitation project in the coastal area of the Mosquitia;

(c) Environmental governance protocol for the Miskito people;

(d) Cultural safeguards for Indigenous Peoples and persons of African descent<sup>197</sup> and a consultation protocol, developed within the framework of a project to reduce emissions from deforestation and forest degradation;

(e) Forest governance protocols for the Nahua People, developed in 2019 with assistance from the European Union and the Food and Agriculture Organization of the United Nations; and

(f) Forest governance protocols for the Lenca and Maya Chortí Peoples, developed in 2021.

264. With funding from the Spanish Agency for International Development Cooperation in Honduras, the Public Prosecutor's Office is implementing a project to enhance access to justice for Indigenous and Afro-Honduran communities by promoting respect, recognition, representation and the defence of their rights and facilitating their access to a differentiated justice system based on international agreements and national regulations protecting Indigenous Peoples and persons of African descent.<sup>198</sup> Within the framework of this project, in September 2021 new headquarters of the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage were opened in Tegucigalpa and a communication campaign targeting Indigenous and Afro-Honduran communities was launched to raise awareness of their rights.

265. In 2021, the Office had seven prosecutors and a budget of L 7,971,009.00 to pursue criminal proceedings and carry out monitoring activities in coordination with State

<sup>195</sup> Consulted on 6 September 2021 at [bit.ly/3im4YGs](https://bit.ly/3im4YGs).

<sup>196</sup> Consulted on 6 September 2021 at [bit.ly/3omjwJP](https://bit.ly/3omjwJP).

<sup>197</sup> Consulted on 7 September 2021 at [bit.ly/2Y6aYfe](https://bit.ly/2Y6aYfe).

<sup>198</sup> Consulted on 6 October 2021 at [bit.ly/3dBYnow](https://bit.ly/3dBYnow).

institutions in order to safeguard Indigenous Peoples and Afro-Hondurans. The Office handles offences motivated by racial discrimination and investigates disputes related to land and natural resources in Indigenous and Afro-Honduran communities. From the start of 2017 to August 2021, it registered 477 complaints and 76 applications for prosecution.

266. With regard to training on the rights of Indigenous Peoples and Afro-Hondurans for justice officials, the Judicial Training School provided training on violence prevention through a training-for-trainers course on access to justice for Indigenous Peoples and Afro-Hondurans with a focus on gender and human rights.

267. In 2021, the Ministry of Human Rights and OHCHR trained 52 public servants on the basic principles and human rights guidelines to be respected in cases of eviction and internal forced displacement.

268. The Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans encompasses the rights to land, territory and natural resources and is designed to protect their ancestral lands and comprehensive development.

269. The Alliance for the Development of La Mosquitia has rolled out a territorial governance platform that takes a cross-cutting approach to the titling, reclamation and regulation of land on behalf of Indigenous Peoples and Afro-Hondurans. In 2019, the Inter-Agency Subcommission for the Titling, Expansion, Reclamation and Protection of the Territories and Natural Resources of La Mosquitia was established<sup>199</sup> and, in September 2021, the Land Reclamation Plan was launched.

270. The National Agrarian Institute provides access to land and technical assistance to campesino, Indigenous and Afro-Honduran families with a view to ensuring legal security in land ownership, increasing production, productivity and income generation and thereby reducing poverty and social violence in rural areas. The Institute has awarded 12 land titles to 12 Miskito territorial councils covering an area of 1,114,976.24 hectares, which represents 95 per cent of the territory of La Mosquitia and has benefited 80,000 families.

271. Between 2015 and 2019, the Institute for Forest Conservation awarded 10 land titles covering 371,166 hectares that benefited 2,800 families.

*Land titles granted to campesino, Indigenous and Afro-Honduran families, area in hectares and property surveys*

<i>Description</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>Total</i>
Titles issued	4 066	4 008	32	8 106
Hectares covered	7 404.46	6 380.47	353.01	14 137.94
Campesino, Indigenous and Afro-Honduran families benefitting	4 333	4 238	35	8 606
Women	1 552	1 524	17	3 093
Men	2 781	2 714	18	5 513
Titles awarded	3 278	3 160	504	6 942
Hectares covered	8 001.01	8 028.96	1 664.87	17 694.84
Campesino, Indigenous and Afro-Honduran families benefitting	2 969	3 044	474	6 487
Women	1 020	1 181	197	2 398
Men	1 949	1 863	277	4 089
Property surveys	2 330	2 239	211	4 780
Hectares covered	20 637.43	23 825.13	1 595.13	46 057.69

*Source:* National Agrarian Institute Performance Reports 2018, 2019 and 2020.

<sup>199</sup> Executive Decree No. PCM-035-2019.

272. Regarding full reparations for the communities of Punta Piedra and Triunfo de la Cruz, the Inter-Agency Commission for the Enforcement of International Judgments is following up on both judgments with a view to ensuring compliance.<sup>200</sup>

273. According to resolutions monitoring compliance with judgment issued by the Inter-American Court of Human Rights on 1 September 2016 and 14 May 2019, the State has complied with six of the reparation measures ordered. In particular, it has ceased mining and oil exploitation activities under the Punta Piedra II project; it has reimbursed the Victims' Legal Assistance Fund in both cases; it has published and broadcast both judgments; and it has established a coordination mechanism. According to a resolution issued on 30 April 2021, the order concerning the creation of community development funds for the two communities has been partially complied with.<sup>201</sup>

274. The State has asked the Court to assess the advances made in the formulation of the Communications Plan and Life Plan for Punta Izopo National Park, in line with resolution 15 of the Punta Piedra judgment and resolution 11 of the Triunfo de la Cruz judgment.

## 18. Dissemination and follow-up

275. With regard to the recommendation contained in paragraph 48, the Honduran Recommendations Monitoring System is used to disseminate and raise awareness of the content of international and regional human rights conventions, covenants, reports and recommendations and drive their implementation. Compliance is monitored by means of meetings between State actors and civil society organizations.

276. In the period 2019–2021, the Ministry of Human Rights' Directorate for Monitoring the Compatibility of National Law with International Treaties trained 271 State officials on the subject of legal compatibility, international standards and the dissemination of conventions. The Directorate also prepared the Compendium of International Human Rights and Humanitarian Law Instruments Ratified and Adopted by Honduras and the Honduran Human Rights Regulatory Framework, publishing the second edition in 2021.<sup>202</sup>

277. With regard to raising awareness of rights among Indigenous and Afro-Honduran communities, between 2017 and 2019 the Directorate for Indigenous Peoples and Afro-Hondurans delivered 36 training workshops on issues relating to culture, education, gender and inclusion, human rights and international instruments providing protection for the rights of Indigenous Peoples and Afro-Hondurans ratified by Honduras.

278. Between 2020 and 2021, the Public Prosecutor's Office trained 65 persons on the rights of Indigenous Peoples and Afro-Hondurans and the jurisprudence of the Inter-American Court of Human Rights.

279. Concerning the recommendation contained in paragraph 49, on 15 August 2018 Honduras submitted to the Committee its follow-up report on the implementation of the recommendations contained in paragraphs 17, 21, 41 and 47, prepared by the Ministry of Human Rights in coordination with the Special Response Group on Human Rights and the Honduran Recommendations Monitoring System.

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<sup>200</sup> Executive Agreement No. 01-2016.

<sup>201</sup> Consulted on 22 October 2021 at [bit.ly/3oCuISd](https://bit.ly/3oCuISd).

<sup>202</sup> Consulted on 6 December 2021 at [bit.ly/3pAsEte](https://bit.ly/3pAsEte).