



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to the submission of the third periodic report of Honduras*

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Issues designated for follow-up in the preceding concluding observations

1. In its preceding concluding observations (CAT/C/HND/CO/2, para. 53),¹ the Committee requested that the State party provide it with information regarding its follow-up to the Committee's recommendations relating to the oversight and management of the prison system (para. 16); prison conditions (paras. 20 (a) and (c)); the national preventive mechanism (para. 30); and human rights defenders and other representatives of civil society who are at risk (para. 44). The Committee notes that a reply concerning the requested information was received on 14 August 2017 (CAT/C/HND/CO/2/Add.1). With reference to the letter dated 20 August 2018 from the Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations made in paragraphs 16, 20 (a) and (c), 30 and 44 have been partially implemented.

Articles 1 and 4

2. With reference to the Committee's preceding concluding observations (paras. 9 and 10), please indicate what changes in the provisions relating to the crime of torture have been introduced in the new Criminal Code adopted in January 2018. Please also provide information on the steps taken to incorporate a definition of the criminal offence of torture into military legislation that is aligned with article 1 of the Convention. Please indicate whether the State party's criminal laws, including those applying to the military, have been amended to ensure that all acts of torture are punishable by appropriate penalties which take into account the grave nature of such acts, in accordance with article 4 (2) of the Convention.²

* Adopted by the Committee at its sixty-sixth session (23 April–17 May 2019).

¹ Unless otherwise indicated, the paragraph numbers shown in parentheses refer to the Committee's preceding concluding observations.

² CCPR/C/HND/CO/2, paras. 24 and 25 (b).



Article 2³

3. In respect of the Committee's preceding concluding observations (paras. 11 and 12), please provide detailed information on the measures adopted to ensure that persons who are deprived of their liberty enjoy, in practice and from the outset of their detention, all fundamental legal safeguards. These safeguards include, in particular, the right to be informed of the reasons for their arrest and the nature of the charges against them, the right to receive legal counsel without delay, the right to have a person of their choosing informed of their detention and the right to request a medical examination by a physician of their choosing, regardless of whether or not a medical examination is conducted at the request of the authorities.⁴ Please also provide information on the steps taken to increase the resources available to the Directorate-General of Public Defence.⁵

4. In the light of the preceding concluding observations (paras. 37 and 38), please provide detailed information regarding the steps taken to ensure the independence of the judiciary.⁶ Please also comment on reports of irregularities in the application of the procedures for the selection of the Attorney General in June 2018.⁷

5. In the light of the preceding concluding observations (paras. 29 and 30) and the State party's follow-up responses,⁸ please provide information on the concrete measures that have been adopted to ensure that the national mechanism for the prevention of torture – the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CONAPREV) – has sufficient resources to carry out its tasks effectively and independently in accordance with the Optional Protocol to the Convention.⁹ Please indicate whether CONAPREV has financial and functional autonomy in the exercise of its functions. Please indicate whether criteria have been adopted for the selection of candidates for CONAPREV in accordance with the guidelines for national preventive mechanisms (CAT/OP/12/5). Please also provide information on the visits made to places of detention by the national preventive mechanism during the period under review and on the steps taken by the State party in response to the recommendations made by CONAPREV.¹⁰ Please indicate how the State party ensures that CONAPREV can, in practice, carry out its visits to detention centres in the manner and with the frequency that it sees fit. In addition, please comment on reports that, on numerous occasions, members of CONAPREV have been denied direct, confidential access to persons deprived of their liberty who are being held in prison.

6. With reference to the preceding concluding observations (paras. 45 and 46), kindly provide information on the steps taken to combat all forms of violence against women, particularly with regard to cases that involve actions or omissions on the part of State authorities or other entities that engage the State party's international responsibility under

³ The issues raised under article 2 may also relate to other articles of the Convention, such as article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture as set out in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

⁴ CED/C/HND/CO/1, paras. 30–33.

⁵ CCPR/C/HND/CO/2, paras. 32 and 33.

⁶ *Ibid.*, paras. 34 and 35. A/HRC/30/11, paras. 124.40–124.42, 125.2, 125.24 and 125.29–125.32.

⁷ "OACNUDH expresa su preocupación en relación al reciente proceso de elección del Fiscal General", press release from the Office of the United Nations High Commissioner for Human Rights (OHCHR)/Honduras, 29 June 2018. See also "UN expert calls on Northern Triangle countries to ensure transparent selection of new attorneys general", OHCHR, 3 April 2018; "Honduras: UN expert says civil society excluded from process to choose Prosecutor General", OHCHR, 18 June 2018.

⁸ CAT/C/HND/CO/5/Add.1, paras. 17–21.

⁹ CCPR/C/HND/CO/2, paras. 26 and 27.

¹⁰ CAT/C/HND/CO/5/Add.1, para. 21.

the Convention.¹¹ Please also provide updated information on the protection and support services available to victims of all forms of violence against women involving actions or omissions on the part of State authorities. Please include statistics, disaggregated by the age and ethnic origin or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence since the consideration of the preceding periodic report of Honduras.¹² Please provide up-to-date information on the steps taken to strengthen training programmes designed to sensitize law enforcement officers about domestic and sexual violence and to broaden the scope of campaigns aimed at raising public awareness of all forms of violence committed against women.¹³

7. Please include statistics, disaggregated by the age, sex, ethnic origin or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of human trafficking since the consideration of the preceding periodic report of the State party.¹⁴ Please also provide information on:

(a) Any new law or measure that has been adopted to prevent or combat trafficking in persons or to define the offence of trafficking in persons;

(b) The measures adopted to provide victims of trafficking with access to effective remedies and reparation;

(c) The steps taken to ensure that non-custodial accommodations and full access to appropriate medical and psychological support are provided to potential victims of trafficking while identification procedures are being carried out;

(d) The signature of agreements with other countries aimed at preventing and combating trafficking in persons.

Article 3

8. Please describe the measures adopted during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal against a deportation decision. Please also indicate whether such an appeal has a suspensive effect. Please clarify how the State party ensures that asylum seekers have access to legal assistance and interpretation services throughout the asylum procedure.

9. Please provide information on the number of asylum applications received during the period under review, the number of applications that were successful and the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if they were returned to their country of origin. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the preceding report. Please provide details on the grounds for those returns, extraditions or expulsions and a list of the countries to which they were returned. Please indicate whether or not the State party has put in place mechanisms for monitoring the status of vulnerable individuals and groups in receiving countries following their deportation.

10. Please indicate how many returns, extraditions or expulsions have been carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof and in how many cases the State party has offered such diplomatic assurances or guarantees. Please also indicate what steps have been taken subsequently to follow up on those cases.

¹¹ CCPR/C/HND/CO/2, paras. 14 and 15; CEDAW/C/HND/CO/7-8, paras. 22 and 23; A/HRC/30/11, paras. 124.24–124.35, 125.12–125.14 and 125.37 and 125.38; “Human Rights Council Working Group on the issue of discrimination against women in law and in practice”, OHCHR, 14 November 2018.

¹² A/HRC/30/1, para. 124.46.

¹³ CAT/C/HND/CO/2, para. 52 (d).

¹⁴ CEDAW/C/HND/CO/7-8, paras. 24 and 25; A/HRC/30/11, paras. 125.23 and 125.35.

Articles 5–9

11. Please indicate what legislative or other measures have been adopted during the reporting period in order to give effect to article 5 of the Convention. Please indicate whether acts of torture are considered universal crimes under national law, wherever they occur and whatever the nationality of the perpetrator or the victim.

12. Please provide information on any extradition agreements concluded with other States parties and specify whether the offences referred to in article 4 of the Convention are included as extraditable offences under such agreements.

13. Please specify what mutual judicial assistance treaties or agreements the State party has entered into with other entities, whether they be countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with trials concerning acts of torture or ill-treatment. Please provide examples.

Article 10

14. With reference to the preceding concluding observations (paras. 51 and 52), kindly provide updated information on training programmes on human rights and the prohibition of torture that have been conducted by the State party with a view to ensuring that all civil servants, in particular members of security forces and the armed forces, have a full understanding of the provisions of the Convention and are aware that breaches will not be tolerated but will instead be investigated and that those responsible will be prosecuted.¹⁵ Please also indicate whether the State party has developed a methodology for assessing the effectiveness and impact of training programmes in terms of the reduction of the number of cases of torture and ill-treatment and, if so, please provide information on that methodology.

15. Please provide details on the programmes used for training police officers and other security personnel how to handle direct-contact electroshock weapons (Tasers) or any other non-lethal device or instrument used by security forces. Describe any alleged cases of the excessive use of force involving the use of such devices and provide detailed information on the results of the investigations into those cases.

16. Please provide updated information on training programmes for judges, prosecutors, forensic doctors and other medical staff who deal with persons deprived of their liberty which teach them how to detect and document the physical and psychological consequences of torture. Please indicate whether those programmes include specific training regarding the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Article 11

17. Please describe the procedures used to ensure compliance with article 11 of the Convention and provide information on rules, instructions, methods and practices relating to interrogations and on custodial arrangements, especially any that have been introduced or revised since the consideration of the preceding periodic report of Honduras. Please also indicate how often they are reviewed. Please indicate what progress has been made towards the development and adoption of a comprehensive bill on the use of force by all law enforcement officers.

18. With reference to the preceding concluding observations (paras. 13 and 16) and the State party's follow-up replies,¹⁶ please indicate what steps have been taken to fulfil the State party's public pledge to begin to withdraw the armed forces from their assignments in support of State security forces.¹⁷ In particular, please provide information on the steps taken to transfer responsibility for the management of the country's prisons to the National Prisons Institute and thus put an end to the militarization of the prison system and the

¹⁵ A/HRC/30/11, para. 125.44.

¹⁶ CAT/C/HND/CO/2/Add.1, paras. 7–9.

¹⁷ CCPR/C/HND/CO/2, paras. 20 and 21; A/HRC/30/11, para. 125.45; A/HRC/34/3/Add.2, para. 12.

placement of common prisoners in military facilities.¹⁸ In this connection, please clarify the functions and organizational position of the newly established Prison Control Forces and Prison Response Group. Please also comment on reports that hearings and trials of civilians are conducted in military installations.

19. In the light of the preceding concluding observations (paras. 19 and 20) and the State party's follow-up responses,¹⁹ please describe the steps taken to reduce prison overcrowding, especially those aimed at promoting the use of alternatives to deprivation of liberty both before and after trial.²⁰ Please provide statistics, disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rates of all places of detention. Please provide information on the steps taken to improve prison facilities and to ensure that the country's prisons are safe and secure.²¹ In this respect, please comment on reports that prisoners have protested and rioted during the period under review in order to demand improvements in prison conditions and visiting arrangements. Please also indicate what measures have been adopted to ensure that persons awaiting trial are separated from those serving their sentences and that men and women are separated in all detention centres. Please provide information on the steps taken to allocate the necessary resources to ensure that prisoners receive proper meals and medical and health care. Please indicate what steps are being taken to improve the detection and treatment of cases of tuberculosis and other communicable diseases in prisons.

20. As requested by the Committee in its preceding concluding observations (paras. 21 and 22), please provide information on the steps taken by the State party to ensure that its laws and practices regarding prison labour and solitary confinement comply with international standards. With regard to visits by family members and relatives of persons deprived of their liberty, please comment on reports concerning the difficulties involved in meeting the requirements set out in article 10 of the Regulations on Visits to Establishments of the National Prison System. Please also provide information on existing programmes for the social reintegration of prisoners.

21. In the light of the preceding concluding observations (paras. 23 and 24), please provide information on the steps taken by the State party to meet the special needs of minors and women in detention.²² Please indicate whether there are protocols in place for meeting the needs of other groups of prisoners with special needs, such as persons with disabilities, older adults and lesbian, gay, bisexual and transgender persons.

22. Please provide information on inter-prisoner violence, including any cases involving possible negligence on the part of prison staff or members of the armed forces or police, the number of complaints made in this connection and their outcomes. Please indicate what preventive measures have been taken. Please also comment on reports of the excessive use of force and frequent use of tear gas by prison officers and military personnel responsible for prison security.

23. With reference to the preceding concluding observations (paras. 25 and 26), please provide statistics on the number of persons who died while in custody during the reporting period, disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death.²³ Please provide information on the manner in which these deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased persons received compensation in any of these cases.

24. Please also provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities. Please

¹⁸ CAT/C/HND/CO/2/Add.1, paras. 10 and 11; CCPR/C/HND/CO/2, paras. 30 and 31; "Preliminary observations on the IACHR visit to Honduras", Inter-American Commission on Human Rights, 3 August 2018.

¹⁹ CAT/C/HND/CO/2/Add.1, paras. 12–16.

²⁰ A/HRC/30/11, para. 124.21.

²¹ A/HRC/30/11, para. 124.22 and 124.23.

²² CEDAW/C/HND/CO/7-8, paras. 46 and 47.

²³ CCPR/C/HND/CO/2, paras. 30 and 31.

comment on reports that sufficient resources are not being allocated for the prevention of the ill-treatment of persons confined in such institutions.²⁴

Articles 12 and 13

25. With reference to the preceding concluding observations (paras. 27 and 28), please provide information on internal complaint and whistle-blowing mechanisms in the State party's detention facilities. Please comment on reports which indicate that the number of complaints filed by inmates and their families has increased since the armed forces have been involved in maintaining prison security. Please indicate what steps have been taken to ensure that all places of detention are subject to regular and independent inspections by the Public Prosecutor's Office and by enforcement judges.

26. Bearing in mind the preceding concluding observations (paras. 31–36), please provide updated statistics, disaggregated by sex, age, ethnic origin or nationality, and place of detention, on complaints concerning torture, ill-treatment or the excessive use of force, especially within the context of demonstrations or protests, that were filed during the reporting period.²⁵ Please include information on the corresponding investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary penalties applied.²⁶ Provide examples of relevant cases and judicial decisions. Kindly indicate what steps have been taken by the State party to ensure that the Office of the Special Prosecutor for Human Rights has the necessary resources to carry out its duties.²⁷ Please also provide information on the concrete measures adopted by the State party in response to concerns regarding the shortcomings of its victim and witness protection programme.²⁸

27. With reference to the preceding concluding observations (paras. 39 and 40), please provide information on investigations into presumed cases of enforced disappearance carried out during the period under review.²⁹

28. With reference to the preceding concluding observations (paras. 17 and 18), please provide updated information on the procedures being employed to clean up the national police force and, in particular, on the criminal and/or administrative penalties imposed on members of the national police force who have committed acts that are in breach of the Convention.

Article 14

29. In the light of the preceding concluding observations (paras. 41 and 42), please provide information on the measures of redress and compensation, including means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families during the period under review. That information should include the number of applications for compensation that have been submitted, the number granted and the amounts ordered and actually provided in each case. Please indicate what progress has been made towards the adoption of the bill on comprehensive reparation for victims of human rights violations.

30. Please also provide information on ongoing reparation programmes, including those dealing with the treatment of trauma and other forms of rehabilitation for victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for those programmes so that they can operate effectively.

²⁴ CRPD/C/HND/CO/22, paras. 37–40.

²⁵ CCPR/C/HND/CO/2, paras. 24 and 25 (a); A/HRC/30/11, paras. 124.43 and 125.28; "Human rights violations in the context of the 2017 elections in Honduras", OHCHR report, 2018. See also "Honduras election protests met with excessive and lethal force - UN report", OHCHR, 12 March 2018; "Press briefing notes on Ethiopia and Honduras", OHCHR, 19 January 2018; "Expertos condenan medidas contra manifestantes y prensa", OHCHR, 20 December 2017.

²⁶ CAT/C/HND/CO/2, paras. 14 and 18 (b).

²⁷ CCPR/C/HND/CO/2, paras. 25 (b), 26 and 27.

²⁸ CCPR/C/HND/CO/2, paras. 26 and 27.

²⁹ CCPR/C/HND/CO/2, paras. 22 and 23; CED/C/HND/CO/1, paras. 22–25.

Article 15

31. Please provide information on the concrete measures that have been adopted to ensure the observance, both in law and in practice, of the principle of the inadmissibility of evidence obtained through torture. Please provide examples of cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained by means of torture or ill-treatment.

Article 16

32. Bearing in mind the preceding concluding observations (paras. 43 and 44) and the State party's follow-up responses,³⁰ please provide detailed information on the steps taken to protect human rights defenders, journalists, environmental activists and other representatives of civil society who are at risk, to investigate crimes committed against them and to punish perpetrators of violent or intimidatory acts directed at them.³¹ Please indicate whether the State party has evaluated the effectiveness of the Honduran National Protection System established by the Act for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials of 15 May 2015. Please also provide information on the prosecution of the persons thought to be responsible for the death of Berta Cáceres.³²

33. Kindly provide information on the steps taken during the period under review to deal with violent organized crime in the State party. Include information on the steps taken to reinforce the security forces with a view to terminating the armed forces' involvement in public security activities.

34. With reference to the preceding concluding observations (paras. 49 and 50), please provide information on the steps taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted.³³

35. With reference to the preceding concluding observations (paras. 47 and 48), please indicate whether the State party has revised its legislation in order to permit the voluntary termination of pregnancy in cases of rape.³⁴

Other issues

36. Please provide updated information on the steps taken by the State party to respond to terrorist threats. Indicate whether those measures have affected human rights safeguards in law or in practice and, if so, how they have affected them. Please also describe what the State party has done to ensure that those measures are compatible with its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; how many persons have been convicted under anti-terrorism laws; what legal safeguards and remedies are available in practice to persons who are subject to anti-terrorism measures; and whether there have been any complaints of the non-observance of international standards in applying anti-terrorism measures and, if so, what the outcome was.

³⁰ CAT/C/HND/CO/2/Add.1, paras. 22–32.

³¹ CCPR/C/HND/CO/2, paras. 42 and 43; CEDAW/C/HND/CO/7-8, paras. 28 and 29. CERD/C/HND/CO/6-8, paras. 24 and 25; A/HRC/30/11, paras. 124.49–124.56, 125.27 and 125.47–125.60. See also “End-of-mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders on his visit to Honduras, 29 April to 12 May 2018”; “Human Rights Council Working Group on the issue of discrimination against women in law and in practice”, OHCHR, 14 November 2018.

³² See “Honduras: masterminds of Berta Cáceres killing still at large, say UN experts”, OHCHR, 7 December 2018.

³³ A/HRC/30/11, paras. 124.18, 124.45 and 125.11. See also “Honduras must boost protection of LGBTI rights defenders, UN Experts urge after latest attack”, OHCHR, 8 August 2017.

³⁴ CCPR/C/HND/CO/2, paras. 16 and 17. See also “Honduras needs progressive reform of abortion law to advance women's human rights, say UN experts”, OHCHR, 28 April 2017.

37. With reference to the preceding concluding observations (para. 54), please indicate whether the State party is considering making the declarations provided for under articles 21 and 22 of the Convention.

General information on other measures and achievements relating to the implementation of the Convention in the State party

38. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures adopted since the consideration of the preceding periodic report to give effect to the provisions of the Convention or the Committee's recommendations. This may include information on institutional developments, plans or programmes and, in particular, on resource allocations, along with any other statistics or information that the State party considers relevant.
