



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined sixth to eighth periodic reports of Honduras

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistical data

2. Recent, comprehensive and disaggregated statistical data on the socioeconomic situation of all ethnic groups, including the indigenous and Afro-Honduran populations, and on the incidence of violence in such groups (CERD/C/HND/CO/1-5, para. 8).

The Convention in domestic law and the legal, institutional and public policy framework for combating racial discrimination (arts. 2, 4, 6 and 7)

3. Specific cases in which the provisions of the Convention have been invoked before domestic courts or have been directly applied by them.

4. Definition of racial discrimination and the criminalization, under the new Criminal Code adopted in January 2018, of the actions set out in article 4 of the Convention (CERD/C/HND/CO/1-5, paras. 9–10).

5. Concrete results and indicators relating to the implementation of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples 2016–2022. Information on the budget and resources allocated for its implementation (CERD/C/HND/6-8, para. 12 (d)).

6. Measures taken to ensure the independence and effective functioning of the Office of the National Commissioner for Human Rights (CERD/C/HND/CO/1-5, para. 12).

7. The process of revitalizing the National Commission against Racial Discrimination, Racism, Xenophobia and Other Related Forms of Intolerance, its functions and the resources allocated for its effective functioning (CERD/C/HND/6-8, para. 92).



Situation of indigenous and Afro-Honduran peoples

8. Measures adopted and resources allocated to combat structural discrimination affecting indigenous and Afro-Honduran peoples and the outcome of those measures, including special measures adopted to ensure that members of the indigenous and Afro-Honduran peoples enjoy all their rights, in particular their economic, social and cultural rights, including in regard to access to employment, education and health.

9. Concrete results, with regard to reducing poverty among indigenous and Afro-Honduran peoples, of the implementation of the Better Life Platform (CERD/C/HND/6-8, para. 14) and other social inclusion and development policies.

10. The situation of indigenous and Afro-Honduran peoples affected by economic or natural resource development projects, particularly with regard to their rights to land, natural resources, water, food and health.

11. Protection measures and safeguards adopted, including compensation awarded for harm and loss in cases where indigenous and Afro-Honduran peoples have been affected by the implementation of economic projects.

12. Measures taken to improve the living conditions of indigenous peoples residing in the Mosquitia region, in particular the Miskito, Garifuna, Pech and Tawahka peoples, with regard to security of person, legal certainty in respect of land titles and access to employment, education, housing and health.

13. Measures taken to improve access to education for indigenous and Afro-Honduran peoples. Disaggregated statistical data on the impact of the implementation of the policy framework for bilingual intercultural education adopted in 2014 and the National Plan on Compulsory Literacy, Academic Underachievement and Popular Education 2014–2017 (CERD/C/HND/6-8, para. 62 (a) and (f)).

14. Access to ancestral lands and territories by indigenous and Afro-Honduran peoples, including through delimitation, demarcation, titling and distribution. Measures taken to implement the judgments of the Inter-American Court of Human Rights in the *Garifuna Punta Piedra Community* and *Garifuna Triunfo de la Cruz Community* cases.

Prior consultation and political participation

15. Measures taken to fulfil the right of indigenous peoples to be consulted with a view to obtaining their free, prior and informed consent on any legislative or administrative measures that may affect them. Participation and consultation of indigenous and Afro-Honduran peoples in the process of drafting the bill on free, prior and informed consultation and consent (CERD/C/HND/6-8, para. 117). Measures taken to ensure that indigenous peoples are consulted in a timely manner on the implementation of economic projects that may affect them, including extractive, agro-industrial, energy and other projects.

16. Measures taken to promote the political participation of members of indigenous and Afro-Honduran peoples, especially indigenous and Afro-Honduran women, in all representative institutions and public affairs, as well as in decision-making positions in both the public and private sectors (CERD/C/HND/CO/1-5, para. 21).

Situation of human rights defenders

17. Implementation of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials and the functioning of the National System for the Protection of Human Rights Defenders and its effectiveness in relation to members of indigenous and Afro-Honduran peoples, particularly with regard to differentiated measures for their protection. Information on the percentage of indigenous and Afro-Honduran individuals who have sought assistance, and received protection, from the National System for the Protection of Human Rights Defenders.

18. Information on the number of complaints and investigations initiated, cases brought to trial and convictions handed down for acts of violence, intimidation, threats or attacks against the personal integrity or lives of defenders of the rights of indigenous and Afro-

Honduran peoples. Status of the criminal proceedings brought in relation to the assassination of the Lenca indigenous leader and human rights defender Berta Cáceres.

Access to justice; racial discrimination

19. Measures taken to facilitate access to justice for indigenous and Afro-Honduran peoples, including training and capacity-building activities for justice officials. Functioning of the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, which is responsible for dealing with complaints relating to the violation of indigenous and Afro-Honduran peoples' rights, and resources allocated to the Office (CERD/C/HND/6-8, para. 22).

20. Information on the number of complaints and cases of racial discrimination that have been investigated and brought to trial and the number of perpetrators duly punished.

Multiple forms of discrimination

21. Measures taken to combat the multiple, intersectional forms of discrimination suffered by indigenous and Afro-Honduran women, in particular those forms of discrimination that impede their participation in decision-making and their access to a decent standard of living, education, work and health-care services, including sexual and reproductive health services.

Combating racial discrimination

22. Implementation of the National Action Plan on Racism and Racial Discrimination and awareness-raising and education campaigns to promote knowledge of indigenous and Afro-Honduran peoples, including in educational materials for students at all levels. Measures taken to prevent the spread of messages that encourage the dissemination of racial stereotypes and prejudices, particularly against indigenous and Afro-Honduran peoples.
