



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined sixth to eighth periodic reports
submitted by Honduras under article 9 of the
Convention, due in 2017***

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* The present document is being issued without formal editing.



I. Introduction

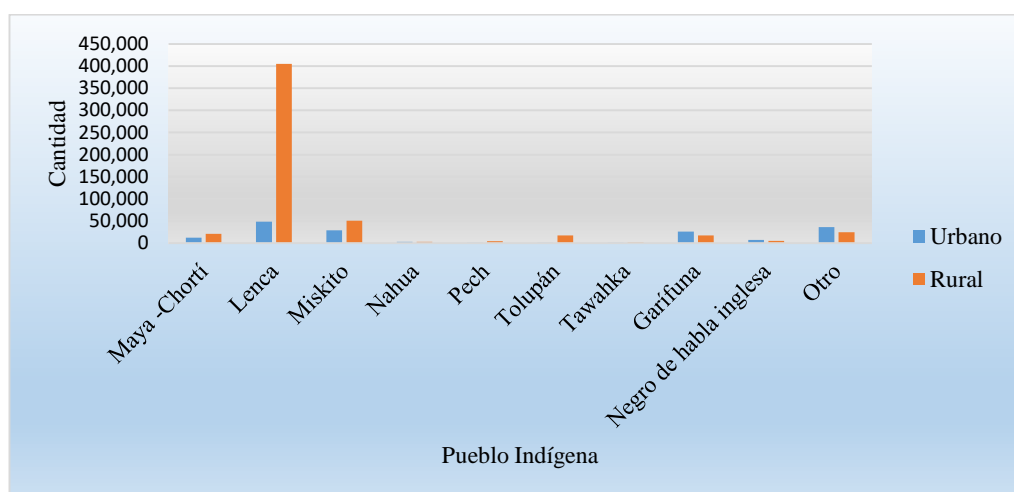
1. The Committee on the Elimination of Racial Discrimination reviewed the previous report of Honduras (CERD/C/HND/1-5) at its 2267th and 2268th meetings, held on 4 and 5 February 2014. At its 2288th meeting, held on 19 February 2014, it adopted its concluding observations on that report (CERD/C/HND/CO/1-5). In paragraph 30 of those concluding observations, the Committee recommended that the State party should submit its combined sixth to eighth periodic reports in a single document by 9 November 2017, and the Government of Honduras therefore submits the present combined reports in accordance with its commitments.
2. The report describes the legislative, judicial and administrative measures adopted during the period 2014–2017 to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.
3. This report was prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties under article 9 (1) of the Convention. It includes information on the implementation of the recommendations made to Honduras in the Committee's concluding observations.
4. The report is the result of significant effort by the various State institutions that make up the Special Response Group on Human Rights and that also participate in a thematic task force on indigenous and Afro-Honduran peoples under the coordination of the Ministry of Human Rights, Justice, the Interior and Decentralization, which is responsible for following up on treaty body recommendations through the Recommendation Monitoring System of Honduras.
5. The State has made significant progress towards the elimination of racial discrimination through the strengthening of public policies, plans and programmes to address the structural causes of inequality and ensure a dignified life for indigenous and Afro-Honduran peoples. It is recognized, however, that there are still challenges and obstacles to their inclusion and full enjoyment of their human rights.

II. Country context

6. According to the seventeenth population census and the sixth housing census conducted by the National Statistics Institute in 2013, Honduras had a population of 8,303,771, including 4,052,316 males (48.8 per cent) and 4,251,456 females (51.2 per cent). The youth population, aged between 1 and 18 years, made up 43.6 per cent of the national population. The economically active population represented 41.3 per cent of the total working-age population.¹
7. In 2013, the indigenous and Afro-Honduran population numbered 717,618, equivalent to 8.64 per cent of the total national population and 11.3 per cent of the total working-age population.
8. Regarding geographical location, 76.9 per cent of the total indigenous and Afro-Honduran population lived in rural areas and 23.1 per cent lived in urban areas. This population group was most concentrated in the department of Lempira, where it numbered 147,294 persons, representing 20.5 per cent of the total indigenous and Afro-Honduran population and 45.86 per cent of the total population of the department (see annex 1).

¹ According to updated information from the 2016 continuous multipurpose household survey conducted by the National Statistics Institute, Honduras had a total population of 8,714,641, comprising 4,132,729 males (47.4 per cent) and 4,581,913 females (52.6 per cent). Children and adolescents aged between 1 and 18 years accounted for 39.4 per cent of the national population. The economically active population represented 57.5 per cent of the total working-age population.

Figure 1

Indigenous and Afro-Honduran population, by urban/rural residence

Source: Directorate-General for Research and Compliance with International Commitments, based on data from the 2013 national population and housing censuses conducted by the National Statistics Institute.

9. In 2013, the indigenous and Afro-Honduran population included 356,517 males (49.7 per cent) and 361,101 females (50.3 per cent), with females outnumbering males by 4,584. Most — 453,672 people, or 63.2 per cent — belonged to the Lenca indigenous people. By contrast the Tawahka people were the smallest group, accounting for 0.4 per cent of the total. Among the Miskito, Pech and Garifuna peoples, females outnumbered males.

Table 1

Indigenous and Afro-Honduran population, by sex (2013)

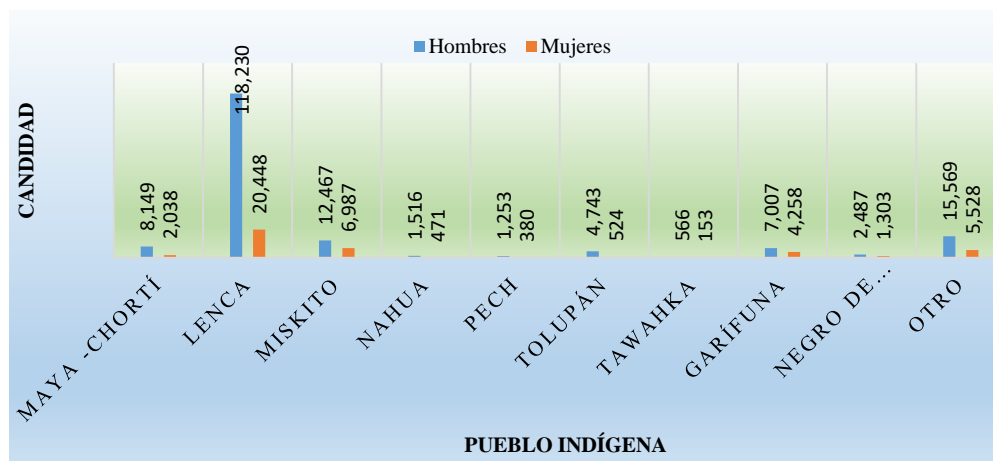
Indigenous people	Sex					
	Male		Female		Total	Percentage of total population
	Count	Percentage of male population	Count	Percentage of female population		
Maya Chortí	16 702	4.7	16 554	4.6	33 256	4.6
Lenca	226 646	63.6	227 025	62.9	453 672	63.2
Miskito	38 914	10.9	41 093	11.4	80 007	11.1
Nahua	3 099	0.9	3 240	0.9	6 339	0.9
Pech	2 954	0.8	3 071	0.9	6 024	0.8
Tolupán	9 782	2.7	9 250	2.6	19 033	2.7
Tawahka	1 348	0.4	1 342	0.4	2 690	0.4
Garifuna	20 091	5.6	23 021	6.4	43 111	6.0
English-speaking Black	6 086	1.7	6 251	1.7	12 337	1.7
Other	30 897	8.7	30 254	8.4	61 151	8.5
Total	356 517	100.0	361 101	100.0	717 618	100.0
Percentage	49.7	-	50.3	-	100.0	-

Source: Directorate-General of Research for Compliance with International Commitments, based on data from the 2013 national population and housing censuses conducted by the National Statistics Institute.

10. In the labour market, 214,075 indigenous and Afro-Honduran persons (29.8 per cent of the indigenous and Afro-Honduran population) are employed; of these, 80.3 per cent are men and 19.7 per cent women. This group is equivalent to 3.4 per cent of the total working-age population.

Figure 2

Indigenous population in employment



Source: Directorate-General of Research for Compliance with International Commitments, based on data from the 2013 national population and housing censuses conducted by the National Statistics Institute.

III. Information relating to articles 1 to 7 of the Convention

Article 1

11. The Honduran Constitution provides that international treaties become part of domestic law upon ratification.² Article 63 of the Constitution recognizes other rights and freedoms enshrined in international human rights instruments ratified by the State, such as the Convention, while article 346 establishes the State's duty to protect the rights and interests of indigenous and Afro-Honduran peoples in the country, especially with regard to the lands and forests where they live.

Article 2

12. The State condemns all forms of discrimination. Its existing legal framework and public policies contain numerous provisions aimed at eliminating racial discrimination in all areas, as described in the initial report submitted in 2012.³ In addition, the following affirmative action measures have been implemented:

(a) The classification of discrimination as an offence under amendments to articles 27 and 321 of the Criminal Code set forth in Legislative Decree No. 23-2013 of 25 February 2013, published in Official Gazette No. 33092 of 6 April 2013;

(b) The adoption of the Framework Act on the Social Protection System, which establishes the social protection floor: a non-contributory element that guarantees access to basic services and social transfers, with an emphasis on the poorest and most vulnerable members of the population. While the aim is to achieve universal social protection, support for persons in a situation of poverty or high vulnerability is given priority in the budget;

² Articles 15 and 16 of the Constitution.

³ CERD/C/HND/1-5.

(c) The adoption of the Public Policy and National Plan of Action on Human Rights under Executive Decree No. PCM-003-2013, published in Official Gazette No. 33073 of 12 March 2013 (see annex 2);

(d) The adoption of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples 2016–2022 under Executive Decree No. PCM-027-2016, published in Official Gazette No. 34031 of 12 May 2016. The Policy’s objective is to enable indigenous and Afro-Honduran peoples to exercise their rights and maintain their identity and diversity and to promote their participation in the social, economic, political, cultural and environmental spheres, with respect for their world view (see annex 3);

(e) Preparation, with the support of the United Nations Development Programme (UNDP), of an action plan for the implementation of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples, currently awaiting approval by the Ministry of Social Development and Inclusion;

(f) The adoption of the 2030 Agenda for Sustainable Development, whereby the State reaffirmed its commitment to leave no one behind and to promote inclusive and sustainable growth, with social development and environmental protection to ensure that indigenous and Afro-Honduran men and women, including children and young people, and future generations, can develop their potential with dignity and in a healthy environment;

(g) The alignment of national planning instruments (Vision for the Country 2010–2038, Plan for the Nation 2010–2022 and the Government Strategic Plan 2014–2018) with the 2030 Agenda;

(h) The development of the country’s first multidimensional poverty index with the participation of civil society, the private sector, academia, international cooperation agencies and the United Nations system. The purpose of the index is to measure poverty on the basis of parameters other than income, such as health, education, employment and housing.

13. As regards the national human rights institution — the Office of the National Commissioner for Human Rights — its chief mandate is to receive and investigate complaints and allegations and to promote human rights and educate people about their rights. The Office incorporates the Office of the Ombudsman for Migrants, Indigenous and Afro-Honduran Persons and Older Persons, which combats discrimination against these vulnerable groups.

14. Through the Ministry of Social Development and Inclusion, the State has continued to implement the Social Protection Policy and the Framework Act on Public Social Policies, in line with the 2030 Agenda, through programmes targeting populations in situations of vulnerability, poverty and extreme poverty. These include the Better Life Platform, a social protection network made up of programmes that promote housing, a guaranteed minimum income, food security, education, culture, sport and the arts.

Article 4

15. The State has classified discrimination and incitement to hatred as distinct offences in accordance with the provisions of the Convention. Article 60 of the Constitution provides that all forms of discrimination based on sex, race, class or any other motive prejudicial to human dignity shall be punishable by law. This provision forms the legal basis for the current Criminal Code, secondary laws and public policies intended to eliminate discrimination against indigenous and Afro-Honduran peoples and ensure that they can fully exercise their human rights.

16. Under article 321 of the Criminal Code, a prison sentence of 3 to 5 years and a fine of 30,000 to 50,000 lempiras may be imposed against anyone who arbitrarily and illegally obstructs, restricts, diminishes, impedes or prevents the exercise of individual or collective rights or who refuses to provide a professional service for reasons of sex, gender, age,

sexual orientation, gender identity, party affiliation or political views, civil status, membership of an indigenous or Afrodescendent group, language, nationality, religion, family background, financial or social status, disability or different abilities, health status, physical appearance or any other motive prejudicial to the human dignity of the victim.

17. Article 27 (27) of the Criminal Code establishes as an aggravating circumstance the commission of an offence motivated by hatred or contempt based on the victim's sex, gender, religion, national origin, membership of an indigenous or Afrodescendent group, sexual orientation or gender identity, age, civil status or disability, or ideology or political views.

18. In response to the recommendation contained in paragraph 10 of the concluding observations, the Government wishes to report that a new Criminal Code has been drafted. The new Code would establish the criminal offence of discrimination with regard to the exercise of rights. Article 211, on discriminatory refusal to provide a public service, would establish that any public official, employee or individual responsible for a public service who refuses to provide — for reasons of ideology, religion or beliefs; language; membership of an ethnic group or race; national origin; indigenous or African descent; sex, gender, sexual orientation or gender identity; civil, family or economic status; age; or illness or disability — a service to a person, group, association or corporation, or any member thereof who is entitled to receive the service, shall be punished with 1 to 3 years' imprisonment, a fine equivalent to 100 to 200 days and disqualification from holding public employment or office for a period of 1 to 3 years. Article 212, on discriminatory refusal to provide a service in the exercise of professional or business activities, would provide that any person who, in the exercise of his or her professional, commercial or business activities, refuses to provide a service, for any of the reasons referred to in the preceding article, to a person, group, association or corporation or member thereof that is entitled to receive it, shall be punished with specific disqualification from working in his or her profession, trade, industry or business for a period of 1 to 3 years. Article 213, on incitement to discrimination, would establish a penalty of 1 to 2 years' imprisonment and a fine equivalent to 100 to 500 days for: (a) any person who directly and publicly or through the mass media, incites discrimination or any form of violence against a group, association or corporation or any part thereof or against a particular person belonging to such a group, association or corporation, for any of the reasons mentioned in the preceding articles; (b) any person who harms the dignity of individuals through actions or expressions, including graphic expressions, that entail the humiliation of, contempt for or discrediting of any of the groups referred to above or any part thereof or against any particular person belonging to such groups, for any of the reasons mentioned in the preceding articles. Prison sentences would be increased by one third if the acts described above were committed by public officials or employees in the performance of their duties; such officials or employees would also be punished by specific disqualification from public employment or office for a period of 1 to 3 years.

19. The proposed law would also establish offences against labour rights. Article 295, on the offence of labour discrimination, would provide that any person responsible for serious discrimination in employment, whether public or private, against any person for reasons related to legal or trade union representation or to ideology, religion or beliefs, language, membership of an ethnic group or race, national origin, indigenous or African descent, sex, sexual orientation or gender identity, civil or family status, age, illness, disability or pregnancy, shall be punished with 6 months' to 1 year's imprisonment and a fine equivalent to 100 to 200 days. If the perpetrator is a public official, he or she will also be punished with specific disqualification from public employment or office for twice the duration of the prison sentence; otherwise, the individual will be disqualified from working in his or her profession, trade, industry or business for the same period of time.

20. With regard to statistical data on complaints submitted, between 2015 and 2017, the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage received 32 complaints of violations of the right to ancestral lands, which are being investigated. Criminal proceedings have been brought in land expropriation cases involving the Lima tribe of Montaña de la Flor, the Wamakklisinasta territorial council of the Miskito people, the Pech tribe of Santa María del Carbón, the Tolupán indigenous tribe of San Juan, the

Pech tribe of Santa María del Carbón, the Tolupán indigenous tribe of La Candelaria, and the Lenca Indigenous Council of the community of Simpinula. A further six complaints were received between December 2016 and April 2017, one of which has been brought to trial and is at the stage of public oral proceedings; the remainder are at the investigation stage.

Article 5

Equal treatment before the tribunals

21. Article 82 of the Constitution guarantees all citizens free access to the courts to bring proceedings in accordance with the law.

22. In order to ensure access to justice, the State created the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage within the Public Prosecution Service. The Office is responsible for dealing with complaints relating to the violation of indigenous and Afro-Honduran peoples' rights; this competence is granted under the Special Regulations on the Organization and Operation of the Directorate-General of Public Prosecutions, which establish the special principles of recognition and protection of the cultural diversity of indigenous groups.

23. With a view to ensuring access to justice for indigenous peoples, in 2015 the Public Prosecution Service, through its specialized prosecutor's office, trained all prosecutors' offices in the application of a manual on investigative procedures in cases of violations of the rights of indigenous peoples.

24. In 2017 the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage was allocated a budget of approximately 8.7 million lempiras.

Security of person

25. As regards the measures taken to ensure the personal security and the protection of indigenous and Afro-Honduran peoples against all acts of violence, the State provides special protection to the Civic Council of Popular and Indigenous Organizations of Honduras, the Locomapa tribe and the Independent Lenca Indigenous Movement of La Paz, which benefit from precautionary measures requested by the Inter-American Commission on Human Rights. In addition, the Directorate-General of the Protection System is currently carrying out a risk analysis of the request submitted by the Garífuna community of Punta Piedra.

26. The Act on the Protection of Human Rights Defenders, Journalists and Other Media Professionals, and Justice Officials was adopted by means of Legislative Decree No. 34-2015, published in Official Gazette No. 33730, dated 15 May 2015. The aim of the Act is to ensure effective protection for human rights defenders.

27. Also in 2015, the National Council for the Protection of Human Rights Defenders was established as a deliberative and advisory body under the National System for the Protection of Human Rights Defenders, whose 14 members include the Ministry of Human Rights, Justice, the Interior and Decentralization; the Ministry of Foreign Affairs and International Cooperation; the Public Prosecution Service; the judiciary; the Counsel General's Office; the Ministry of Security; the Ministry of Defence; one representative each of the Bar Association of Honduras, the Association of Journalists of Honduras, the Honduran Press Association, the Association of Judges and the Prosecutors' Association; and two representatives of civil society organizations in the field of human rights accredited by the Office of the National Commissioner for Human Rights.

28. To give effect to the Act on the Protection of Human Rights Defenders, Journalists and Other Media Professionals, and Justice Officials, the Government, with the support of the Honduras Human Rights Support Programme of the European Union, drafted implementing regulations for the Act, following the recommendations made by United Nations treaty bodies and by the Inter-American Commission on Human Rights in the context of the case *Luna López v. Honduras*.

29. The National Congress earmarked a budget of 10 million lempiras for implementation of the Act in 2016 and, in accordance with article 66 of the Act, has authorized the allocation of an additional 10 million lempiras to a Special Protection Fund. A budget of 25 million lempiras was allocated for 2017, and the amount is expected to increase in 2018. The budget of the new Ministry of Human Rights is also expected to rise.

30. In operational terms, the following progress has been achieved:

(a) The National Council for the Protection of Human Rights Defenders has held 14 meetings in which decisions have been taken with a view to ensuring that the protection system operates smoothly;

(b) A protocol has been developed for the transfer of responsibility for precautionary measures from the Human Rights Department of the Ministry of Security to the Directorate-General of the Protection System within the Ministry of Human Rights, Justice, the Interior and Decentralization;

(c) The firm that provides technological and infrastructure services for the implementation of protective measures has been approved;

(d) The Technical Committee of the Protection Mechanism has held approximately 113 meetings, of which 90 took place in 2017 and 12 were held in situ;

(e) Twenty-seven training sessions were held for the staff of the National System for the Protection of Human Rights Defenders and potential beneficiaries of the Act;

(f) Training was provided on the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);

(g) The Office of the Special Prosecutor for Human Rights appointed a court officer (assistant prosecutor) to investigate complaints lodged by human rights defenders;

(h) Honduran officials participated in a forum for the exchange of experiences with experts from countries such as Mexico and Colombia;

(i) Support and technical advice is being provided by Freedom House.

31. As of 30 September 2017, 122 cases had been assigned to the Risk Analysis Unit and a risk analysis had already been carried out for 63 of them in order to prepare them to be submitted to the Technical Committee of the Protection Mechanism. Furthermore, the Technical Committee had agreed to 480 protection measures of which 354 have been implemented to date. Cases in which protection measures have not been implemented mostly relate to situations concerning the beneficiaries. The Implementation and Follow-up Unit had 61 cases assigned to it; 7 concerned precautionary measures requested by the Inter-American human rights system and 54 concerned protection measures referred from the internal system.

32. The executive branch reports that the following measures have been carried out in relation to the training of officials responsible for implementation of the Act:

(a) In July 2017, the Ministry of Human Rights, Justice, the Interior and Decentralization, through the Directorate-General of the Protection System and with support from the Office of the United Nations High Commissioner for Human Rights and the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, provided training on ILO Convention No. 169 for local authorities in the department of La Paz. The session was attended by over 50 participants from various institutions, including representatives of municipal authorities, the armed forces, the National Police, the Public Prosecution Service, the National Fire Service, the departmental government, the Ministry of Education, the Ministry of Health, water boards and welfare foundations, as well as by human rights defenders from indigenous ethnic groups, among others;

(b) During 2015, the human rights protection unit of the National Prison Institute delivered a series of training sessions for prison security officers and technical staff of the Institute on the prevention of torture and discrimination. The unit provided training to 100 prison officers, thus fulfilling its legally established mandate;

(c) Since 2014, the Ministry of Security has provided training to 21,000 people, in collaboration with the Office of the Special Prosecutor for Human Rights; the Supreme Court of Justice; the Ministry of Human Rights, Justice, the Interior and Decentralization; the Counsel General's Office; the Office of the National Commissioner for Human Rights; the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment; the Association for a Better Life; the Centre for Education and Prevention in Relation to Health, Sexuality and AIDS; the Association for Participatory Citizenship; Catholic University of Honduras, the Association of Journalists of Honduras and the Inter-American Institute of Human Rights, which provided support in the form of two international lecturers.

33. The judiciary has a judicial training college that provides human rights training to judicial officials and administrative staff from this branch of government. Training was provided to 21 judges and 3 magistrates in 2016 and to 21 judges in 2017. Twenty-one judges are enrolled in a master's degree programme in international human rights law.

34. The Public Prosecution Service, through the Office of the Special Prosecutor for Human Rights, offered a diploma course — the only one of its kind in Central America — on criminal investigation, analysis of forensic evidence and human rights violations for 35 prosecutors from throughout the country. The course consisted of 11 modules of 18 hours each. In 2015, with support from UNDP, OHCHR, the Swiss Agency for Development and Cooperation and the University for Peace, six court officials from the Office of the Special Prosecutor for Human Rights graduated as specialists in international human rights law after completing a 190-hour postgraduate course. In addition, two prosecutors (one man and one woman) from the Office of the Special Prosecutor for Human Rights successfully completed a 180-hour course of trainer training in international human rights law at the Orlan Arturo Chávez Training School operated by the Public Prosecution Service.

Political rights

35. With regard to indigenous and Afro-Honduran peoples' political rights and participation in public life, on 2 August 2017 the Supreme Electoral Court signed a letter of understanding with the Network of Indigenous and Afro-Honduran Women that provides for the Network's involvement in the electoral process, both through participation in training and as election observers.

36. The Elections and Political Organizations Act was amended under Legislative Decree No. 54-2012 of 14 May 2012, published in Official Gazette No. 32820 of 15 May 2012. The amended Act provides for a gradual increase in the quota requirement for women's political participation, first to 40 per cent in the 2013 elections and then to 50 per cent in the 2016 elections, thus ensuring the principle of parity between women and men.

37. Pursuant to article 5 of the amended Elections and Political Organizations Act, in 2016 the Supreme Electoral Court approved regulations for the implementation of the principle of parity and the mechanism for alternation in the political participation of women and men in electoral processes, which require political parties, alliances and independent candidates to ensure that lists of candidates for elected office are composed equally of men and women. All political parties that participated in the primary elections held in March 2017 met that requirement.

38. Women from political parties have received training provided by academies for female candidates and parliamentarians in six different regions of the country, an initiative that benefited 200 women, including indigenous and Afro-Honduran women.

39. The National Registry Office, in coordination with the Ministry of Social Development and Inclusion, the Asociación Miskita Hondureña de Buzos Lisiados (an association of Miskito divers who have a disability resulting from an occupational diving-related accident) and UNDP carried out a series of interventions in the sphere of political rights in regions of the country where indigenous and Afro-Honduran communities predominate. These actions aimed to ensure that individuals were able to exercise their right to vote, and included mobile registration in the municipalities of Puerto Lempira, Brus Laguna and Juan Francisco Bulnes (department of Gracias a Dios) and the issuance of 1,022 identity cards to first-time recipients.

40. The following forums are open to the participation of indigenous and Afro-Honduran peoples: (a) the Intersectoral Commission for the Titling, Expansion, Distribution and Protection of the Lands of the Miskito and Garífuna Communities of Honduras, an initiative created under Decree No. 035-2001 of 28 August 2001; (b) the Confederation of Lenca Indigenous Federations, comprising eight organizations of the Lenca people; (c) the Network of Afro-Honduran organizations; (d) the Confederation of Indigenous Peoples of Honduras and (e) Jóvenes de las Islas de la Bahía (Youth of the Bay Islands).

Other civil rights

41. With regard to the right to nationality, the National Registry Office has prioritized the immediate registration of all births, promoting and facilitating the registration of indigenous and Afro-Honduran girls and boys who were not registered at birth. The Office carried out a registration campaign in the municipalities of Puerto Lempira, where it registered 120 individuals (34 adults and 86 children); Brus Laguna, where it registered 148 persons (39 adults and 109 children); and Juan Francisco Bulnes, where it registered 75 persons (20 adults and 55 children).

42. In addition, 21 departmental or sectional registry offices were opened, served by over 50 lawyers working free of charge for those unable to pay for the service.

43. With regard to indigenous and Afro-Honduran peoples' right to land, the National Agrarian Institute issued 158 land titles to such groups between 2001 and 2013. Of these, 63 went to Lenca communities, 11 to Garífuna communities, 4 to Pech communities, 10 to Tolupán communities and 63 to Maya Chortí communities. In 2015, the Maya Chortí community of Rosario received title in fee simple to an area of 600 hectares in the municipality of San Marcos, Ocotepeque.

44. In 2016, more than 25,000 families and 85,000 inhabitants from 12 Miskito territorial councils received titles to 1,114,976.24 hectares of land from the National Agrarian Institute and titles to 292,081.92 hectares of community forest land from the Institute for Forest Conservation. This represents a historic event in Latin America, since no other country in the region has issued land titles to indigenous peoples on such a scale.

45. The titles were granted to the following Miskito territorial councils:

- (a) Finzmos territorial council, for a total of 373,295.20 hectares;
- (b) Wamakklinasta territorial council, 115,844.93 ha;
- (c) Trucksinasta territorial council, 56,588.40 ha;
- (d) Lainasta territorial council, 53,820.31 ha;
- (e) Watiasta territorial council, 52,265.84 ha;
- (f) Batiasta territorial council, 51,107.49 ha;
- (g) Batiasta territorial council, 16,648.38 ha;
- (h) Bamiasta territorial council, 118,835.49 ha;
- (i) Bakinasta territorial council, 102,705.49 ha;
- (j) Diunat territorial council, 18,697.06 ha;
- (k) Diunat territorial council, 47,843.88 ha.

46. The National Agrarian Institute, with the support of a European Union-funded project to reduce emissions from deforestation and forest degradation in developing countries (REDD+), has launched an indigenous title mapping project with the aim of ensuring the integrity of the lands granted to indigenous and Afro-Honduran peoples by the Institute. Under the project, each plot will be geo-referenced and marked on an official map.

Economic, social and cultural rights

47. The current Government is promoting a partnership for the development of the Honduran Mosquitia and in that context in 2016 it signed a letter of intent with indigenous and Afro-Honduran organizations from the Mosquitia region, the United Nations system, the Government of Germany, the Government of Switzerland and local authorities in the department of Gracias a Dios. The aim of the partnership is to implement sustainable and inclusive development programmes and projects that incorporate social, economic and environmental dimensions under an approach based on rights and shared territorial governance.

48. The Honduran Mosquitia Territorial Governance Platform was established for the purpose of building, strengthening and guiding a forum for coordination, information exchange and inclusive and participatory dialogue with gender equity, making it possible to create the necessary governance conditions to promote sustainable development processes in the Mosquitia region. Three working groups were set up with the aim of generating consensus and agreements on priority issues in different sectors for the development of the region.

49. In terms of the geographical distribution of indigenous and Afro-Honduran peoples, the figures provided in paragraphs 7 and 8 of the present report relate to 15 of the country's departments.

50. The following measures have been adopted in the economic, social and cultural sphere for the inclusion and development of indigenous and Afro-Honduran peoples:

Employment

(a) The strengthening of entrepreneurship through a potato-farming project involving two groups of women from the Lima and Lavanderos tribes of the Tolupán people in Montaña de la Flor;

(b) The signing of agreements for four production projects in the Mosquitia region, benefiting four community enterprises and more than 300 families. These projects are supported by GOAL Honduras;

(c) Opening of a business development centre for micro, small and medium-sized enterprises in the Mosquitia region.

Housing

(a) Inter-institutional agreement between the Ministry of Social Development and Inclusion and the National Commission on Housing and Human Settlements to benefit indigenous and Afro-Honduran peoples through the Bono Vivienda housing subsidy programme, which has prioritized the construction of 98 new housing units for divers with disabilities and the relatives of deceased divers. Construction commenced in March 2017 in the municipalities of Puerto Lempira (12 housing units) and Ahuás (11 housing units);

(b) The provision of housing to the Garífuna people of Masca, Cortés department;

(c) The Pro-Energía Rural renewable energy project for sustainable rural development, in the departments of Lempira, Ocotepeque, Copán, Intibucá, Santa Bárbara and La Paz.

Health

(a) The Ministry of Health, with its new structure and National Health Model, will offer full coverage to indigenous and Afro-Honduran peoples through community visits carried out by primary health care teams providing comprehensive care and detection of diseases for upward referral in the health system;

(b) The establishment of a school of nursing for the Civic Council of Popular and Indigenous Organizations of Honduras in the city of La Esperanza, Intibucá department;

(c) In June 2016, a new health facility opened at Montaña de la Flor, department of Olancho, to provide care for the historically neglected indigenous Tolupán people.

Staffed by one general practitioner, three nursing assistants, one dentist, one laboratory technician and one receptionist/cleaner, and with a budget of 8,716,060 lempiras, it provides the following health services: (a) a general medicine clinic; (b) vaccination services; (c) laboratory services; (d) general dental services; (e) a maternal and child health clinic; and (f) respiratory therapy;

(d) The Directorate for University-Society Outreach and the Directorate for Indigenous and Afro-Honduran Peoples submitted plans to the municipal authorities of Yamaranguila for a health centre for the communities of Planes and Pacaya. Funding for the construction of the future health centre will come from the Japan International Cooperation Agency;

(e) Distribution of supplies, fertilizers, seeds and agricultural equipment to the Lavanderos tribe in Montaña de la Flor, Olancho department;

(f) The living conditions of 2,450 families belonging to indigenous and Afro-Honduran peoples were improved through their enrolment in the Better Life programme and through the delivery of food parcels to 11,000 families. This form of assistance is extremely important for the persons concerned, and is provided as a priority to single mothers and the elderly;

(g) The distribution of solidarity food parcels to the Lenca, Tolupán and Garífuna peoples.

Information on measures for the benefit of relevant groups of victims or potential victims of racial discrimination

51. In the framework of the International Decade for People of African Descent, the National Institute for Women, in coordination with the Ministry of Social Development, organized a gathering of Honduran women, in which members of nine indigenous and Afro-Honduran peoples participated. The aim of the event was to create a space to provide human rights training and capacity-building for Afro-Honduran women, to exchange views, to encourage closer ties for the coordination of efforts to benefit women and to expand the range of growth opportunities available to Afro-Honduran and indigenous women. The Government will provide financial support for the holding of a fifth Central American forum for Afrodescendent women living with HIV with a view to fostering opportunities specifically for Honduran women of African descent.

52. In the area of access to land and resources with a gender perspective, the State has made steady progress in empowering women, introducing legal provisions requiring that property must be officially registered in the names of both spouses or both partners in de facto unions, regardless of whether such unions are legally recognized. It has also instituted shared landownership in fee simple, in which beneficial ownership of land in community areas is registered in the name of a given couple. This represents a significant advance, considering that previously only men were recognized as having this right. Furthermore, the Act establishing the National Solidarity Loan Programme for Rural Women, enacted under Legislative Decree No. 110-2015, published in the Official Gazette of 14 March 2016, addresses the gender gap that hinders women's access to resources. The above measures favour the elimination of discrimination, since most indigenous women reside in rural areas.

53. Background information included in the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples indicates that, in 2012, 89.6 per cent of the school-age population successfully completed the grade in which they were enrolled. Of those that failed to complete their grade, 44.3 dropped out of school, a trend that was particularly marked among girls, with no significant differences between peoples.

54. As regards employment, the Policy takes into account the wide gender gap in the unemployment rate — 37.3 per cent for women and 7.3 per cent for men. It also includes data on child labour, which affects girls and boys in different ways. In rural areas, it has an impact on school attendance, while in urban areas girls working as domestic employees are exposed to an increased risk of becoming the victims of exploitation, violence and sexual abuse.

Article 6

55. The Constitution provides for the remedy of *amparo* as a constitutional guarantee against violations of the human rights of individuals or groups of individuals; accordingly, it may be used to protect territorial or other rights of indigenous and Afro-Honduran peoples that may be at particular risk of being violated.

56. As indicated previously, indigenous and Afro-Honduran peoples may submit complaints to the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage. This Office has a 2017 plan of action, a specific goal of which is to implement guidelines for the care of victims and citizens, applying a differential approach. The plan also provides for training of prosecutors and administrative staff as part of a pilot plan to prevent, punish and eradicate violence against indigenous and Afro-Honduran women and children by strengthening the local authorities that deal with the problems facing women and children.

57. The Office gives priority to dealing with complaints and has established protocols and manuals that are in conformity with national and international law. Moreover, in departments with significant indigenous and Afro-Honduran influence, visits are made to communities in order to receive complaints, thus ensuring access to specialized justice.

58. To ensure the right of access to justice, the Supreme Court of Justice ratified the full scope and content of the Brasilia Regulations Regarding Access to Justice for Vulnerable People and decided to adopt them as a binding public policy. To give effect to that decision, a judicial commission on access to justice was set up as a multidisciplinary entity responsible for following up on the implementation of the Brasilia Regulations (of which there are 100). The commission is charged with promoting, disseminating, fostering understanding of, applying and mainstreaming the Regulations in the approval and implementation of programmes and projects on access to justice.

59. The Supreme Court of Justice has a judicial facilitators programme, implemented with technical assistance from the Inter-American Program of Judicial Facilitators of the Organization of American States, the primary aims of which are to ensure genuine and effective access to justice, to promote a culture of peace and to strengthen mechanisms for the prevention and alternative resolution of disputes between community residents, particularly in the most vulnerable sectors.

60. One example of the protection afforded to ethnic minorities is the Agua Zarca case, in which a motion to prosecute for abuse of authority was filed against Marco Jonathan Láinez Ordóñez, former Minister of Energy, Natural Resources, the Environment and Mines, for granting an environmental licence to DESA S.A.; a ruling on an *amparo* petition is pending. A separate motion to prosecute as filed against Mr. Roberto Darío Cardona Valle, former Minister of Energy, Natural Resources, the Environment and Mines, for granting an environmental licence to DESA S.A.; an appeal is pending. Another example of access to justice for indigenous and Afro-Honduran peoples is the Patuca case, currently at the investigation stage, in which the Public Prosecution Service has confiscated an administrative file of the Ministry of Energy, Natural Resources, the Environment and Mines.

61. In the labour sphere, the Ministry of Labour and Social Security incorporates the Office of the Labour Attorney, whose functions include:

- (a) Representing or advising workers, should they so request, before the competent authorities in disputes or conflicts arising between them and their employers in respect of employment contracts;
- (b) Seeking all appropriate ordinary and extraordinary remedies for the defence of workers.

Article 7

A. Education and teaching

62. Article 151 of the Constitution stipulates that education is an essential function of the State for the conservation, promotion and dissemination of culture and that it should benefit society without any form of racial discrimination. In line with this article, the State has adopted the following legislative and administrative measures to combat prejudices that may lead to racial discrimination in the education system:

(a) The adoption, by means of Executive Decision No. 1359-SE-2014, published in the Official Gazette of 17 September 2014, of a policy framework for bilingual intercultural education. Regulations on the different modalities of alternative education for young people and adults were also adopted, by means of Executive Decision No. 1371-2014, published in the Official Gazette on 17 September 2014;

(b) The recruitment of exclusively indigenous and Afro-Honduran teachers, in implementation of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), in order to ensure the teaching of the mother tongue and the culture of those peoples, and the preparation of a document outlining the course content for multicultural and intercultural teaching programmes so that the country's universities can begin offering such programmes;

(c) The opening of five secondary schools and 141 preschools, with the latter serving 2,521 children who had not previously attended school. A further seven secondary schools are in the process of being set up to provide education for 1,000 indigenous young persons from the Miskito community. The new schools are part of the Universal Preschool Education Plan being implemented by the Ministry of Education;

(d) The preparation of the country's first dictionary of indigenous languages, containing the definitions and Spanish translations of 5,000 words in seven languages forming part of the country's linguistic heritage: Chortí, Garífuna, Bay Islands English, Miskito, Pech, Tawahka and Tolupán. A national project to revive the Lenca Nawat language is supported by teachers from Mexico who speak the language;

(e) The ongoing evaluation of education centres for indigenous and Afro-Honduran peoples through the administration of tests in the mother tongue at the end of grades 2 and 3 to 1,706 indigenous and Afro-Honduran children from the Garífuna, Miskito, Tawahka, Pech, Maya-Chortí and Tolupán populations and from English-speaking Black communities. In addition, academic qualifications in knowledge of the mother tongue are being offered in 282 schools with a combined population of 41,649 indigenous and Afro-Honduran students;

(f) The inclusion of indigenous and Afro-Honduran peoples in the national literacy campaign "Honduras learns for a better life" and its accompanying action plan, which form part of the National Plan on Compulsory Literacy, Academic Underachievement and Popular Education 2014–2017;

(g) A consultation on the state of education in Montaña de la Flor, Olancho department; the aim of this initiative, which received financial support from the United Nations Children's Fund (UNICEF), was to implement a quality educational model in 30 schools for six Tolupán tribes in two municipalities;

(h) The provision of 20 scholarships at the National Forestry School for indigenous and Afro-Honduran young people from the Mosquitia region and a further 20 scholarships in the amount of 7,000.00 lempiras per month to study at universities in Tegucigalpa and San Pedro Sula. There are plans to build a branch of the National Agricultural University in the community of Mistrú, department of Gracias a Dios, to enable young people in the area to study agricultural and forestry science;

(i) The signing of an agreement between the Directorate for Indigenous and Afro-Honduran Peoples and the National Agricultural University, under which scholarships were awarded to more than 500 indigenous and Afro-Honduran young people in 2015 and 2016;

(j) The linking of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples with the Sustainable Development Goals for the comprehensive development of indigenous and Afro-Honduran persons, in particular goal 3 of the policy: ensure inclusive and quality education for all and promote lifelong learning.

63. With regard to general information on the education system, the Office of the Deputy Director of Education for Indigenous and Afro-Honduran Peoples has 919 preschools and primary schools offering bilingual intercultural education and providing instruction for 90,737 children in their mother tongue. There are 212 preschools serving 6,878 children (3,454 girls and 3,424 boys) and 707 primary schools serving 41,233 girls and 42,626 boys.

64. The following measures have been taken with the aim of incorporating programmes and content designed to enhance knowledge of human rights into curricula and training programmes for teachers and other professionals:

(a) A total of 5,198 teachers in 15 departments where indigenous and Afro-Honduran peoples are present have received training on how to adapt the curriculum, plan lessons for bilingual classrooms, use curricular tools for bilingual intercultural education and adopt a communication-focused approach to mother-tongue content;

(b) In 2016, 411 indigenous young people graduated as primary school teachers trained in bilingual intercultural education;

(c) An additional 171 places in undergraduate degree training programmes for primary school teachers are now available in three new locations. The training is coordinated by the Francisco Morazán National Pedagogical University in the departments of Intibucá, Copán and Olancho, for the benefit of the Lenca, Maya Chortí and Pech peoples;

(d) The Government has adopted community-based rehabilitation, as advocated by the World Health Organization and the Pan American Health Organization, as a strategy to improve access to rehabilitation and community inclusion for persons with disabilities. Basic material on community-based rehabilitation has been distributed and work has begun to translate it into indigenous languages such as Miskito;

(e) Of the 919 schools offering bilingual intercultural education, 282 have been incorporated into the School Administration System. Some of those schools administered the end-of-year mother-tongue tests;

(f) The Ministry of Education is adapting the curriculum content relating to gender, disability, giftedness and indigenous and Afro-Honduran peoples;

(g) Within the framework of the Bilingual Intercultural Education Model 2006, the document outlining the course content for multicultural and intercultural teaching programmes was finalized, enabling the country's universities to begin offering such programmes.

65. A number of initiatives have been undertaken with the aim of expanding textbooks to include chapters on the history and culture of the groups protected by the Convention and encouraging the dissemination of books and other printed matter and of television and radio programmes on the history and culture of those groups, including in their native languages. These initiatives include:

(a) Providing teaching materials for bilingual education with an intercultural and ethnohistorical perspective in schools serving indigenous and Afro-Honduran peoples;

(b) Printing 192,000 storybooks as part of the “Si creo y leo, me recreo” (“If I believe and read, I have fun”) series, in coordination with the Teacher-Citizen Participation Project (Proyecto EducAcción), which was funded by the United States Agency for International Development and reached approximately 40,000 children;

(c) The Inter-Agency Commission on Dive Fishing has obtained permits to begin broadcasting on two community radio frequencies, operated by the Asociación Miskita Hondureña de Buzos Lisiados in the municipalities of Puerto Lempira and Brus Laguna.

66. A number of measures have been implemented in the training of law enforcement officials in order to ensure that in the course of their duties they respect, protect and defend the human rights of all persons without discrimination on the basis of race, colour or national or ethnic origin. These measures include:

(a) The revision and implementation of the human rights syllabus for the armed forces, in partnership with the Ministry of Human Rights, Justice, the Interior and Decentralization and with technical assistance from UNDP and the International Committee of the Red Cross;

(b) The inclusion of human rights as a cross-cutting theme in the theoretical and practical components of the academic syllabus at the Police Technological Institute, the School of Criminal Investigation, the National Police Academy and the School for Non-Commissioned Officers;

(c) The provision of human rights training to 21,000 police officers since 2014;

(d) The provision by the Ministry of Human Rights, Justice, the Interior and Decentralization of human rights training to 31,849 individuals, including members of the armed forces and the police, civil servants, students, heads of households and persons deprived of their liberty.

67. In connection with the recommendation contained in paragraph 8 of the Committee's concluding observations regarding disaggregated data for the development of policies, data from the seventeenth population and housing census, conducted in 2013, showed that while 59.6 per cent of indigenous persons had completed basic education, only 9,829 (1.5 per cent) had completed university-level education and 140,706 (21.2 per cent) had no education at all.

68. With regard to illiteracy, 74.8 per cent of indigenous persons are able to read and write and 25.2 per cent are not. The departments with the highest illiteracy rates are Colón, Copán, Gracias a Dios, Intibucá, Lempira and Santa Bárbara. The department with the lowest illiteracy rate is Islas de la Bahía.

Table 4

Illiteracy rate among the indigenous population

Departments	Indigenous and Afro-Honduran Peoples									
	Maya-Chortí	Lenca	Miskito	Nahua	Pech	Tolupán	Tawahka	Garífuna	English-speaking Black	Other
Atlántida	10.32	14.47	5.87	10.34	9.59	7.14	5.71	6.64	3.95	6.86
Colón	31.82	40.62	16.83	17.14	23.57	34.04	16.67	8.01	7.38	13.35
Comayagua	7.5	20.92	6.43	12.6	19	31.25	10.81	10.37	5.36	18.36
Copán	28.95	23	25.96	21.15	21.05	23.08	31.48	15.48	32.26	23.62
Cortés	11.5	8.86	8.84	9.73	6.91	11.4	8.77	5.54	8.59	7.15
Choluteca	14.29	21.36	20	19.19	11.11	18.18	17.02	14.29	45.45	21.21
El Paraíso	12.61	16.88	19.3	22.29	6.82	0	19.57	20.61	31.58	18.69
Francisco Morazán	7.79	27.1	5.68	11.17	8.65	46.21	9.52	6.59	3.36	8.6
Gracias a Dios	26.67	12.12	15.82	12.5	14.71	13.33	13.26	3.68	12.5	37.11
Intibucá	29.26	18.35	12.59	22.22	0	13.79	27.78	14.53	9.09	22.03
Islas de la Bahía	6.7	5.1	5.91	0	5.43	10	0	1.71	2.31	4.69
La Paz	22.03	19.38	12.9	14	5	6.25	4.55	3.7	0	15.23
Lempira	21.79	27.19	16.67	30.1	14.29	0	23.33	13.64	0	25.25
Ocotepeque	31.5	24.92	21.62	19.48	0	0	16.67	25	60	26.91
Olancho	24.16	16.16	25.6	26.88	27.87	10.71	28.99	23.34	15.52	20.26
Santa Bárbara	24.24	20.4	14.44	29.19	20.27	22.45	16.33	21.95	0	25.73

	Indigenous and Afro-Honduran Peoples									
Departments	Maya-Chortí	Lenca	Miskito	Nahua	Pech	Tolupán	Tawahka	Garífuna	English-speaking Black	Other
Valle	0	15.79	0	12.5	0	-	0	20.93	50	21.88
Yoro	12.4	25.54	12.87	23.3	17.43	32.2	17.58	11.9	8.2	15.29

Source: Directorate-General for Research and Compliance with International Commitments, based on data from the 2013 national population and housing census conducted by the National Statistics Institute.

Table 5
Indigenous persons able to read and write

Indigenous peoples	Able to read and write				
	Yes	Percentage	No	Percentage	Total
Maya-Chortí	22 605	4.6	8 301	5.0	30 906
Lenca	305 693	61.5	112 905	67.4	418 598
Miskito	54 933	11.1	19 148	11.4	74 081
Nahua	4 454	0.9	1 236	0.7	5 690
Pech	4 019	0.8	1 504	0.9	5 523
Tolupán	10 978	2.2	6 441	3.8	17 419
Tawahka	1 967	0.4	536	0.3	2 503
Garífuna	34 882	7.0	5 501	3.3	40 383
English-speaking Black	10 473	2.1	1 176	0.7	11 649
Other	46 801	9.4	10 843	6.5	57 644
Total	496 805	100.0	167 590	100.0	664 395

Source: Directorate-General for Research and Compliance with International Commitments, based on data from the 2013 national population and housing census conducted by the National Statistics Institute.

Table 6
Level of education of indigenous persons

Indigenous and Afro-Honduran Persons	Highest level achieved										Total	Percentage
	None	Literate	Preschool	Primary	Lower secondary	Upper secondary	Further technical education	Further education (non-university)	University	Post-graduate		
Maya-Chortí	7 727	353	1 178	16 967	2 131	1 685	137	54	631	42	30 906	4.7
Lenca	91 087	2 101	17 002	262 974	20 086	19 999	1 032	413	3 715	190	418 598	63.0
Miskito	15 343	580	3 199	42 857	6 509	3 988	498	171	880	55	74 081	11.2
Nahua	1 135	24	158	3 009	531	553	34	11	220	16	5 690	0.9
Pech	1 169	26	258	3 233	327	361	16	13	113	6	5 523	0.8
Tolupán	5 207	141	753	10 097	654	434	16	10	98	8	17 419	2.6
Tawahka	452	3	79	1 405	240	247	8	8	57	3	2 503	0.4
Garífuna	5 996	181	1 416	19 944	5 639	4 789	453	168	1 683	114	40 383	6.1

Indigenous and Afro-Honduran Persons	Highest level achieved										Total	Percentage
	None	Literate	Preschool	Primary	Lower secondary	Upper secondary	Further technical education	Further education (non-university)	University	Post-graduate		
English-speaking												
Black	1 450	41	419	5 560	2 045	1 370	267	54	398	45	11 649	1.8
Other	11 139	393	1 636	29 836	6 364	5 345	548	216	2 035	130	57 644	8.7
Total	140 706	3 844	26 100	395 882	44 527	38 770	3 009	1 118	9 829	610	664 395	100.0
Percentage	21.2	0.6	3.9	59.6	6.7	5.8	0.5	0.2	1.5	0.1	100.0	-

Source: Directorate-General for Research and Compliance with International Commitments, based on data from the 2013 national population and housing census conducted by the National Statistics Institute.

B. Culture

69. With regard to the promotion of culture, a number of bodies and associations are working to combat racial prejudices; promote national and intercultural understanding, tolerance and friendship among all groups; and develop national culture and traditions. The main functions of these bodies are described below:

(a) The cultural sector in Honduras comprises the Directorate for Culture, Arts and Sport, which is attached to the Office of the President; the Honduran Tourism Institute; the Institute of Anthropology and History; the National Autonomous University of Honduras; the Ministry of Education; the Francisco Morazán National Pedagogical University; the Division of Culture, Education and Sport within the Central District municipal mayor's office; the Office for Cultural, Educational, Scientific and Technical Affairs within the Ministry of Foreign Affairs; and the municipalities. Honduras also has 14 national cultural centres and 66 satellite cultural centres;

(b) The Directorate for Indigenous and Afro-Honduran Peoples is mandated to oversee social policies and coordinate programmes and projects designed to reduce poverty and provide opportunities for the comprehensive inclusion and development of vulnerable indigenous and Afro-Honduran persons;

(c) The National Education Programme for the Indigenous and Afro-Honduran Ethnic Communities of Honduras has been promoting bilingual intercultural education since 1994. Since 1998, a technical unit in the Ministry of Education has officially been responsible for bilingual intercultural education. Indigenous and Afro-Honduran persons have the right to participate in shaping the programme's conceptual framework;

(d) The Office of the Deputy Director of Education for Indigenous and Afro-Honduran Peoples within the Ministry of Education is responsible for the implementation of public policies and initiatives under the National Plans of Action on Human Rights;

(e) The reconstruction project for the revival of the Lenca language in Honduras is an initiative that aims to strengthen the identity of the Lenca people and is supported by the linguists Alan King and Jan Morrow. Workshops on the initiative have been run for Lenca organizations as a way to reach out to them and obtain their support. To implement the initiative, it is hoped that an initial group will learn the Lenca language in Honduras and then teach it to another group, thereby increasing the number of speakers;

(f) A joint programme to promote sustainable cultural tourism for inclusive economic development on the Lenca Route came to an end in 2016. The programme's objective was to reduce levels of poverty and extreme poverty among the Lenca peoples in the municipalities of Intibucá, Jesús de Otoro, La Esperanza, San Miguelito and Yamaranguila by promoting social cohesion and inclusive and sustainable economic development;

(g) A total of 61,625,778 lempiras is paid out annually to institutions working in culture and the arts at the national level;

(h) In 2016, the Directorate for Culture and Arts staged 188 festivals and music performances, 104 traditional dance performances and 121 performances at the Manuel Bonilla National Theatre.

70. As part of the State's promotion activities, the Public Policy and National Plan of Action on Human Rights includes a cultural plan, which is designed to contribute to the implementation of relevant policies and the adoption of the bill on the promotion of culture. These initiatives are integrated into human development strategies at all levels. This approach is also designed to invigorate the creative industries, which have an impact on both the economy and job creation. In addition, arts and culture influence skills development in children and young people.

71. Also worth noting are initiatives that highlight the cultural, artistic and academic activities and output of historically excluded sectors, including (a) the Cultural Entrepreneur Award, (b) the democratization of access to culture, (c) the Literary Society of Honduras Awards, (d) the IDEAS Group Award, (e) the national painting and visual arts award, (f) the UNICEF National Children's Prize for Painting, (g) the sculpture and ceramics biennial and the Honduras Art Show, (h) the visual arts anthology, (i) the José Trinidad Reyes National Theatre Prize, (j) the national awards in science, art and literature, (k) the José Cecilio del Valle National Science Award, (l) Pablo Zelaya Sierra National Art Award, (m) the Ramón Rosa National Literature Award, (n) the Hoja de Laurel de Oro Award, (o) the King Juan Carlos Award for Scientific Research, (p) the National Journalism Award and (q) the National Environment Award.

72. The bill on the promotion of culture, which is at the preliminary drafting stage, is part of the Government's National Culture Policy and is one element of a wide-ranging platform addressing human development and improved quality of life for indigenous and Afro-Honduran persons. The legislation is intended to be part of a binding framework and is strategically aimed at the development of all levels of the education system, as well as the implementation of national, regional and municipal development plans, with the approval, inclusion and participation of the various indigenous and Afro-Honduran communities, in order to close the gaps between social classes and ethnic groups.

C. Information

73. With regard to the dissemination of information on culture and the role of the State-run media in making available information designed to discourage prejudices that may lead to racial discrimination, the National Culture System disseminates cultural information.

74. In addition, cultural programmes are broadcast on National Television Channel 8, the National Congress Channel, the UTV Channel operated by the National Autonomous University of Honduras, National Educational Television (Channel 10) and Honduras National Radio.

IV. Follow-up to the concluding observations of the Committee

75. In follow-up to paragraph 7 of the Committee's concluding observations, the Government has continued to implement social inclusion and development policies aimed at reducing inequalities and poverty, as described in the sections of the present report pertaining to articles 2 and 5 of the Convention.

76. With regard to paragraph 8 of the Committee's concluding observations, the data from the 2013 census was taken into account in the development of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples.

77. The response to paragraphs 9 and 10 of the Committee's concluding observations is provided in the section of this report pertaining to article 4.

78. In connection with paragraph 11 of the Committee's concluding observations, in mid-2017 the President announced that the Office of the Deputy Minister for Human Rights would be detached from the current Ministry of Human Rights, Justice, the Interior and Decentralization and a new Ministry of Human Rights would be established. The new Ministry was created pursuant to Executive Decree No. PCM-055-2017 of 9 September 2017, published in Official Gazette No. 34441, and will begin operations on 1 January 2018. The intention behind this decision is to strengthen the promotion and protection of human rights by the State by creating an institution devoted exclusively to addressing the issue, to promote the implementation of the Public Policy and National Plan of Action on Human Rights and to better serve vulnerable groups and ensure the recognition of their rights. Nevertheless, it should be emphasized that the Office of the Deputy Minister for Human Rights and Justice has continued to fulfil its mandate, role and functions in the promotion and protection of human rights in Honduras, just as the Ministry of Justice and Human Rights had done previously.

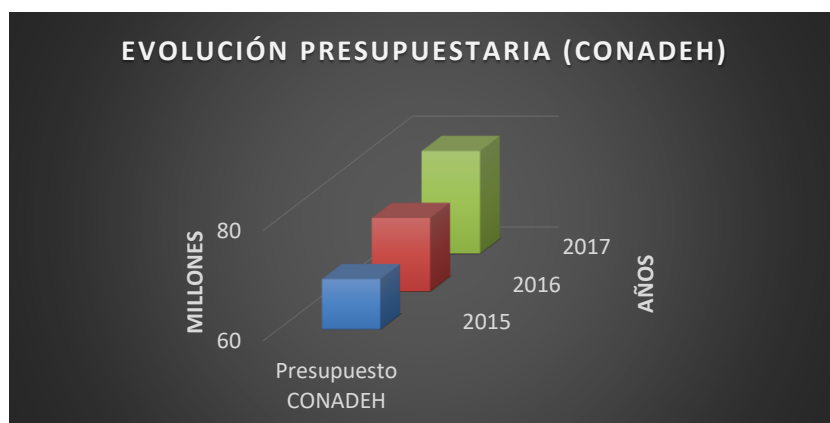
79. The Act on Optimizing Public Administration, Improving Services for Citizens and Strengthening Transparency was promulgated by means of Decree No. 266-2013 of 16 December 2013, published in Official Gazette No. 33336 of 23 January 2014. The Directorate for Indigenous and Afro-Honduran Peoples, which comes under the Ministry of Social Development and Inclusion, was established by means of Executive Decree No. PCM-03-2014. While it is true that the Directorate no longer has ministerial status, it has assumed the functions and powers of the former Ministry for Indigenous and Afro-Honduran Peoples. It has ensured the continuity of all programmes and projects, which have been strengthened by the Ministry of Social Development and Inclusion through the programmes of the Better Life platform.

80. In October 2016, with the support of the Inter-American Development Bank, the capacities of the Directorate for Indigenous and Afro-Honduran Peoples were strengthened in order to energize and revitalize the action plan for the implementation of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples. As part of this process, the capacities and functions of the Directorate were delineated, its institutional and organizational structure was established, its strategic platform was developed and its programmatic activities were identified and aligned through the development of operational planning.

81. With regard to paragraph 12 of the Committee's concluding observations, the National Congress established a special commission to oversee the process of selecting the Ombudsman. The commission prepared the rules and particulars for the public hearings held in connection with the selection of the National Commissioner for Human Rights. This framework ensured that the application procedure was open and fair and that public hearings were held as part of a transparent, participatory selection and appointment process.

82. The annual budget of the Office of the National Commissioner for Human Rights has risen each year since 2015, as shown in the figure below.

Figure 5



Source: Created by the authors on the basis of data from the Ministry of Finance.

83. This budget has enabled the Office to increase its presence in communities and territories via mobile units that facilitate the submission of complaints in all departments of Honduras. It has also helped to strengthen the offices of the various human rights ombudsmen, who are responsible for promoting measures in support of groups in situations of vulnerability and helping to improve the design and implementation of public policy and administration.

84. The Office of the National Commissioner for Human Rights includes the following ombudsman offices:

- (a) Office of the Ombudsman for Women;
- (b) Office of the Ombudsman for Children and Families;
- (c) Office of the Ombudsman for Migrants, Indigenous and Afro-Honduran Persons and Older Persons;
- (d) Office of the Ombudsman for Persons with Disabilities;
- (e) Office of the Ombudsman for Sexually Diverse Persons and Persons Living with HIV/AIDS;
- (f) Office of the Ombudsman for the Environment.

85. During the period 2014–2016, the Office of the National Commissioner for Human Rights Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions recommended that the Office should be reaccredited with B status rather than A status. The Office subsequently challenged the recommendation and provided documentary evidence addressing each observation made by the Subcommittee. The Subcommittee commended the Office for its continuing efforts to promote and protect human rights.

86. In accordance with an action plan entitled “Vanguardia de la Dignidad Humana” (At the Forefront of Human Dignity) for 2014–2020, in September 2015 the Office of the National Commissioner for Human Rights and the Inter-American Court of Human Rights signed an agreement to coordinate their efforts and strengthen their ties, deepen knowledge of the law and disseminate international instruments for the promotion and defence of human rights.

87. Recently, the Office of the National Commissioner for Human Rights, with support from the Office of the United Nations High Commissioner for Refugees, established the Forced Internal Displacement Unit, which seeks, through mechanisms for promoting public awareness and engagement, to monitor and improve understanding of the situation of people who are forcibly displaced as a result of violence.

88. In addition, in 2017 the Office of the National Commissioner for Human Rights began to implement the strategy for human security and sustainable development, which is entitled “Municipalities for Welfare and Solidarity”. The strategy will be piloted initially in five municipalities. This initiative seeks to ensure that communities and municipal governments prioritize early prevention interventions that aim to enhance protection of personal dignity.

89. In order to achieve the above objective, multisectoral networks have been established as open community participation groups for the defence of human dignity. The networks cooperate with municipal governments on issues pertaining to sustainable development and participation in municipal public affairs; conduct social oversight of public programmes, projects and services; and actively support human security in the municipality.

90. These networks are currently receiving training in the use of another new instrument that will facilitate the protection of human rights in the community: local systems for the protection and promotion of human rights. These systems have been designed as municipal tools for systematic, comprehensive and preventive protection to safeguard individuals and communities from threats to their human security, such as poverty, violence, crime, unemployment, food insecurity, natural disasters, displacement and forced migration and social conflicts. In order to resolve specific individual complaints or allegations, there will

be a human rights protection mechanism and a human rights promotion mechanism in each municipality.

91. Another tool, the Human Security Index, will also be used to anticipate threats to the security of the population. The Index will enable the verification of the level of enjoyment of human rights in each community and facilitate early-warning alerts in areas that may give rise to human rights violations.

92. With regard to the measures taken in connection with the functioning of the National Commission against Racial Discrimination, Racism, Xenophobia and Other Related Forms of Intolerance, the Ministry of Human Rights, Justice, the Interior and Decentralization, in its capacity as a coordinating body for the Commission, reports that since 2015 steps have been taken to revitalize the Commission. The Government has now designated the members of the Commission and will call a public meeting of civil society organizations working to protect the rights of indigenous and Afro-Honduran persons, so that they may elect their representatives.

93. Concerning paragraph 13 of the Committee's concluding observations, in the past five years the Government has conducted a number of campaigns in conjunction with civil society to disseminate and promote cultural rights and national identity. These activities have included (a) cultural and food festivals, (b) cultural management workshops, (c) the Gracias Convoca Festival, (d) festivals and fairs celebrating local culture and patron saints, (e) the African Heritage Month Award, (f) events organized by cultural associations, (g) the Moors and Christians Festival and Guancasco festivities, (h) National Identity Week, (i) cultural and food fairs, (j) traditional games workshops, (k) cultural events in Afro-Honduran communities and (l) the Conquest of the Caribbean Festival. The latter festival is the first event to bring together the Garífuna communities from the area of Trujillo, in the department of Colón. The event introduces local and foreign tourists alike to the culture, traditions, religion, dances, crafts and other artistic manifestations of the Garífuna people of Cristales, Colón. Through the festival, public spaces that had been forgotten and neglected for years have been reclaimed, thus contributing to the meaningful representation and participation of individuals who are part of Honduran society, irrespective of their religion, beliefs or ethnicity.

94. There are also programmes to encourage the participation of women, young people, children, indigenous and Afro-Honduran persons, older persons and persons with disabilities in various cultural activities. These are carried out through the Ministry of Education, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Development and Social Inclusion, the Central Bank of Honduras, the Honduran Tourism Institute, the Chamber of Tourism and municipalities.

95. The State also has a system for disseminating cultural information to the public via the press, radio, the Internet, television, public bodies and other means. The National Culture System broadcasts cultural programmes via national media outlets including (a) National Television Channel 8, (b) the National Congress Channel, (c) the UTV Channel operated by the National Autonomous University of Honduras, (d) National Educational Television (Channel 10) and (e) Honduras National Radio.

96. With regard to paragraph 14 of the Committee's concluding observations, concerning the inclusion of a gender perspective in all policies and strategies against racial discrimination and the production of statistics disaggregated by sex, the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples described above is in line with the Convention on the Elimination of All Forms of Discrimination against Women and incorporates human rights principles such as gender equality, multiculturalism, equality and non-discrimination. The Policy also highlights the importance of empowering women through leadership roles in social inclusion policies.

97. The Policy is linked to sectoral strategic planning and, particularly through its goal 4, aims to achieve gender equality and empower all women and girls.

98. It encompasses perspectives and principles relating to human rights of women, including:

(a) Gender equality: a gender equality perspective facilitates the observation, study and transformation of cultural, economic and political differences between the circumstances and status of men and women and boys and girls which generate inequalities and are manifested in discrimination and social exclusion;

(b) Equality and non-discrimination: this is understood as a fundamental principle for the fulfilment of every human right and a guarantee of the enjoyment of fundamental rights and freedoms without discrimination.

99. The Policy contains 6 areas of action, the first and third of which include specific activities with a gender perspective. Area 1 deals with social and political participation and the exercise of intercultural citizenship by indigenous and Afro-Honduran persons. It proposes an investment of approximately US\$ 261,267 and calls for strategic actions that intersect with and complement the second National Gender Equality Plan and the Act on Equal Opportunities. Area 3 deals with the right to health and takes into consideration the world view of indigenous and Afro-Honduran peoples. An investment of approximately US\$ 1,000,000 for this area. Its strategic activities focusing on women encompasses the implementation of an intercultural model for comprehensive health care, including the development of a conceptual and operational framework for indigenous and Afro-Honduran persons, and the dissemination of best practice in institutional and community health-care settings, thus ensuring a differentiated approach to care.

100. Among other data, the Policy includes information showing that, in 2012, 89.6 per cent of the school-age population completed the grade in which they were enrolled. Of those students who failed to complete their grade, 44.3 per cent dropped out of school, a trend that was particularly marked among girls, with no significant differences between peoples.

101. A pilot analysis of 13 public institutions shows that investment in gender equality accounted for 13.16 per cent of the general national budget in 2017. It should be noted that investment earmarked for this purpose made up only 0.003 per cent of the budget in 2012; the figure increased to 5.4 per cent in 2015 and 11.5 per cent in 2016.

102. In addition to the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples, other policy initiatives include the second National Gender Equality Plan 2010–2022, which was adopted on 6 July 2010 by means of Executive Decision No. PCM 028-2010, published in Official Gazette No. 32275 of 28 July 2010. Its formulation was led by the National Institute for Women and involved national consultations with central government bodies, municipal councils and civil society organizations, particularly women's associations. International cooperation was made available for this purpose.

103. This policy provides for a cultural and intercultural approach to the development and full exercise of the human rights of indigenous and Afro-Honduran women and girls. Under it, all government agencies are called upon to coordinate their efforts to reach the stated policy objectives and to allocate technical and financial resources for that purpose. A significant step forward in its implementation has been the establishment of municipal women's offices tasked with drawing up and implementing local gender policies in the country's 298 municipalities.

104. With reference to paragraph 15 of the Committee's concluding observations, the response is provided in the paragraphs on security of person in the section of this report pertaining to article 5.

105. Concerning paragraph 16 of the Committee's concluding observations, the relevant information is provided in the sections pertaining to articles 5 and 6.

106. With regard to paragraph 17 of the Committee's concluding observations, the constitutional basis for the Employment and Economic Development Areas is found in article 329 of the Constitution, which stipulates that the State shall promote economic and social development, which must be subject to strategic planning, and that the system and planning process shall be regulated by law and involve the participation of State authorities and duly represented political, economic and social organizations.

107. Pursuant to the Organic Act on Employment and Economic Development Areas, certain safeguards are in place regarding the implementation of the development areas. These safeguards include the following:

(a) The decision to establish an area subject to a special regime can be taken only by a qualified majority of the National Congress and is subject to approval by a two-thirds majority in a referendum held in the affected communities, pursuant to article 5 of the Constitution;

(b) Upon approving the establishment of an area subject to a special regime, the National Congress must ensure compliance with both the judgment handed down by the International Court of Justice in The Hague on 11 September 1992 and the provisions of articles 10, 11, 12, 13, 15 and 19 of the Constitution pertaining to land. Such areas are subject to national legislation in all matters relating to sovereignty, justice, national defence, foreign affairs, electoral matters and the issuance of identity papers and passports;

(c) Special regimes applicable to areas in the Gulf of Fonseca and the Caribbean Sea must be in accordance with international law and article 10 of the Constitution;

(d) A referendum or plebiscite must be held among the inhabitants of an area where a special regime is proposed;

(e) Article 43 of the Act provides that the authorities must not carry out acts that violate the ownership rights of indigenous and Afro-Honduran peoples over lands to which the Government has granted them titles. Programmes for cooperation and development can be established in collaboration with indigenous and Afro-Honduran peoples by mutual consent and with full respect for their culture and customs.

108. With regard to paragraph 18 of the Committee's concluding observations, the National Congress, by way of Legislative Decree No. 191-2012 of 12 December 2012, removed from office the following judges: Rosalinda Cruz Sequeira, José Francisco Ruiz Gaekel, José Antonio Gutiérrez Navas and Gustavo Enrique Bustillo Palma. The following judges were elected to replace them: Silvia Trinidad Santos, Víctor Manuel Lozano Urbina, German Vincent García García and José Elmer Lizardo Carranza. The case is currently at the first stage of being heard before the Inter-American Commission on Human Rights.

109. As to paragraph 19 of the Committee's concluding observations, concerning Miskito divers, the State provides them with specialized care and has taken affirmative action through the member institutions of the Inter-Agency Commission on Dive Fishing, including the National Commission on Housing and Human Settlements, which was established by Executive Decree No. PCM-024-2014 of 30 May 2014. Under the "Housing for a Better Life" programme, a voucher scheme to improve housing for indigenous and Afro-Honduran peoples has been created, and the procedure to be followed for the award of vouchers to Miskito divers with disabilities has been established under the regulations governing the scheme.

110. This project has benefited divers with disabilities and the families of deceased divers, with 98 new homes allocated to date — representing a total investment of 9,604,000 lempiras — in the following municipalities: Brus Laguna (22 homes), Ahuás (11 homes), Puerto Lempira (44 homes), Villeda Morales (15 homes) and Juan Francisco Bulnes (6 homes).

111. In order to identify all divers with disabilities, a campaign was conducted, as part of a project to strengthen the rule of law for the protection and promotion of human rights in Honduras, to register persons with disabilities in communities in Kaukira, Ujé, Yahurabila, Barra Patuca, Batalla, Ibans, Belén and Puerto Lempira and provide them with identity cards. The campaign reached 4,372 persons, with the issuance of 796 identity cards for persons with disabilities, 1,016 first-time identity cards and 7 replacement identity cards, 2,132 birth certificates and 303 replacement birth certificates, and the recording of an additional 118 births. In addition, a census workplan and tool have been developed, including a targeted census of divers with disabilities, active divers, and families of deceased divers in the department of Gracias a Dios, at a cost of 4,336,440.71 lempiras.

112. In the area of health, a primary health care clinic was set up in 2015 on the premises of the Asociación Miskita Hondureña de Buzos Lisiados. The clinic currently has one hyperbaric chamber and there are plans to set up a “hyperbaric corridor” to provide treatment for decompression sickness to divers in the Mosquitia region by means of a mobile patrol unit. A protocol for clinical care of patients with decompression sickness is being disseminated.

113. In the area of employment, in order to align the legal framework on fishing with the context and way of life of the Miskito population in Honduras, the Framework Act on Social Protection was adopted by means of Legislative Decree No. 56-2015 of 21 May 2015. The Framework Act provided the basis for the provision of social assistance as outlined in Legislative Decree No. 106-2015 of 29 September 2015, which contains the Act on Fishing and Aquaculture. In addition, reforms to the occupational health and safety rules for underwater fishing are under consideration.

114. In the area of education, the financial aid programme for the children of deceased divers or divers with disabilities provides support to 33 students in primary, secondary and higher education, with a budget of 513,000 lempiras in 2016 and 838,000 lempiras in 2017.

115. With reference to paragraphs 20 and 21 of the Committee’s concluding observations, concerning free, prior and informed consultation with, and participation by, indigenous and Afro-Honduran peoples and the organizations that represent them, in December 2012 a binding agreement was signed between the Confederation of Indigenous Peoples of Honduras, the Ministry for Indigenous and Afro-Honduran Peoples, the Ministry of Natural Resources and the Environment, the Forest Conservation Institute and the National Agrarian Institute, with the aim of giving effect to the provisions of the National Climate Change Strategy.

116. The document contains a commitment by the parties to work together to draft a bill on the implementation of the right to free, prior and informed consultation, as described in ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

117. The Confederation of Indigenous Peoples of Honduras began work on a draft framework bill on mandatory free, prior and informed consultation with and consent by indigenous and Afro-Honduran peoples. The draft legislation contains provisions for the establishment of mechanisms and procedures for carrying out binding prior consultation with indigenous and Afro-Honduran peoples regarding exploration activities, extraction of mineral, hydrocarbon and water resources, infrastructure projects or any other measures that affect or would affect their rights, land, ancestral territory or natural resources.

118. The Directorate for Indigenous and Afro-Honduran Peoples formed a team of technical and legal experts who conducted an analytical review of relevant national and international legislation, resulting in the first draft of a framework bill on free, prior and informed consultation with and consent by indigenous and Afro-Honduran peoples.

119. An inter-agency technical committee on ILO Convention No. 169, which was tasked with formulating, drafting and following up on the preliminary bill on free, prior and informed consultation, includes representatives of the Directorate for Indigenous and Afro-Honduran Peoples; the Ministry of Human Rights, Justice, the Interior and Decentralization; the Ministry of Labour and Social Security; the National Agrarian Institute; the Ministry of Agriculture and Livestock; the Ministry of Energy, Natural Resources, Environment and Mines; the Ministry of Social Development and Inclusion; the Counsel General’s Office, the National Institute for Vocational Training; the Ministry of Foreign Affairs and International Cooperation; the National Congress; the Office of the President; the Executive Office; the Honduran Social Security Institute; the National Statistics Institute; the Ministry of Education; the Ministry of General Government Coordination; the Directorate for Children, Adolescents and Families; and the National Institute for Women.

120. Between 27 May 2016 and 4 October 2017, 18 workshops were held with the participation of a range of indigenous and Afro-Honduran representatives. A total of 1,413 representatives were consulted, as follows:

(a) Lenca peoples: (4 workshops: Marcala (2), La Esperanza, Gracias), with the participation of the National Lenca Organization of Honduras, the Lenca Movement of Honduras, the Women's Network, the Lenca Foundation of Congolón, the Lenca Federation of Honduras, the Lenca Forum, the Lenca Women's Council of Honduras, the Indigenous Coordinating Council for People's Power in Honduras, the Lenca Women's Community Association of Honduras, the Lenca Association of Persons with Visual Impairments, the Auxiliaría de la Vara Alta Indígena Lenca de Honduras, the Lenca Union of Women Micro-entrepreneurs, an Intibucá women's association, the Hormigas women's group, the Indigenous and Afro-Honduran Women's Network, the Agricultural Workers Union, the International Union for Conservation of Nature, ONJUH, the Independent Lenca Indigenous Movement of La Paz, APAMAR, the Lenca Indigenous Council of Llanos de San Antonio, Indigenous Pastoralists, the Civic Council of Popular and Indigenous Peoples' Organizations and the Confederation of Indigenous Peoples of Honduras;

(b) Garífuna peoples: (4 workshops: Corozal, Trujillo, Iriona and Batalla), with the participation of community advisory boards from Corozal, Sambo Creek, Nueva Armenia, Tornabé, Baja Mar, Sarawaina, Travesía, Tocamacho, Plaplaya, Batalla, Trujillo, Río Esteban, Puerto Castilla and Guadalupe; teachers from State schools; the Pech Corozo Palm Nut Harvesters Corporation; the WAGUCHA Community Platform; the Honduran Association of Black Women; representatives of the mayor and the community advisory board of Santa Fé, San Antonio; Gari Rasta (a Garífuna youth collective working to protect the land); the Association of Garífuna Municipalities of Honduras; the Ministry of Health, the Parents' Association of San José Laboriel School; EMPROMARSA (a shellfish processing company); the municipality of Juan Francisco de Bulnes; the Tocamacho Garífuna community; Barauda Territorial Council; representatives of the public health service; the Gemelos Association; the Community Ethnic Development Organization; Sangrelaya youth group; the Honduran Association of Black University Students; the Martin Luther King Foundation; the Honduran Organization of Young Entrepreneurs; the Wachari finance company; the Women's Network; and the Codey Regional Bilingual Council;

(c) English-speaking Black Hondurans: 76 people (1 workshop), with the participation of the Islas de la Bahía Association of Indigenous Workers and Professionals, Wake Up Roatan, the Bay Islands Development Organization, the Bay Island Professional Tour Guide Association, the Independent Centre for Development in Honduras, Bay Islands Chamber of Commerce and Industry, the Board of Directors of the Bay Islands Free Zone (Zolitur) and IBE;

(d) Tolupán: (2 workshops) with the participation of the Federation of Xicaque Tribes of Yoro, the San Juan tribe, the La Lima tribe, the La Ceiba tribe, the Guaruma tribe and the Lavanderos tribe;

(e) Miskitu peoples: (1 workshop) with the participation of the organization Muskitia Asla-Takanka, the Drapap Tara residents' association and territorial councils;

(f) Tawahka peoples: the Tawahka Federation of Honduras (1 workshop);

(g) Pech peoples: (2 workshops: Olancho and Gracias a Dios), with the participation of the Federation of Pech Indigenous Tribes of Honduras and the community advisory boards from Silin and Moradel;

(h) Nahua peoples: the Nahua Federation of Honduras (1 workshop);

(i) Maya Chortí: (2 workshops), with the participation of the Maya Chortí National Council, the National Ancestral Association for Maya Chortí Rights, the San Andrés community, the parish of Antigua, the community advisory board from El Ocotillo, the Maya Chortí Indigenous Council of Nueva San Andrés and the parish of San Andrés.

121. A national workshop was held in Tegucigalpa in February 2017 to discuss and collectively draft the Act on Free, Prior and Informed Consultation. Approximately 19 organizations of indigenous and Afro-Honduran peoples participated in the revision and discussion of the draft bill. Representatives of the Pech, Twahka, Garífuna, Maya Chortí, Miskitu, Nahua and Lenca peoples and English-speaking Black community shared their views, appraisals and contributions. The outcome of the workshop was set forth in the

Tegucigalpa Agreement on strengthening capacities and opportunities for dialogue between indigenous peoples and the Government of Honduras.

122. In March 2017, with help and financial support from the Programme on Reducing Emissions from Deforestation and Degradation in Developing Countries (REDD+), which is responsible for the coordination of the National Directorate for Climate Change of the Ministry of Energy, Natural Resources, Environment and Mines, a training workshop was carried out to support the process of strengthening the right to free, prior and informed consultation in Honduras.

123. In 2015 and again in April 2017, the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, visited Honduras and issued relevant recommendations. Technical assistance for the process was provided by UNDP and ILO.

124. Environmental impact assessments are a prerequisite for the granting of an environmental permit by the Ministry of Energy, Natural Resources, Environment and Mines. The Technical Directorate carries out the review and analysis for the Ministry's approval.

125. The right of indigenous and Afro-Honduran peoples to prior consultation was recognized by the Constitutional Chamber of the Supreme Court in a ruling dated 23 June 2017 on a constitutional challenge against articles 22, 27, 53, 67, 68, 76 and 77 of the General Mining Act, promulgated by means of Legislative Decree No. 238-2012 of the National Congress. The Chamber found all the articles except article 53 to be unconstitutional.

126. In the opinion of the High Court, articles 67 and 68 of the General Mining Act violate articles 15, 16, 61, 173 and 346 of the Constitution and are therefore unconstitutional, given that the State is obliged to adopt measures to protect the rights and interests of indigenous communities, particularly the lands and forests where they live, bearing in mind the unique contribution made to cultural diversity by indigenous and Afro-Honduran persons.

127. The action taken to ensure the participation of indigenous and Afro-Honduran persons, particularly women, are detailed in paragraphs 38 to 43. In order to ensure the representation of indigenous and Afro-Honduran persons in the civil service, the body responsible for matters affecting indigenous and Afro-Honduran persons has, since its inception, been led by individuals belonging to those groups.

128. With regard to paragraph 24 of the Committee's concluding observations, the State is pleased to inform the Committee that the Durban Declaration and Programme of Action provided the basis for the development of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples. The following measures have been taken to implement the Durban Declaration: (a) the issuance of Legislative Decree No. 330-2002, pursuant to article 1 of Decree No. 70-96 of 30 May 1996, designating April of each year African Heritage Month in Honduras; (b) Executive Decree No. 002-2004, published in Official Gazette No. 30368 of 19 April 2004, establishing the National Commission against Racism in Honduras, in line with the Declaration and Plan of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001; (c) Decree No. 203-2011 creating the Ministry for Indigenous and Afro-Honduran Peoples; (d) Decree No. PCM-003-2011 declaring 2011 the International Year for People of African Descent in Honduras; (e) the holding of the first World Summit of Afro-Descendants from 18 to 22 August 2011; (e) Executive Decree No. PCM-M-026-2011, adopted by the Council of Ministers on 12 April 2011, instructing government ministries and decentralized agencies to undertake activities aimed at the development of the Garífuna communities in the department of Cortés; (f) Executive Decree No. PCM-M-024-2009, on the operations of the Directorate-General for Multilingual Intercultural Education; and (g) the formulation of a plan for comprehensive sustainable development with respect for the specific cultural identity of indigenous and Afro-Honduran peoples.

129. With regard to paragraph 25 of the Committee's concluding observations, the Government has implemented a system to monitor recommendations, replicating good

practice from Paraguay. The system includes a software tool which systematizes, inter alia, the recommendations of the treaty bodies of the United Nations. It is hosted on the website of the Ministry of Human Rights, Justice, the Interior and Decentralization and is publicly accessible at <https://simoreh.sdhjgd.gob.hn/Buscador>. For each recommendation, there is a section where the final document adopted by the Committee, containing the recommendations made to the Government, can be downloaded.

130. The system also comprises 10 thematic working groups, one of which is the working group on indigenous and Afro-Honduran peoples. The working group prioritizes and disseminates the recommendations and, in conjunction with civil society, assesses them, discusses the challenges that may arise in implementing them, proposes actions and develops workplans for their implementation by the relevant institutions.

131. The system will enable the State to make progress in the following areas:

(a) Preparation of regular reports on progress and challenges in the implementation of human rights;

(b) Improvements in the assessment, review and formulation of legislation, public policies and programmes in line with the sovereign commitments undertaken with regard to human rights;

(c) Civil society monitoring of government action;

(d) Improvements in transparency and accountability at the national and international levels.

132. With regard to paragraph 26 of the Committee's concluding observations, the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples was developed through a broad participatory process. Between July 2013 and April 2015, the Directorate for Indigenous and Afro-Honduran Peoples undertook a national consultation and approval process involving more than 600 organizations and legitimate representatives of the nine indigenous and Afro-Honduran peoples, who will also sit on the committee that will monitor the Policy's implementation. The consultation process received technical and financial support from UNDP, the Swiss Agency for Development and Cooperation and the Office of the United Nations High Commissioner for Human Rights.

133. The specific aim of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples is to share responsibility for promoting opportunities for indigenous and Afro-Honduran peoples to participate and exercise their rights in the social, economic, political, cultural and environmental spheres, while respecting their world view. The Policy also envisages the adoption of a coherent set of temporary measures specifically designed to improve the circumstances of the members of its target groups.

134. Lastly, the Government, by way of Executive Decree No. PCM-058-2017, established a platform for discussion between the Government and the Coordination and Dialogue Forum, which brings together 28 organizations working to defend and promote human rights. The platform is a mechanism to facilitate ongoing dialogue between the Government and civil society organizations working in the area of human rights on matters relating to citizen engagement, oversight, monitoring, follow-up, analysis and the formulation of proposals.
