



# International Covenant on Civil and Political Rights

Distr.: General  
4 September 2023  
English  
Original: Spanish  
English, French and Spanish only

## Human Rights Committee

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

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In light of the Committee's previous concluding observations (para. 7)<sup>1</sup> and the information provided by the State party in its third periodic report,<sup>2</sup> please provide information on the measures taken to: (a) guarantee that the Office of the National Commissioner for Human Rights is able to carry out its mandate independently and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); (b) make the process of selecting the National Commissioner more transparent; and (c) ensure that the Office has sufficient resources and the budgetary autonomy it needs to dispose freely of the allocated funds.

#### Fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

2. With reference to the Committee's previous concluding observations (paras. 8 and 9) and the State party's periodic report,<sup>3</sup> please provide more information on the implementation of and follow-up to the recommendations made in 2011 by the Truth and Reconciliation Commission,<sup>4</sup> including an account of the obstacles to the full implementation of the recommendations. Please also provide detailed information on: (a) measures to ensure expeditious investigation and prosecution of those allegedly responsible for human rights violations that occurred in 2009 and to prevent impunity for these crimes, as well as on the challenges encountered by the Public Prosecution Service and the Office of the Special Prosecutor for Human Rights in this regard; and (b) the status of investigations into the allegations of human rights violations committed during the 2017 post-election crisis, in particular in relation to cases of excessive use of force and arbitrary detention.

#### Public emergencies (art. 4)

3. Please provide information on the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic and the legal basis for any such measures. In particular, please specify whether any such measures derogate from the State party's obligations under the Covenant. If so, please specify whether these measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.<sup>5</sup> Please also

\* Adopted by the Committee at its 138th session (26 June–26 July 2023).

<sup>1</sup> [CCPR/C/HND/CO/2](#).

<sup>2</sup> [CCPR/C/HND/3](#), paras. 11 and 12.

<sup>3</sup> *Ibid.*, paras. 13 and 16.

<sup>4</sup> See <https://www.oas.org/es/sap/docs/DSDME/2011/CVR/Honduras%20-%20Informe%20CVR%20-%20RECOMENDACIONES.pdf>.

<sup>5</sup> [CCPR/C/128/2](#).



provide information on the national security emergency declared on 24 November 2022 and indicate whether the Secretary-General of the United Nations has been informed of the declaration of the security emergency, including the provisions derogated from and the reasons for the derogation. Please indicate what measures have been taken to ensure that the reasons for the declaration and the scope of the derogations concerned are compatible with the Covenant.

**Non-discrimination (arts. 2, 19, 20 and 26)**

4. In light of the Committee's previous concluding observations (paras. 10 and 11) and the State party's periodic report,<sup>6</sup> please provide, in respect of women, Indigenous Peoples, persons of African descent, persons with disabilities, campesinos and lesbian, gay, bisexual, transgender and intersex persons, as well as migrants and others, information on: (a) the measures taken to ensure the effective implementation of the non-discrimination provisions in national legislation, including the provisions of the new Criminal Code; and (b) disaggregated statistics on the number of criminal complaints received for acts of discrimination, indicating the motive, as well as the outcome of the investigations, the convictions imposed on those responsible and the restitution made to the victims, during the period under review. Please also provide information on the steps taken to ensure that lesbian, gay, bisexual, transgender and intersex persons are legally recognized.

**Gender equality (arts. 3 and 26)**

5. With reference to the State party's periodic report,<sup>7</sup> please provide information on the measures taken to encourage the participation of women in public and political life, including Indigenous women and women of African descent; as well as on the number of reported cases of harassment and political violence against women and the outcome of those reports. Please also report on the progress through the National Congress of the bill on preventing gender-based political violence and provide additional information on the activities of the Ministry of Women's Affairs, as well as on the implementation of the Gender Equality and Equity Plan 2010–2022, the second such plan.

**Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)**

6. In view of the Committee's previous concluding observations (para. 15) and the State party's periodic report,<sup>8</sup> please provide information of greater specificity on the prevalence of all forms of violence against women during the reporting period, including a breakdown by type of violence and the relationship between the perpetrator and the victim and a breakdown of the incidence of such crimes against Indigenous women, women of African descent, peasant women, girls and adolescents, lesbian, gay, bisexual, transgender and intersex persons and sex workers. Please also provide statistical information on the number of complaints that have been received, the judicial proceedings to which they have led, as well as the number of convictions that have been secured and the restitution that has been made.

7. Please provide additional information on: (a) progress towards the adoption of procedures and protocols to ensure that women can file complaints without fear of reprisal and with the appropriate legal assistance; and (b) the specific assistance received by women victims of all forms of violence, also including information on the progress made in the National Congress on the bill on shelters and the special comprehensive bill on combating violence against women. Please provide information on the measures that have been taken in follow-up to the Strategic Plan for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons in Honduras (2016–2022).

---

<sup>6</sup> CCPR/C/HND/3, para. 17–35.

<sup>7</sup> Ibid., paras. 36–40.

<sup>8</sup> Ibid., paras. 41–54.

### **Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–8)**

8. In light of the Committee's previous concluding observations (paras. 16 and 17), the State party's periodic report<sup>9</sup> and the Committee's general comment No. 36 (2018) on the right to life, please provide information on the measures taken to provide effective access to safe and legal abortion, including where the life and health of the pregnant woman or girl are at risk, where the pregnancy is the result of rape or incest or where it is not viable. In this regard, please provide disaggregated statistical information on the impact of restrictions on the voluntary termination of pregnancy on the lives and health of women and girls; and on the criminal prosecution of women who show signs of having undergone or who have undergone such voluntary terminations, including terminations resulting from obstetric emergencies.

9. Please elaborate on the measures taken to lower high maternal mortality rates, especially in rural areas, on the work of the Maternal Mortality Monitoring Committee and on the measures taken to help women and girls avoid unwanted pregnancies. Please also provide information on effective access to the emergency contraceptive pill, including how much it costs or whether it is free of charge, how easy it is to obtain it and whether it is available in public health facilities – in particular in rural areas – as well as on access to information on how and where to obtain the pill, taking into account the new presidential directive No. 075 of 8 March 2023 authorizing the distribution and use of the pill in the country.

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

10. In light of the Committee's previous concluding observations (paras. 18 and 19), the State party's periodic report<sup>10</sup> and general comment No. 36 (2018), please provide detailed information on: (a) the status of cases of violent death recorded at the national level by the Office of the Special Prosecutor for Offences against Life, including measures to increase the number of cases leading to prosecution and punishment; (b) the impact of the prevention programmes and strategies adopted for the protection of children and young people who refuse to join the criminal gangs known as maras (within the framework of the 2019 National Policy on the Prevention of Violence against Children and Young Persons mentioned in the State party's periodic report); and (c) the measures adopted to eliminate the violence of these criminal gangs or maras. Please indicate the steps that have been taken to make arms control more effective.

11. In view of the Committee's previous concluding observations (paras. 22 and 23) and the State party's periodic report,<sup>11</sup> please provide information on measures taken to: (a) prevent extrajudicial killings; (b) ensure prompt, thorough, independent and impartial investigations in which the safety of witnesses, victims and their families is guaranteed; (c) identify and bring to justice, under due process of law, the persons responsible; and (d) ensure that victims receive full reparation.

12. In light of the Committee's previous concluding observations (paras. 22 and 23), please provide consolidated and detailed information on the steps taken to promptly resolve the cases of enforced disappearance in Honduras and of Honduran nationals abroad, and on any attempts to create an official record of cases of enforced disappearance. Please also provide information on the results of the publication of the guide for the relatives of missing migrants. In addition, please provide information on the provisions of the bill on comprehensive redress for victims of human rights violations caused by actions or omissions attributable to the State that would facilitate the exercise of the right to comprehensive redress for victims of enforced disappearance and their families.

<sup>9</sup> Ibid., paras. 55–71.

<sup>10</sup> Ibid., paras. 72–117.

<sup>11</sup> Ibid., paras. 118–151.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6, 7 and 10)**

13. Please elaborate on the measures taken to prevent torture and ill-treatment, in particular in places of detention, custody, internment and police stations, as well as on any investigations, prosecutions and sanctions. Please indicate what restitution has been made where there has been a conviction and what steps are taken in follow-up to the complaints of torture and other cruel, inhuman or degrading treatment received by the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment. Please describe the measures that have been taken to eliminate the excessive use of force by security agencies and the measures proposed in the bill governing the use of force by law enforcement officials and agencies.

**Treatment of persons deprived of their liberty and conditions of detention (arts. 6, 7, 9, 10, 14 and 26)**

14. With reference to the Committee's previous concluding observations (paras. 30 and 31) and the State party's periodic report,<sup>12</sup> please provide updated statistical information on the rate of prison overcrowding, broken down by place of detention and sex, including places of pretrial detention. Please elaborate on the progress that has been made towards reducing the number of people in pretrial detention and provide specific information on the impact that article 184 of the Code of Criminal Procedure has had on reducing prison overcrowding. Please also report on measures taken to ensure the separation of accused and convicted detainees and to guarantee separate facilities for women in mixed-sex facilities with a view to ensuring their safety and meeting their particular needs.

15. Please provide information of greater specificity on the measures taken to ensure that that sanitary conditions in detention centres are satisfactory and that persons deprived of their liberty have access to health care and legal assistance. Please indicate the steps that have been taken to create a detainee register that meets international standards.

16. Please provide information on the measures that have been taken to address acts of violence and violent deaths in detention centres – including the state of emergency in the prisons declared in April 2023 and the militarization of public security services – and the system of self-governance in prisons with a view to combating insecurity and vulnerability. Please indicate what mechanisms make it possible to file complaints in prison without fear of reprisal and what measures have been taken to ensure prompt and thorough investigation of all deaths in custody, to prosecute and punish those responsible and to grant full reparation to the victims' family members. Please provide statistical information regarding these actions. Please also provide information on the measures taken to address violent deaths in prisons of which the Office of the Special Prosecutor for Offences against Life does not have a record. In addition, please provide information on the deaths of persons in police custody and the results of the criminal investigations into those deaths.

**Prohibition of slavery, forced labour and trafficking in persons (arts. 2, 7, 8 and 26)**

17. In view of the Committee's previous concluding observations (paras. 36 and 37) and the State party's periodic report,<sup>13</sup> please provide information on the measures that have been taken to ensure that persons vulnerable to labour exploitation, particularly in the maquila, domestic service and spearfishing sectors, are protected and have access to effective complaints mechanisms; please also provide detailed information on decisions on complaints received by the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking in Honduras and the Unit to Combat Trafficking in Persons, Commercial Sexual Exploitation and People Smuggling. Please elaborate on what the Inter-Agency Commission achieved within the framework of the 2016–2022 strategic plan for the prevention of trafficking in persons for sexual exploitation and forced labour. Please also describe the efforts that have been made to bring national legislation on trafficking in human beings into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons,

<sup>12</sup> Ibid., paras. 158–169.

<sup>13</sup> Ibid., paras. 190–212.

Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

### **Freedom of movement (art. 12)**

18. In view of the Committee's previous concluding observations (paras. 28 and 29) and the State party's periodic report,<sup>14</sup> please provide disaggregated data on the number of internally displaced persons, as well as information on the measures taken to ensure that the victims of internal displacement are provided with assistance and full reparation. Please provide information on the application of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons and the impact of the pilot project on humanitarian assistance and durable solutions, as well as additional information on the agreements being signed by the Ministry of Social Development and Inclusion and the Women's City Programme. Please also provide information on the resources that have been earmarked to set up the National System for the Response to Forced Displacement and enable the Inter-Institutional Commission for the Protection of Persons Displaced by Violence to operate effectively; in addition, please indicate what measures have been taken to strengthen the Commission's mandate and capacity.

### **Access to justice, independence and impartiality of the judiciary and administration of justice (arts. 2 and 14)**

19. With the Committee's previous concluding observations (para. 35) and the State party's periodic report<sup>15</sup> kept in mind, please provide additional information on the steps that have been taken to protect the full independence, impartiality and security of judges, including to ensure that they are free to act without pressure or interference of any kind and that judicial and due process safeguards are upheld during disciplinary proceedings. In this regard, please indicate whether the draft of the bill on the Council of the Judiciary and Judicial Service would provide for measures to guarantee the Council's full independence, particularly in relation to the appointment of its members, the process of selecting judges for judicial service, and the disciplinary regime, as well as the establishment of an independent governance structure for the judiciary. Please also provide information on the measures that have been adopted to improve the process of selecting judges, which should be based on the candidate's suitability, merit and technical expertise. In addition, please describe what has been done to improve the working conditions of persons involved in the administration of justice, enforcement judges in particular.

20. Please provide information on measures taken to improve access to justice, combat high levels of impunity and resolve issues such as procedural delays and the limited participation of victims of human rights violations in criminal proceedings. Please also provide information on the measures adopted to ensure that crimes, especially those involving serious human rights violations, are thoroughly investigated. In addition, please provide information on the mechanisms and measures in place to facilitate access to justice for Indigenous Peoples, persons of African descent and women, on measures to increase the number of judges and public defenders in rural areas, taking into account the linguistic and cultural backgrounds of the population, and on measures to promote the training of judges, prosecutors, lawyers and justice officials on international standards in respect of Indigenous Peoples' rights.

### **Right to privacy (art. 17)**

21. With reference to the Committee's previous concluding observations (paras. 38 and 39) and the State party's periodic report,<sup>16</sup> please describe the progress made towards ensuring that surveillance activities, including the application of the Special Act on Interception of Private Communications, are compatible with the State party's obligations under the Covenant and that, in any interference with the right to privacy, the principles of legality, necessity and proportionality are observed. In particular, please provide information

<sup>14</sup> Ibid., paras. 152–157.

<sup>15</sup> Ibid., paras. 170–189.

<sup>16</sup> Ibid., para. 213.

on the efforts being made to ensure that the application of the Special Act is subject to continuous and appropriate monitoring by an independent oversight mechanism and that people whose privacy has been violated have access to appropriate remedies.

### **Freedom of expression (arts. 19 and 20)**

22. In light of the Committee's previous concluding observations (paras. 40 and 41) and the State party's periodic report, please provide disaggregated information on acts of violence and intimidation committed against human rights defenders, environmental and land rights activists, journalists, trade unionists, agrarian and peasant activists, members of Indigenous communities, persons of African descent, lesbian, gay, bisexual, transgender and intersex persons and other activists during the period under review.<sup>17</sup> Please also provide information on the measures that have been taken to ensure that all allegations of intimidation, threats and assault are investigated promptly, thoroughly and impartially, that the perpetrators are brought to justice and duly punished and that the victims receive full reparation. In addition, please indicate the number of complaints, investigations, prosecutions and convictions, as well as the penalties imposed and the compensation received by victims or members of their families.

23. Please provide information on the progress that has been made towards eliminating the stigmatization of human rights defenders, defenders of land rights and environmental activists by government officials and the misapplication of the law to persecute human rights defenders and activists. Please also provide information on the steps taken to decriminalize defamation, libel and slander, ensuring that individuals' right to honour is sufficiently protected under civil law. Please provide information on the measures that have been taken to ensure that the amendments made to the Criminal Code and the Code of Criminal Procedure pursuant to Decree No. 93-2021, and its amendment of 13 July 2023, are in line with international human rights standards, so that the concepts of "appropriation" and "preventive evictions" do not affect civic space and citizen participation. Please provide information on the measures taken to ensure that Decree No. PCM 023-2022, establishing the Directorate General for Information and the Press of the Government of the Republic, does not hinder the full and safe exercise of the right to freedom of opinion and expression.

24. Please elaborate on the measures taken under the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials and its implementing regulations with a view to improving the application of the Act and enhancing access to justice. Please indicate whether the jurisdiction of the Unit for the Protection of Human Rights Defenders has been extended to include offences committed by private individuals. Please provide information on the resources allocated to the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators to enable it to operate efficiently and on the current situation of the System.

### **Rights of ethnic, religious and linguistic minorities (arts. 1 and 27)**

25. In light of the Committee's previous concluding observations (paras. 46 and 47) and the State party's periodic report,<sup>18</sup> please provide information on the steps that have been taken to: (a) protect Indigenous persons and persons of African descent from acts of intimidation and violence, including violent death and violence against women, as well as criminalization, forced displacement, illegal third-party attempts to extract natural resources from their land and the activities of armed groups; and (b) ensure that such acts of intimidation and violence are thoroughly, impartially and effectively investigated, that the perpetrators are prosecuted and duly punished and that the victims receive full reparation. Please also provide information on the results of the complaints filed with the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage.

<sup>17</sup> Ibid., paras. 214–235.

<sup>18</sup> Ibid., paras. 259–274.

26. Please provide updated information on the measures that have been adopted to ensure that Indigenous persons effectively enjoy the right to free, prior and informed consultation. In this respect, please indicate what progress has been made towards signing into law the bill on free, prior and informed consultation, including any steps taken to ensure that the law is fully compatible with the Covenant and international standards in respect of Indigenous Peoples' rights; please elaborate on the provisions concerning the definition of the scope of the proposed law, the mechanisms foreseen for the application of the law, the stages of the consultation process and the concept of consent.<sup>19</sup>

---

---

<sup>19</sup> [CERD/C/HND/CO/6-8](#), para. 18.