



**International covenant
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HUMAN RIGHTS COMMITTEE

Eighty-eighth session

SUMMARY RECORD (PARTIAL)* OF THE 2400th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 17 October 2006, at 3 p.m.

Chairperson: Ms. CHANET

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT
(agenda item 6) (continued)

Initial report of Honduras (continued) (CCPR/C/HND/2005/1; CCPR/C/HND/Q/1 and Add.1; HRI/CORE/1/Add.96/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Honduras resumed their places at the Committee table.

2. Ms. SÁNCHEZ (Honduras), referring to question 18 of the list of issues (CCPR/C/HND/Q/1), said that the National Registry of Persons had launched a mobile registration programme in order to facilitate the registration of persons living in remote parts of the country. To promote birth registration, it had set up 14 branch offices in rural areas, had implemented a series of public information and awareness campaigns and had streamlined civil registration forms.

3. Ms. GARCÍA (Honduras) said that staff in hospitals and health centres had been trained to register births in those facilities, however, many parents failed to register births that took place at home. As part of the process of national reform, the Honduran Children and Family Institute was advocating the need for a national information centre for compiling statistics that would facilitate identification of the main problems affecting children and families

4. Ms. NARVÁEZ PUERTO (Honduras), referring to question 19, said that the new Administration considered the right of access to land to be a fundamental right of indigenous and Black communities. Accordingly, it had established a technical unit within the National Agrarian Institute to address property claims made by those communities. The majority of the ancestral land titles submitted to the Government had been recognized and duly registered. Efforts currently focused on providing basic infrastructure to the communities living on those lands. Progress was also being made in settling a number of cases of expropriation brought by indigenous and Black communities, and the Government had granted property titles in a number of areas, including Cayos Cochinos and San Juan.

5. Ms. SÁNCHEZ (Honduras) said that the activities of the National Programme of Education for Indigenous and Afro-Honduran Peoples included the drafting of textbooks in seven indigenous languages and in Spanish as a second language; the development of national bilingual curriculum guidelines; and the training of teachers in indigenous and Black communities. With international support, some 300 community centres had been equipped to offer preschool education in those communities. Efforts were currently under way to convert the national programme into a permanent intercultural bilingual education department.

6. Mr. LARA WATSON (Honduras) said that the Ministry of the Interior and Justice had set up a programme to provide support to the indigenous and Black communities. The programme consisted of three major components: selection and design of basic infrastructure, especially sanitation; training of representatives of federations and governmental and

non-governmental organizations concerned with indigenous and Black affairs, along with drafting of a bill to incorporate indigenous and Black rights in national legislation; and monitoring and evaluation of the programme's implementation.

7. Ms. ESTRADA DE UCLÉS (Honduras) said that the National Women's Institute carried out follow-up activities to ensure the effective implementation of programmes aimed at improving living conditions among indigenous and Black communities, in particular those aimed at promoting and protecting the interests of women in those communities.

8. Mr. JOHNSON LOPEZ, Country Rapporteur, asked whether a particular body had been entrusted with overseeing the proper functioning of the judiciary. He requested an explanation for the reported delays in handling certain criminal cases, such as those in which a request for amparo had been filed. He enquired what measures had been taken to provide for the care and education of the children of prisoners. The delegation should indicate the legislative basis on which lands were determined to be ancestral and therefore returnable to indigenous groups, and how conflicts of interest with current or former property-owners were avoided.

9. Mr. ANDO recalled that in its jurisprudence the Committee had drawn a distinction between the right to self-determination addressed in article 1 of the Covenant and the issue of minority rights contained in article 27. He wondered what was the position of the Honduran Government with regard to the link between those rights and who exactly it had designated as the subjects of the right to self-determination in Honduras. He requested clarification of the extent to which the assassination of Germán Antonio Rivas was linked to the right to freedom of expression. The delegation should also give a full account of the circumstances surrounding the murders of Carlos Luna and others who had been fighting for indigenous land rights, and their potential connection to the right to freedom of expression.

10. Given the fact that a minimum of 30 workers were required in order to form a trade union, he wished to know what legislative provisions existed to protect workers' right to organize, particularly in the case of farmers. He asked whether Honduran regulations made provision for a minimum wage and whether that provision applied to non-unionized workers. Had the Government taken steps to examine the address the relationship between children whose birth had not been registered and street children?

11. Mr. CASTILLERO HOYOS asked whether the Government planned to organize awareness-raising campaigns for prison warders regarding homosexual prisoners. He would welcome information concerning the use of corporal punishment in prisons, as applied to both adults and minors. He wished to know what measures existed to eradicate child abuse in the home. The delegation should provide additional information on the bill to repeal existing legislation that allowed corporal punishment in the home.

12. He enquired whether the Government had introduced provisions to sanction political parties that failed to meet quotas for the participation of women candidates and what mechanisms it had set up to ensure the effective application of the 30 per cent gender quota. Political studies had shown that the quota system worked best when closed party lists, rather than open party lists, were used. He asked whether other measures had been taken to boost the

participation of women in political elections, particularly in the light of women's financial disadvantage relative to their male counterparts. He wished to know what measures the Government had taken to combat the age-based discrimination that was reportedly common in the private sector. He wondered whether the Government considered it advisable to take affirmative action measures in favour of the indigenous and Garifuna peoples.

13. Mr. BHAGWATI requested information concerning the mode of appointment, terms of service, and qualifications required of Supreme Court and lower court judges, and asked how the independence of such judges was ensured. He wished to know how many people worked in the Office of the National Human Rights Commissioner, how they were selected and what were their functions. Also, what measures had been taken to provide care and education for street children?

14. Sir Nigel RODLEY said that, without impugning the good faith with which the Honduran police discharged its functions, he felt it would be advisable for an authority other than the police, such as the Ministry of Justice, to be responsible for pretrial and post-conviction detention. He wondered whether the Government would consider amending its legislation to that effect.

15. Mr. JIMÉNEZ PUERTO (Honduras) said that the Government was aware of the need to place prison management under the direction of the Ministry of the Interior and Justice. Steps were being taken to raise public awareness of the rights that should be enjoyed by persons held in detention centres and prisons.

16. Ms. DUBÓN VILLEDA (Honduras) said that, while legislation providing for a judicial council had been passed, no such body had yet been established. The Government was aware of the need for such a body in order to ensure that the activities of the judiciary were properly monitored.

17. Justices of the Supreme Court served a seven-year term of office. They were elected by the National Congress and were qualified lawyers and members of the Bar Association who had either been judges for 5 years or had practised the profession for 10 years.

18. The Office of the National Human Rights Commissioner had been established in law in 1992 and given constitutional recognition in 1994. It was responsible for monitoring respect for all fundamental rights and freedoms.

19. Ms. GARCÍA (Honduras) said that the Honduran Children and Family Institute informed all relevant public and private sector organizations of the necessity to act in the best interests of the child. Minors held in detention centres administered by the Institute had the right to visits from family members and their lawyers, and the Institute provided legal assistance for defendants who could not afford their own lawyer. The role of the Institute was currently changing from one of policy implementation to policy development. The Government had recognized the need for it to oversee and coordinate the activities of all governmental and non-governmental partners working with children, and to provide a comprehensive data collection system on children.

20. A large proportion of children did not attend school. While there were about 400 children living on the streets, many more worked on the streets with parental permission and lived at home.

21. Ms. NARVÁEZ PUERTO (Honduras) said that Honduran legislation contained no specific provisions on the recognition of ancestral property titles by indigenous communities. Several groups making occupancy-based land claims had demanded that a provision should be incorporated in the Civil Code regarding their rights. Despite the current lack of legislation on the matter, the Government was seriously considering several claims.

22. Mr. JIMÉNEZ PUERTO (Honduras) added that, while one article of the Constitution referred to the duty of the State to respect the rights and interests of indigenous communities, particularly regarding occupied lands, the lack of clear legislative provision had hindered attempts to resolve the question. The President had appointed a commission to establish a dialogue with indigenous and Black communities, and had made a commitment to provide those communities with legal assistance in making land title claims.

23. In the case of Germán Antonio Rivas, the investigations of the Office of the Public Prosecutor had not yet detected any link between his murder and his journalistic activities.

24. Ms. PONCE (Honduras) said that the murder of the environmental activist Janeth Kawas was currently under investigation. Given that her activities had affected many people, it was impossible to ascertain at that stage who the perpetrators might have been. Criticism had been voiced about the undue delay in the criminal proceedings.

25. Ms. ESTRADA DE UCLÉS (Honduras) said that the 30 per cent quota of female candidates in elections had functioned only for open party lists. There had nonetheless been some criticism of the way the 30 per cent rule had been applied in the recent elections. There were plans to introduce quotas to encourage members of ethnic communities to stand for election.

26. Mr. JIMÉNEZ PUERTO (Honduras) said that a bill currently under consideration provided for measures to ensure that people over the age of 40 had the same employment opportunities as their younger counterparts.

27. Ms. PONCE (Honduras) said that legislation was in place providing that men and women should receive equal pay for equal work. It was a crime to discriminate against people on several grounds, including gender and age. Anyone found guilty of such discrimination was liable to three to five years' imprisonment.

28. Mr. ANDO asked how workers who were not trade union members were protected.

29. Mr. JIMÉNEZ PUERTO (Honduras) said that many domestic legislative provisions and international treaties and conventions protected all workers. Moreover, trade unions negotiated collective contracts from which all employees benefited, whether they were union members or not.

30. The CHAIRPERSON commended the delegation for its frank replies and the progress that had been made in respecting many human rights. The Committee remained concerned, however, at the situation regarding enforced disappearances, extrajudicial executions and prison conditions, and the procedures followed when arrests were made and states of emergency declared.

31. Mr. URBIZO PANTING (Honduras) thanked the Committee for a fruitful dialogue. He reaffirmed his Government's commitment to continuing collaboration with the Committee, with a view to improving the human rights situation in Honduras in accordance with its international obligations.

32. The delegation of Honduras withdrew.

The discussion covered in the summary record ended at 4.55 p.m.