



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the combined second to fourth periodic reports of Honduras\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) Steps taken to align legislation, policies and practices with the human rights-based model of disability enshrined in the Convention, including the reform of the Act on Equity and Comprehensive Development for Persons with Disabilities, issued by Legislative Decree No.160-2005, and the enactment of the law on inclusive sustainable development for persons with disabilities presented in 2018;

(b) The elimination of pejorative terminology such as “*minusválidos*” (handicapped people), “*incapaz*” (incompetent) and “*demente*” (lunatic) from legislation, including the Constitution, the framework law on disability and the Civil Code;

(c) The results of the implementation of the Public Policy for the Exercise of the Rights of Persons with Disabilities and their Social Inclusion 2013–2022 and the updating of this policy with the allocation of the necessary resources for its implementation;

(d) The compatibility of the definition of disability and certification criteria for persons with disabilities with the Convention;

(e) The reasons why the Directorate General for Persons with Disabilities falls under the responsibility of the Ministry of Social Development rather than the Ministry of the Interior and Justice, in accordance with the Act on Equity and Comprehensive Development for Persons with Disabilities, and whether it is allocated sufficient human and financial resources to carry out its mandate;

(f) Mechanisms for the consultation and full and effective participation of persons with disabilities, through their representative organizations, in public decision-making on matters of relevance to them, in all sectors and at all levels of administration, including their participation in the Advisory Council.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) Measures taken to ensure legislative recognition of multiple and intersectional discrimination and promote the inclusion in society of persons with disabilities, especially persons with intellectual disabilities or psychosocial disabilities, children, Afro-Hondurans,

\* Adopted by the pre-sessional working group at its seventeenth session (27–31 March 2023).



women, Indigenous persons, and lesbian, gay, bisexual, transgender and intersex persons with disabilities;

(b) Steps taken to guarantee reasonable accommodation in all areas and recognize the denial of reasonable accommodation as a form of disability-based discrimination in all areas, not only in employment;

(c) Whether an accessible mechanism is in place for receiving complaints or reports of disability-based discrimination, including statistics disaggregated by sex, age, ethnic origin and geographic location, the barriers encountered, and the outcomes of complaints;

(d) The availability of remedies and redress for persons with disabilities in cases of discrimination, including cases of discrimination by private actors.

### **Women with disabilities (art. 6)**

3. Please provide information on:

(a) The extent to which gender equality legislation and policies, including the Second Plan for Gender Equality and Equity and the Shelters Act, incorporate the disability perspective, and how disability legislation and policies, including the Honduras for All programme, incorporate a gender perspective;

(b) Policies and strategies for the prevention, punishment and eradication of violence against women and girls with disabilities, developed in close consultation with their representative organizations, and the status of the review of the Comprehensive Act on Violence against Women;

(c) The implementation of accessible complaints mechanisms, including an accessible hotline, the expansion of the network of specialized, inclusive and accessible shelters for victims of gender-based violence, and the incorporation of a disability perspective in the Women's City Programme;

(d) Laws and policies aimed at empowering women and girls with disabilities in all spheres of life, and their active participation in the adoption and implementation of policies of the National Institute for Women.

### **Children with disabilities (art. 7)**

4. Please provide information on:

(a) Measures taken to ensure the family, community and social inclusion of children with disabilities, particularly those from Indigenous and Afro-Honduran communities and those living in rural areas;

(b) The extent to which the Code on Children and Adolescents and the Directorate for Children, Adolescents and the Family specifically protect children with disabilities, beyond the principle of non-discrimination, and whether the Directorate has adequate resources to perform its duties;

(c) Protection measures to prevent the abandonment of children with disabilities, who in many cases are institutionalized for this reason and exposed to ill-treatment;

(d) Actions taken to ensure the active and effective participation of children with disabilities and to ensure that their views are given due weight, in accordance with their age and maturity, in decision-making processes affecting them.

### **Awareness-raising (art. 8)**

5. Please provide information on:

(a) Measures taken to eradicate prejudices and negative stereotypes about persons with disabilities, especially children, women, Afro-Hondurans and Indigenous persons, and ensure that organizations of persons with disabilities actively participate in the implementation of public awareness campaigns on their rights;

(b) Initiatives undertaken to promote the content of the Convention and the human rights model of disability under which persons with disabilities are seen as autonomous rights holders, including changing the charity-based approach of the Telethon and of the commemoration of the International Day of Persons with Disabilities;

(c) Training programmes on the Convention for the media, public officials, teachers, health and legal professionals, the general public and families of persons with disabilities.

#### **Accessibility (art. 9)**

6. Please provide information on:

(a) Progress and challenges in the implementation of the National Plan on Universal Accessibility to ensure full accessibility of infrastructure, transportation, buildings and information and communication services open to the public, both in cities and rural areas, whether the necessary resources are available for its implementation, and how organizations of persons with disabilities have participated in its design, development and evaluation;

(b) Actions taken by the Ministry of Public Works, Transport and Housing to oversee and sanction non-compliance with accessibility standards;

(c) Measures taken to ensure the accessibility of government portals and web pages.

#### **Right to life (art. 10)**

7. Please provide information on measures adopted to protect the right to life of persons with disabilities in the context of extortion by criminal gangs, in social protests and in mental health centres, and on the investigations conducted, penalties imposed and reparations provided in all of these cases.

#### **Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on:

(a) The adoption of care protocols for persons with disabilities in situations of risk or humanitarian emergency, especially in the case of tropical storms, hurricanes, cyclones, floods and landslides;

(b) The establishment of accessible evacuation plans and early warning systems, with special attention paid to persons with disabilities living in rural and remote areas;

(c) Measures taken to ensure that organizations of persons with disabilities participate actively in all stages of risk management, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030;

(d) Action taken in the context of the coronavirus disease (COVID-19) pandemic, especially to provide accessible information, ensure access to general community and support services, guarantee equal access to health care, ensure that disability pensions and social benefits are guaranteed, and involve persons with disabilities in prevention and recovery strategies;

(e) Steps taken to incorporate the human rights model of disability into climate change policies and the participation of persons with disabilities in the formulation and implementation of these policies.

#### **Equal recognition before the law (art. 12)**

9. Please provide information on:

(a) Progress on the reform of the Civil Code (especially articles 556 and 1555) in order to recognize the full legal capacity of persons with disabilities, and on the elimination of the roles of primary and alternate guardian established in the Family Code (art. 277) and any legal provisions that partially or totally limit the legal capacity of persons with disabilities;

(b) Measures taken to implement a model of supported decision-making that respects the autonomy, will and preferences of persons with disabilities, especially persons with intellectual disabilities and persons with psychosocial disabilities, in all areas of life, including access to financial services.

#### **Access to justice (art. 13)**

10. Please provide information on:

(a) Measures taken to strengthen the independence of the judiciary and ensure access to justice for persons with disabilities, particularly Indigenous and Afro-Honduran persons, women and girls who are survivors of gender-based violence, and persons with intellectual or psychosocial disabilities in institutions;

(b) Measures taken to eliminate any restrictions preventing persons with disabilities from acting effectively in any proceedings and to provide them with age- and gender-appropriate procedural accommodations in both urban and rural areas;

(c) The accessibility of judicial and administrative premises both physically and in terms of information and communications technology;

(d) Training programmes on the rights of persons with disabilities under the Convention for professionals working in the justice system, indicating the number of persons trained since the State party's last review;

(e) Measures taken to strengthen the judicial system, in particular by allocating it sufficient human, technical and financial resources to comply with the commitment to implement the 100 Brasilia Regulations Regarding Access to Justice for Vulnerable People, and to adopt service protocols for persons with disabilities.

#### **Liberty and security of the person (art. 14)**

11. Please provide information on:

(a) Measures taken to amend regulations that allow for the deprivation of liberty of persons with disabilities based on an actual or perceived psychosocial disability, including the Health Code and the Criminal Code;

(b) Investigations into cases of forced institutionalization, violence and abuse of persons with disabilities in mental health centres, including the Santa Rosita and Mario Mendoza psychiatric hospitals;

(c) Measures adopted to ensure due process, particularly for persons with intellectual disabilities and persons with psychosocial disabilities, and to prevent persons with disabilities from being declared exempt from criminal responsibility and being subjected to security measures, including indefinite detention;

(d) Living conditions and accessibility of the physical environment and of information and communications technology for persons with disabilities deprived of their liberty in prisons, including Támara National Prison, Siria Prison and La Paz Prison.

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

12. Please provide information on:

(a) Measures taken to protect persons with disabilities from torture or cruel, inhuman or degrading treatment or punishment in all settings, including prisons, institutions and the family environment;

(b) Action taken to prohibit institutionalization on the basis of disability and eliminate coercion, the use of isolation rooms, forced medication, lobotomy or other practices that can be classified as torture of persons with disabilities in psychiatric hospitals or other long-stay residential facilities;

(c) Training on the Convention for law enforcement officials, members of the judiciary and personnel working in places of deprivation of liberty and initiatives undertaken

to ensure that the absolute prohibition of torture is applied and respected in all procedures involving persons with disabilities;

(d) Complaint and redress mechanisms available to all persons with disabilities in cases of ill-treatment and torture during detention in prisons and in psychiatric hospitals;

(e) The extent to which the national preventive mechanism monitors facilities where persons with disabilities are deprived of their liberty, including facilities housing children with disabilities.

#### **Freedom from exploitation, violence and abuse (art. 16)**

13. Please provide information on:

(a) Measures taken to prevent and eradicate all forms of exploitation, trafficking, violence and abuse, including sexual violence and exploitation through begging, against persons with disabilities, especially women, children, Afro-Hondurans and Indigenous persons;

(b) The collection of disaggregated data on the number of cases of exploitation, trafficking, violence and abuse against persons with disabilities, including children with disabilities, and the number of investigations conducted, penalties imposed on perpetrators and reparations provided to victims in these cases.

#### **Protecting the integrity of the person (art. 17)**

14. Please provide:

(a) Information on actions taken to amend laws and policies to prohibit forced sterilization, forced abortion and forced use of contraception that affect women and girls with disabilities, and to detect, prevent and punish such cases;

(b) Information on measures taken to ensure the free and informed consent of all persons with disabilities for any medical intervention or treatment, including psychiatric treatment;

(c) Disaggregated data on complaints from persons with disabilities of forced sterilization, forced abortion and forced use of contraception.

#### **Liberty of movement and nationality (art. 18)**

15. Please provide information on:

(a) The situation of asylum-seekers, refugees and migrant workers with disabilities, including disaggregated data, and the legislative and policy framework to ensure their rights under the Convention;

(b) The amendment of the regulations of the Migration and Aliens Act, under which persons with disabilities are prevented from entering the country (art. 114);

(c) Measures taken to ensure that persons with disabilities who are internally displaced by violence can have access to safe options for return, local integration or resettlement in other parts of the country;

(d) The strategies adopted for the protection of the rights of persons with disabilities in the implementation of the 2018 Comprehensive Development Plan for El Salvador, Guatemala, Honduras and south-southeast Mexico.

#### **Living independently and being included in the community (art. 19)**

16. Please provide information on:

(a) Measures taken to prohibit institutionalization and ensure that persons with disabilities are able to choose their place of residence and with whom they live, on an equal basis with others;

(b) Initiatives undertaken with a view to implementing a plan for the deinstitutionalization of persons with disabilities, particularly persons with intellectual

disabilities and persons with psychosocial disabilities, with specific deadlines and a sufficient budget, in close consultation with organizations of persons with disabilities;

(c) Action taken to ensure the availability of support services in the community for all persons with disabilities, including personal assistance for independent living;

(d) The number of adults and children with disabilities in psychiatric institutions, asylums, special protection centres or group homes or who remain isolated in their own homes.

#### **Personal mobility (art. 20)**

17. Please provide information on measures taken to facilitate access to transport and mobility aids, devices or assistive technologies for persons with disabilities and whether this also applies to rural and remote communities, and provide statistical data on the provision of these aids, disaggregated by sex, age and location.

#### **Freedom of expression and opinion, and access to information (art. 21)**

18. Please provide information on:

(a) Action taken to ensure access by persons with disabilities to public information and the media in accessible formats and technologies appropriate to different types of disabilities, such as Braille, Easy Read, sign language, captioning and audio description;

(b) The implementation of the Honduran Sign Language Act in various spheres of life, the promotion of the Braille system as the official reading and writing code for blind and deafblind persons, and the number and geographic distribution of sign language interpreters nationwide;

(c) Measures taken to protect social communicators, journalists, activists and human rights defenders with disabilities from acts of violence and intimidation for exercising their freedom of expression.

#### **Respect for privacy (art. 22)**

19. Please indicate the measures taken to protect the privacy of personal and health-related, legal, banking or other information of persons with disabilities, as well as the measures envisaged to sanction any violations and provide remedies.

#### **Respect for home and the family (art. 23)**

20. Please provide information on:

(a) Measures taken to repeal the provisions of the Civil Code that prevent the marriage of persons with intellectual disabilities and persons with psychosocial disabilities and their right to form a family;

(b) Action taken to ensure that persons with disabilities can decide on their fertility, and that children are not separated from their parents on the basis of the disability of either the child or one or both of the parents;

(c) The support provided to parents with disabilities and to parents of children with disabilities in exercising their parental responsibilities on an equal basis with others.

#### **Education (art. 24)**

21. Please provide information on:

(a) The implementation of the Inclusive Education Policy at all levels, within the framework of the Strategic Plan on Education 2018–2030 and in consultation with organizations of persons with disabilities, and of comprehensive sex education;

(b) Action taken to reduce the illiteracy rate and guarantee the enrolment of students with disabilities, including penalties for educational centres that refuse to enrol students with disabilities;

(c) Initiatives undertaken to change the name and focus of the General Subdirectorate of Education for Persons with Different Abilities or Exceptional Talents, in line with the Convention, and transfer strategic resources from the special education system to inclusive education in mainstream schools;

(d) The accessibility of the physical environment and information and communications in mainstream schools and universities, including the accessibility of inclusive online learning methodologies and individualized support for students with disabilities;

(e) Measures taken to ensure that persons with disabilities, especially persons with intellectual disabilities and persons with psychosocial disabilities, deafblind persons, persons from Afro-Honduran and Indigenous communities and persons of short stature, have access to accessible materials, adaptive learning environments, reasonable accommodation and necessary supports, such as school texts in Braille, Easy Read and accessible electronic format, and sign language interpreters;

(f) Training of teachers on the rights of persons with disabilities under the Convention;

(g) The reopening of the sign language interpreter course at the National Autonomous University of Honduras and the budget allocated to run it.

### **Health (art. 25)**

22. Please provide information on:

(a) Measures taken to ensure that health programmes, including sexual and reproductive health and mental health programmes, are available to persons with disabilities, particularly women and girls, persons with intellectual disabilities and persons with psychosocial disabilities, on an equal basis with others in urban and rural areas;

(b) Programmes for the systematic training of health-care professionals on the rights of persons with disabilities, and whether protocols are in place for the care of persons with disabilities;

(c) Efforts made to ensure universal accessibility and accessible equipment, including the accessibility of information and communications in general health services, especially in rural areas and Afro-Honduran and Indigenous communities, such as the provision of sign language interpreters and the use of plain language;

(d) The impact of the COVID-19 pandemic on persons with disabilities, whether they had access to the physical environment and information and communication technologies, whether they had access to a mechanical ventilator when required and whether they were in the priority groups for vaccination;

(e) Action taken to ensure equal access to health services for migrants with disabilities;

(f) Measures taken to amend Ministerial Agreement No. 14874-2022, which limits the use, sale and distribution of the emergency contraceptive pill to State-run health centres and to cases of rape.

### **Habilitation and rehabilitation (art. 26)**

23. Please provide information on:

(a) Measures taken to ensure that persons with disabilities, in particular children, have access to community-based rehabilitation services and programmes that foster social inclusion, including speech therapy and occupational therapy, and please indicate how organizations of persons with disabilities participate in these programmes;

(b) Disaggregated data on persons with disabilities who have access to habilitation and rehabilitation services and programmes, including the clinic for the treatment of decompression sickness as a result of dive fishing in Puerto Lempira;

(c) Rehabilitation measures for the effective reintegration of migrant workers who return with a disability.

### **Work and employment (art. 27)**

24. Please provide information on:

(a) Measures aimed at increasing employment opportunities in the open labour market for persons with disabilities, indicating how women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities benefit from these opportunities;

(b) The results of the Working Group on Labour Inclusion for Persons with Disabilities, the Virtual Employment Exchange for Persons with Disabilities and programmes such as Life is Better with a Job (Con Chamba Vivís Mejor) and Empléate Plus to improve employment opportunities for persons with disabilities in the public and private sectors;

(c) Actions taken to ensure reasonable accommodation and the right to equal pay for work of equal value for all persons with disabilities;

(d) Access for entrepreneurs with disabilities to financial support, technical advice, digital tools, and technical and professional orientation programmes outside of sheltered employment;

(e) Monitoring of compliance with employment quotas in the public and private sectors, and the results of regular inspections to ensure that the working conditions of these workers are accessible and free from discrimination and any type of exploitation;

(f) Statistical data on persons with disabilities employed in the public and private sectors, disaggregated by type of disability, sex, age and ethnicity, as well as the number of persons with disabilities dismissed between 2018 and 2023 by central government entities, including the reasons for their dismissal.

### **Adequate standard of living and social protection (art. 28)**

25. Please provide information on:

(a) Measures taken to promote an adequate standard of living for persons with disabilities and to mitigate the impact of poverty as a result of disability, especially on women and children, Afro-Hondurans and Indigenous persons with disabilities;

(b) How the human rights model enshrined in the Convention and the gender perspective are applied in the Inclusion and Social Well-being Programme for Persons with Disabilities, the Better Life subsidy programme and the solidarity food parcels, and indicate how many persons with disabilities have benefited from these programmes;

(c) Measures taken to integrate a disability perspective into the country's COVID-19 recovery plans and address the negative effects of the pandemic on the lives of persons with disabilities;

(d) How the consultation and active participation of organizations of persons with disabilities in the implementation of social protection programmes is ensured.

### **Participation in political and public life (art. 29)**

26. Please provide information on:

(a) Measures taken to ensure that all persons with disabilities are able to exercise their right to vote in transparent elections, without restrictions based on disability or limitations on the exercise of their legal capacity, and to enable them to request a person of their choice to assist them in casting their ballot;

(b) Initiatives undertaken to promote the participation of persons with disabilities in political and public life, particularly women, Afro-Hondurans, Indigenous persons and persons with intellectual or psychosocial disabilities, and their increased representation in

elected office and public positions, including positions in the National Congress, regional and municipal legislative bodies, the Government and public administration;

(c) Actions taken to ensure that electoral procedures, facilities and materials are fully accessible to persons with disabilities, both in urban and rural areas, and on the results of the electoral inclusion project.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

27. Please provide information on:

(a) Actions aimed at the adoption of accessibility plans in libraries, sites of historical and heritage value, tourist sites and facilities where cultural and recreational activities take place, to ensure accessibility of both the physical environment and of information and communications technology;

(b) The participation of persons with disabilities in mainstream sporting activities;

(c) The implementation of the Marrakesh Treaty, to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, including collaboration with publishers, libraries, educational establishments and universities.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

28. Please provide information on:

(a) Strengthening the National Institute of Statistics and mechanisms for the systematic collection, analysis and dissemination of comparable disaggregated data on persons with disabilities in all sectors, in particular taking into account the Washington Group short set of questions on functioning;

(b) The development of a system of human rights-based indicators, including the 2030 National Agenda for Sustainable Development Goals;

(c) The extent to which the data that are collected are available to organizations of persons with disabilities in accessible media and formats, and whether such organizations have participated in the development of mechanisms for data collection and statistics.

#### **International cooperation (art. 32)**

29. Please provide information on how the National Policy on Cooperation for Sustainable Development is harmonized with the Convention and mainstreams the rights of persons with disabilities in the national implementation and monitoring of the 2030 Agenda for Sustainable Development, in close collaboration with organizations of persons with disabilities and with their active participation.

#### **National implementation and monitoring (art. 33)**

30. Please provide information on:

(a) Measures adopted to strengthen the Office of the National Commissioner for Human Rights, ensuring that it has the necessary human, financial and technical resources to enable it to fulfil its mandate;

(b) The designation of the independent mechanism to monitor implementation and follow-up of the Convention, in accordance with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and whether persons with disabilities and their representative organizations are fully involved in this monitoring.