



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Fifty-eighth session

#### Summary record of the 27th meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 June 2016, at 10 a.m.

*Chair:* Mr. Sadi

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*The meeting was called to order at 10 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)**

*Second periodic report of Honduras (continued) (E/C.12/HND/2; E/C.12/HND/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Mr. Mancisidor de la Fuente** (Country Rapporteur) urged the State party to broaden its interpretation of the concept of civil society participation, to look beyond the Ombudsman's lack of resources and tackle the issue of its mandate and independence, and to bear in mind that, irrespective of agreements with stakeholders, the State party had a duty under the Covenant to ensure that the minimum wage was sufficient to provide workers with a decent standard of living. He asked whether the Government intended to ratify the Optional Protocol to the Covenant. Regarding especially vulnerable groups, he asked whether the figure of 20,000 street children was accurate and what the policy priorities were in that regard, what the policy objectives were in respect of persons displaced by violence and how the Government addressed the specific needs of returning Honduran migrants. He wished to know what the Government was doing to improve the quality of education now that progress had been made in access to education. He called on the State party to take the Committee's general comment No. 22 into account in its policies on sexual and reproductive health. Referring to the Committee's latest concluding observations regarding Guatemala (E/C.12/GTM/CO/3) and El Salvador (E/C.12/SLV/CO/3-5), he said that it was possible to amend the legal provisions on abortion to achieve a better balance between cultural sensitivities and women's rights.

3. **Ms. Cueva** (Honduras) said that human rights were an absolute priority in the management of the situation in the Lower Aguán Valley. After providing an overview of the conflict, she said that the Congress had adopted Decree No. 161-2011, unblocking funds to finance loans to farmers for the purchase of land. Some problems had arisen with regard to the reimbursement of interest, resulting in a three-year grace period for loan recipients. In an effort to address the other causes of the conflict in the region, government institutions were better coordinating their activities and had signed agreements with civil society organizations and other entities, including on the protection of human rights defenders. In addition, decent housing and fair trade initiatives had been launched under the Better Life programme, and over 80 police officers and members of the Armed Forces had received training in human rights. In 2014, the Public Prosecution Service had established a unit to investigate violent deaths in the Lower Aguán Valley, although no such deaths had been recorded in 2014 or 2015 in connection with the conflict. In fact, social conflict had decreased in the region since 2014.

4. **Mr. Madero Erazo** (Honduras) said that mechanisms had been put in place to ensure food security and reduce reliance on imported goods, such as grants for the modernization of farming, a water harvesting programme, a cattle repopulation project and support for the area known as the dry corridor. The job creation programme Honduras 20/20 included the agricultural sector as one of its priority areas for development.

5. **Ms. Quilodran** (Honduras) said that the poverty reduction policy was having a positive impact, as illustrated by the relative poverty and extreme poverty rates, which had stood at 19.5 per cent and 44.2 per cent in 2001, and 23.8 per cent and 40 per cent in 2015. Extreme poverty was noticeably higher in rural areas, whereas relative poverty was more

marked in urban settings. Of the 680,000 people who had registered as belonging to indigenous or Afro-Honduran groups, 35 per cent were beneficiaries of comprehensive social assistance programmes. Over 8,000 beneficiaries had been able to overcome poverty.

6. **Ms. Prudott** (Honduras) said that there were two major gangs in Honduras: one had 2,500 members, over a fifth of whom were in prison, and the second had 900 members, more than half of whom were behind bars. Measures taken to prevent the growth of gangs included the establishment of the Prevention, Peace and Harmonious Social Relations Office, the development of various training and sports programmes for at-risk youth and the adoption of a law on intelligence-gathering.

7. **Ms. Quilodran** (Honduras) said that the Government sought to tackle poverty and inequality through a comprehensive social protection system comprising interlinked components, namely the guarantee of a basic income, food security, decent housing and capacity-building for the gradual attainment of self-sufficiency. Specific programmes included conditional cash transfers, prenatal care, school meals and loans for women heads of household. There was also a community-based family betterment programme that dealt with self-esteem issues, sexual and reproductive health, adequate nutrition and parenting skills. All policies and programmes had been designed in a participatory manner to empower recipients and ensure accountability. Regarding transparency and access to information, she said that all government bodies were required to update their websites monthly and were subject to a results-based management system. Under the taxation system, the poor did not pay taxes and over 280 products included in the basic basket of goods were tax exempt. The system's goal was to narrow social disparities. A bill on the new tax code would be submitted to Congress shortly.

8. **Ms. Cueva** (Honduras) said there were six shelters for women victims of domestic violence that offered refuge and care to women, and often to their children as well. The Centre for Support and Protection of Women's Rights (CAPRODEM) in Tegucigalpa sought to provide comprehensive legal protection schemes. The recently launched Women's City Programme, already tested out in El Salvador and Panama, was designed to improve the situation of women aged 15 and over, by increasing the number of wage earners; reducing breast, cervical and uterine cancers; combating violence, in particular sexual violence; decreasing the number of teenage pregnancies; and offering comprehensive care services to women.

9. **Mr. Madero Erazo** (Honduras) said that Honduras was working hard to address the matter of child labour, in particular the worst forms of child labour. An executive decree had been signed; another was awaiting signature. A high-level committee had been set up with the task of building a child labour task force, and pilot schemes had been launched in the coffee, melon and fishing sectors. The Government hoped to send working children back to school, and to discourage children from engaging in work that was dangerous to their health.

10. **Ms. Quilodran** (Honduras) said that the available statistics on the indigenous and Afro-Honduran communities were related to children up to the age of 6 years, but there were few recent statistics. Malnutrition was a matter of great concern, with chronic child malnutrition affecting 24 per cent of the population; among the Lenca, Tolupan and Maya Chorti, that figure was 55 per cent. Breastfeeding was closely associated with malnutrition: the English-speaking Afro-Honduran communities had low breastfeeding rates, while the Tawahka had high levels.

11. Sexually transmitted diseases were also of concern. Some 37 per cent of people in Afro-Honduran communities, particularly children and young people, were affected. People in rural areas were affected by respiratory infections, diarrhoea, dengue fever, malaria, skin infections and sexually transmitted infections.

12. Malnutrition was a vicious cycle, affecting both adults and children. Mothers with anaemia and malnutrition gave birth to infants with low birth weights who could not be breastfed and suffered from diarrhoea. After age 2 the problem was very difficult to reverse.

13. The delegation had taken note that the figures on illiteracy seemed contradictory. The national illiteracy rate was considered to be 13 per cent, but the poorer sectors of the population had higher illiteracy rates; among certain indigenous peoples the illiteracy rate was as high as 23 per cent. Illnesses such as Chagas' disease, tuberculosis and malnutrition also affected literacy.

14. **Ms. Matamoros** (Honduras) said that the matter of migration was a priority for the Government of Honduras. The Office for Consular and Migrant Affairs had recently been established, and the Act on the Protection of Honduran Migrants and Their Families had come into force, providing protection to Honduran migrants during their departure, border crossing, stay in the destination country and return. It also provided for the establishment of the National Council for the Protection of Honduran Migrants, on which international agencies served as observers. The Council administered and monitored the Honduran Migrant Solidarity Fund. In addition, the Act established the Directorate-General for the Protection of Honduran Migrants.

15. Currently, there existed three centres for migrants returning from the United States, Mexico and Central America by air or by land. The centres — the only ones of their kind in Central America — offered medical care, counselling, food, shelter, clothing, transportation and other social services to men, women and children. They also enabled the Government to compile full biometrical information on returning migrants. The Government's principal focus, however, was on addressing the root causes of migration. It should be noted that Honduras was the only country in the Northern Triangle of Central America that had experienced a significant drop in migrant movements.

16. Migration had changed Honduras into a transit country; it was important to know that illegal migrants passing through it received the same services as Honduran migrants. It was the hope of the Government that other countries would offer the same services to Hondurans who were away from home.

17. **Ms. Cueva** (Honduras) said that Honduras was the only country in the Northern Triangle that had tackled the problem of internal displacements caused by violence. A committee had been set up to study the matter, and an executive decree handed down. The visit of Dr. Chaloka Beyani, the Special Rapporteur on the human rights of internally displaced persons, had also been pivotal.

18. Forty-one thousand Honduran households had been internally displaced by violence between 2004 and 2014. The average age of the persons affected was 24; the majority had only the most basic education. It had been learned that the main factor giving rise to displacement was the presence of the youth gangs known as *maras*. The Criminal Code now contained a reference to internal displacement; in addition, a special law for combating violence, as proposed by the Special Rapporteur, was under consideration. Lastly, she said that a plan had been made for providing rapid assistance to internally displaced persons.

19. **Mr. González** (Honduras) said that extraordinary efforts had been made to improve the situation of Afro-Honduran and indigenous communities in Honduras. That was not a search for palliatives; efforts were being made to define a road map that would help those communities to overcome poverty by strengthening literacy and improving overall health and nutrition. The most vulnerable concentration of the Tolupan lived in the reservation on Montaña La Flor. The Government had installed electricity on the mountain for the first time, and had built a hospital there and stocked it with medicines. It also funded participatory projects: the potato crop project now under way could prove a successful means to development. The Government had been working with the United Nations

Development Programme (UNDP) to ensure that all budgets of government directorates included sections specifically for the indigenous communities.

20. **Ms. Quilodran** (Honduras) said that the new Directorate for Children, Adolescents and the Family, within the Ministry of Social Development and Inclusion, was tackling the problem of street children through programmes offering legal, psychosocial and medical assistance, with particular attention to Tegucigalpa, which had the highest incidence. Children living in the street were returned to their families or communities, or placed in special centres: the preference was for children to remain in the family environment. The Directorate had a programme for the protection of the rights of street children, and was training staff in how to deal with street children and with their parents or caretakers. It was also working on developing a common methodology through the sharing of experiences.

21. The national health model of Honduras focused on promoting primary health care. The main challenges included reducing delays in surgery, reviewing the basic medicine chart and ensuring the availability and distribution of medicines, in particular for chronic diseases. Public sector initiatives included the programme on Accelerated Reduction of Maternal and Child Mortality (RAMNI) and the Comprehensive Care for Children in the Community (AIN-C) programme, which aimed to reduce mortality in children under the age of 5 with help from members of the community. All those efforts must be gender-sensitive; they must also favour diversity and support a healthy environment.

22. An education plan for the period 2016-2030 had been established with the help of the Global Partnership for Education. A forum involving the participation of civil society organizations, parents and other stakeholders had been set up as a space for reflection on the design, implementation, monitoring and evaluation of the plan at the national level. The Global Partnership for Education had provided financing in the amount of US\$ 250,000 to conduct an analysis of the Honduran education system and a further US\$ 250,000 to implement the education plan. The World Bank had also provided some funding to cover management costs. The analysis of the education system that was currently under way was therefore just the beginning of a much bigger process.

23. **Ms. Bras Gomes** requested further information about the national forum that would enable civil society to participate in the follow-up to the implementation of the country's human rights policy. She said it would be useful to have examples of specific complaints of discrimination that had been received since the reform of article 321 of the Criminal Code. Referring to the reports that the budget allocations for defence and security were much larger than those for health and education, she asked for a breakdown of the State budget. Lastly, she requested data on the number of regular jobs created through the National Hourly Employment Programme.

24. **Mr. De Schutter** said that he wished to know about the results achieved following the issuance of the 2011 decree to address the agrarian conflict in the Lower Aguán Valley. He also asked if the delegation could clarify which paragraph of the 2016 report on the "Situation of human rights in Honduras" issued by the Inter-American Commission on Human Rights referred to that conflict.

25. **Mr. Uprimny** said that he would like to have some information on the State party's policy regarding the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, particularly the rights of same-sex couples. He asked whether the Government had any plans to amend the complete ban on abortion and to establish a special prosecutor's office for crimes against human rights defenders.

26. He had some doubts about the independence of the Honduran judicial system and its capacity to investigate cases of corruption, such as the alleged embezzlement of social security funds by politicians. According to a report by Global Financial Integrity, Honduras

lost more money than any other Latin American country through illegal monetary flows. He asked the delegation to comment on the courts' capacity to investigate such crimes.

27. Lastly, the information provided on the taxation system seemed to contradict the 2011 Human Development Report of UNDP, which showed that the taxation system in Honduras was clearly regressive. He asked whether there had been any changes to the system since that report had been issued.

28. **Mr. Abdel-Moneim** said that countries with a relatively large resource base should not rely too heavily on taxation to finance the promotion and protection of economic, social and cultural rights. He welcomed the information about tax exemptions for persons with low incomes but remained concerned that indirect taxation might still limit their enjoyment of an adequate standard of living. The State party should also be careful not to create too many tax exemptions for investors, as doing so could deprive the State of the revenues needed to promote and protect Covenant rights. Honduras should continue to focus on reducing social inequalities in the country through its taxation policy.

29. **Ms. Shin** requested clarification regarding the number of shelters for women victims of violence in Honduras and the types of services offered at those shelters. Was there a nationwide, 24-hour hotline that women victims could call for help? She requested disaggregated data showing the background of the victims and perpetrators of violence against women.

30. She asked whether it was correct that there were some 20,000 street children in Honduras and whether appropriate measures were in place to address their food, education and health needs.

31. **Mr. Mancisidor de la Fuente** requested statistical data on access to primary education in Honduras.

*The meeting was suspended at 11.40 a.m. and resumed at 11.55 a.m.*

32. **Ms. Cueva** (Honduras) said that the National Council for the Protection of Human Rights Defenders was an intersectoral body whose membership included representatives of human rights organizations. Work was under way, with the assistance of UNDP, to establish a permanent forum for dialogue and follow-up that would enable civil society to participate in the monitoring and implementation of the national human rights policy. Such a forum would, for the first time, make it possible for representatives of human rights organizations to participate at the local level. It would also ensure the participation of women and LGBTI human rights defenders and environmental activists. A bill on national human rights policy would soon be submitted to Congress and would provide for the establishment of the forum. Her delegation would provide information in writing on specific complaints of discrimination received since the amendment of article 321 of the Criminal Code.

33. **Ms. Quilodran** (Honduras) said that, in 2016, the allocations for health and education had accounted for about 22 per cent of the total State budget, whereas allocations for defence and security had accounted for about 6 per cent.

34. **Mr. Madero Erazo** (Honduras) said that the Government was implementing a broad range of employment programmes and that 2015 had seen the largest drop in invisible underemployment in the past 10 years. Legislation was currently being drafted, with assistance from the International Labour Organization (ILO), that would grant new rights to self-employed workers with respect to social security. In the past two years, the Government's Decent Work programmes had created more than 60,000 regular jobs. Another programme focused on creating employment in rural areas, which was where the highest levels of informal employment and invisible underemployment were seen.

35. **Ms. Cueva** (Honduras) said that her delegation would provide information in writing on the results achieved following the decree issued to address the agrarian conflict in the Lower Aguán Valley. The subject was addressed in paragraph 170 et seq. of the aforementioned report by the Inter-American Commission on Human Rights. Neither civil unions nor marriages between persons of the same sex were recognized under the Constitution. With regard to the complete ban on abortion, Congress was currently debating amendments to the Criminal Code. Her delegation would seek updated information on the matter from Congress and would reply to the Committee in writing.

36. In the context of the adoption of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, an analysis of protection measures for such persons had been conducted and a recommendation had been made to establish a special prosecutor's office for crimes against them. Her Government would consider that recommendation. It was worth noting, however, that Honduras did already have a special unit for that purpose within the Office of the Special Prosecutor for Human Rights, and that it was one of only three countries in the region to have established such a protection mechanism.

37. **Mr. Cardona** (Honduras) said that the Honduran judicial system was independent, and he was not in a position to comment on its capacity to deal with corruption. However, Honduras had approved the establishment by the Organization of American States of the Mission to Support the Fight against Corruption and Impunity in Honduras. That independent body would, *inter alia*, investigate the alleged embezzlement of social security funds.

38. **Ms. Cueva** (Honduras) said that there were currently six emergency women's shelters operating in the country. A seventh shelter, which had opened in 2014 in Tegucigalpa, provided legal assistance, medical care and psychological counselling in addition to emergency services. Efforts were under way to create a network of centres that provided more comprehensive care to women throughout the country.

39. **Ms. Prudott** (Honduras) said that the 911 hotline for women victims of violence had replaced the 114 hotline and operated 24 hours per day.

40. **Ms. Matamoros** (Honduras) said that the Ministry of Foreign Affairs and International Cooperation also operated a 24-hour hotline to provide consular services as well as protection services. Since the start of 2015, it had received nearly 200,000 calls, and a number of persons in vulnerable situations had been rescued, including more than 200 migrants who had transited through Mexico. In the light of the real need for such services, it was expected that the Ministry would double its response capacity in the coming months.

41. **Ms. Cueva** (Honduras) said that the Government recognized the need to update its census data on street children. The figure of 20,000 street children had been provided by civil society organizations, which played an important role in caring for those children. One of the priorities of the Directorate for Children, Adolescents and the Family was to conduct a new national census of street children and, on the basis of the data collected, devise targeted measures to assist those children and their families.

42. **Ms. Velázquez** (Honduras) said that the rate of coverage for preschool education currently stood at 36 per cent. Universal preschool education was one of the priorities set out in the Government's national strategy for the period 2014-2018. The measures taken to increase the rate of coverage for preschool education included improving school infrastructure and introducing alternative forms of education, such as homeschooling and non-formal, community-based education. Similar measures had been taken to raise the rate of education coverage for children in grades 7 to 9, which currently stood at 43 per cent. The lowest rate of coverage recorded was for children in secondary education, which currently stood at 26 per cent. In an effort to increase that rate, the Government had

upgraded the status of teacher training colleges with a view to improving the quality of secondary education and thus creating greater demand for it. The State budget for education would be increased by 13 per cent to ensure the availability of adequate resources to put those measures into effect.

43. **Ms. Cueva** (Honduras) said that, while Honduras had accepted the recommendation relating to the ratification of the Optional Protocol to the Covenant during its universal periodic review in 2015, there was a need to hold broad consultations with civil society and other relevant stakeholders at the national level before embarking on the process of ratification. She recalled the commitment made by Honduras to incorporate all the recommendations made to it during the 2015 universal periodic review into its Public Policy and National Action Plan on Human Rights and to create appropriate mechanisms to monitor compliance with those recommendations.

44. **Ms. Shin** asked whether emergency contraceptives, which had been listed as an essential medicine by the World Health Organization (WHO), were widely available in Honduras.

45. **Mr. Uprimny** said that the State party should clarify whether the constitutional prohibition of same-sex marriage and same-sex civil unions exempted it from recognizing the rights of LGBTI persons in general. He asked how exactly the State party planned to remedy the marked inequalities in access to health care and to further reduce the infant mortality rate, which remained high in certain regions.

46. **Ms. Bras Gomes** asked whether the State party continued to consult ILO on the best approach to take to extending basic social protection to all persons living in Honduras.

47. **The Chair** said it was his understanding that impoverished persons, while exempt from paying income tax, were still liable to pay sales tax on essential items such as food. He asked whether that was indeed the case. He also wished to know whether human rights education in Honduras included a component on economic, social and cultural rights, and how the State party measured the size of the informal economy.

48. **Mr. Mancisidor de la Fuente** asked how the State party protected children against the risks of militarization and indoctrination associated with the Guardians of the Nation programme and programmes of a similar nature.

*The meeting was suspended at 12.30 p.m. and resumed at 12.35 p.m.*

49. **Ms. Cueva** (Honduras) said that, in 2009, the National Congress had issued a decree prohibiting the use, distribution and sale of emergency contraceptive pills. In the same year, by ministerial decision, the Ministry of Health had prohibited the promotion, use, purchase, sale and free distribution of those pills. In 2012, following a legal challenge, the Supreme Court of Justice had declared the decree issued by the National Congress to be constitutional. There were currently no plans to lift the ban on emergency contraception.

50. LGBTI persons enjoyed the same rights as all other persons living in Honduras and had provided valuable input to numerous national strategies and policies, including the Public Policy and National Action Plan on Human Rights.

51. **Ms. Quilodran** (Honduras) said that the considerable inequalities in access to health care in Honduras could be attributed in part to the country's mountainous terrain, which often hindered access to public services. The Ministry of Health was in the process of decentralizing primary health-care services with the help of local stakeholders, who distributed health-care kits to persons living in remote areas without primary health-care facilities.

52. **Mr. Madero Erazo** (Honduras) said that the Honduran taxation system was progressive insofar as the majority of impoverished persons were exempt from paying tax

on their income and on the items constituting the basic basket of goods. The Government used the data collected on different types of workers as part of the Continuous Multipurpose Household Survey to determine the size of the country's informal economy. However, a lack of resources made it impossible to conduct the Survey on a regular basis.

53. The Framework Act on Social Protection devised in conjunction with ILO provided for a social security system structured around several different regimes, including a collective social benefits regime for workers who earned one of the higher minimum wages and who paid social security contributions; a two-tier health-care regime in which one tier was funded by workers' social security contributions and the other was funded by the State and was accessible to all; and a special regime for those persons earning considerably more than the higher minimum wages. A general law on health care would determine how benefits would be paid under the two tiers of the aforementioned health-care regime. Moreover, a law on pension funds would allow eligible workers to join the pension scheme that best catered to their needs. A high-level committee would be appointed to oversee what was a major reform of the Honduran social security system. ILO would continue to support the Government at every stage of the reform. It was hoped that the different laws governing the new social security system would be in place by 2017.

54. **Mr. Cardona** (Honduras) said that the Government had begun to raise public awareness of the planned reforms to the country's social security and taxation systems. It was hoped that the reforms would help to remedy the stark inequalities in the country.

55. **Ms. Cueva** (Honduras) said that the Ministry of Human Rights, Justice, the Interior and Decentralization, in cooperation with the National Human Rights Commission, had designed and would soon launch a national human rights education programme. Over the past two years, the Ministry had provided human rights training to around 25,000 public officials. Moreover, human rights issues would now be covered as part of civic education in schools.

56. **Ms. Quilodran** (Honduras) said that she herself had participated in the Guardians of the Nation programme and could attest to the fact that the programme benefited children and adolescents from disadvantaged areas and dysfunctional families. Children had the opportunity to develop their social skills through recreational activities while adolescents could attend seminars on issues of concern to them and even receive vocational training. There was no risk of those children and adolescents being militarized or indoctrinated.

57. **Mr. Mancisidor de la Fuente**, while welcoming the progress made by the State party in increasing the enjoyment of economic, social and cultural rights by all persons living in its national territory, said that it was now crucial for all branches of the Government of Honduras to take the steps necessary to translate the political commitments they had made into action. The Government of Honduras should use the Committee's concluding observations and the guidance that it had provided over the course of the interactive dialogue to shape its new laws, policies and programmes. The Committee looked forward to learning of the results yielded by the numerous initiatives undertaken by the State party as part of its far-reaching reform process.

58. **Mr. Cardona** (Honduras) said that his delegation wished to thank the Committee for what had been a constructive and fruitful interactive dialogue. While significant progress had been made in realizing the economic, social and cultural rights enshrined in the Covenant, much remained to be done. There was no doubt that the Committee's concluding observations and recommendations would assist the Government in its efforts to rectify the gross inequalities that characterized Honduras, and he looked forward to receiving them as soon as possible.

*The meeting rose at 1 p.m.*