



## International Covenant on Civil and Political Rights

Distr.: General  
24 November 2016

Original: English  
English, French and Spanish only

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### Human Rights Committee

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

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

1. Please provide information on how the provisions of the Covenant are invoked and implemented before the national courts. Please indicate what procedures are in place, in law and in practice, for the implementation of the Committee's Views under the Optional Protocol.
2. Please indicate the measures adopted to: (a) strengthen the Office of the National Commissioner for Human Rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including measures to ensure its independence, to ensure that it has sufficient resources and to enable it to recover its A status; (b) adequately implement the National Human Rights Action Plan 2013-2022; (c) ensure the effective functioning of the National Commission against Racial Discrimination, Racism, Xenophobia and Other Related Forms of Intolerance; and (d) advance the National Policy on Woman and the Second National Plan for Gender Equality and Equity (2010-2022).
3. Please provide updated information on the work of the Truth and Reconciliation Commission and the implementation of its recommendations. Please also provide information on the measures taken in order to ensure that the Amnesty Decree (No. 2-2010) has not hindered the investigation into and prosecution of alleged perpetrators of human rights violations.

##### Non-discrimination and equality (arts. 2, 3, 9, 17, 26 and 27)

4. With reference to the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 6), please provide updated information on the effective implementation of measures designed to increase the participation of women in public life and to ensure adequate financing of the National Institute for Women. Please also provide information on efforts to amend the provisions in the Civil, Family and Labour Codes that reflect stereotypes of women's roles.

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\* Adopted by the Committee at its 118th session (17 October-4 November).



5. Please report on measures taken to effectively address discrimination and ensure the security and integrity of indigenous and Afro-Honduran people, people with HIV/AIDS, persons with disabilities, sex workers and refugees. Please include measures adopted within the framework of the National Action Plan on Racism and Racial Discrimination, particularly those aimed at women and people in rural areas, and by the National Commission against Racial Discrimination. Please describe the measures taken to ensure the effective implementation of article 321 of the Criminal Code, which provides for the punishment of hate crimes, and the mechanisms to ensure the effective access to justice of victims of those crimes.

6. Please report on measures taken to ensure respect for the rights of same-sex couples, and on any steps taken towards the legal recognition of same-sex couples, including with respect to adoption rights. Please provide information on proposals to revoke or amend article 321 of the Criminal Code. Please provide information on detentions, particularly of transgender persons, based on the Act on Policing and Harmonious Social Relations. Please also provide information on efforts to adopt a gender identity law.

**Violence against women (arts. 3 and 7)**

7. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 7), please comment on the steps taken to address femicide, domestic violence, sexual abuse and other forms of violence against women, and include information on the measures taken at the family, community and State levels. Please provide disaggregated data on the number of deaths resulting from each type of crime, complaints, investigations and prosecutions and the sentences imposed and the compensation received by victims or relatives. Please also disaggregate that information by women of African descent, indigenous women, lesbian, gay, bisexual, transgender and intersex persons and sex workers. Please provide information on the measures adopted to: (a) ensure that victims overcome stigma and fear of reprisals when lodging a complaint; (b) ensure that protection measures, including shelters, counselling centres and assistance, are available to victims and witnesses of violence; (c) guarantee access to justice, including compensation; (d) ensure that those responsible are prosecuted and punished; (e) change social and cultural patterns and stereotypes; and (f) ensure the effective implementation of article 118-A of the Criminal Code on femicide.

**Right to life and security of person and prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 6, 7, 9 and 24)**

8. Please provide information on the measures taken to address the high rates of homicide, violence, extortion, robbery, kidnapping and recruitment of children for criminal activities by gangs or *maras* and drug traffickers. Please also provide information on the underreporting of crimes as a result of the lack of trust in State institutions, as well as on the increase in gang or *mara* activities in rural areas. Please further provide information on the development of legislation on the regulation of private security companies and on the possession and sale of firearms.

9. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 8), please provide information on the rate of maternal mortality resulting from abortion, risks to the health of women and girls from unsafe abortion techniques, and measures taken to bring the legislation on abortion into line with the Covenant, including addressing the criminalization of voluntary termination of pregnancy. Please provide information on efforts to ensure access to safe contraception and to education and information relating to contraception and sexual and reproductive health throughout the country, and to address teenage pregnancy.

10. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 9), please provide information on the measures taken to prevent extrajudicial executions, in particular of street children and members of youth gangs or *maras*, attributed to the police or military forces, including as part of so-called "social cleansing" campaigns. Please provide detailed information on the number of: (a) extrajudicial executions, including data on child and adolescent victims; (b) complaints received; (c) prosecutions carried out; (d) sanctions imposed on persons responsible, disaggregating by police officers and military personnel; (e) compensation received by victims or their relatives; and (f) capacity-building measures for officials dealing with extrajudicial executions. Please provide information on the jurisdictions responsible for such investigations and trials, specifically referring to the competence of the military courts and of the national law jurisdictions established by the Military Police of Public Order Act, and clarifying the criteria by which cases are assigned to the various jurisdictions. Please provide information on measures authorizing the army to perform police duties on a temporary basis and in emergencies. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 5), please comment on the progress made in the search for missing persons and in the investigations into cases of enforced disappearance, including cases from the 1980s. Please provide detailed information on the number of disappeared and missing persons, complaints received, prosecutions carried out, sanctions handed down to persons responsible and compensation received by victims or their relatives.

11. Please provide information on the number of internally displaced persons who have had to leave their homes owing to safety concern, on measures taken to identify the categories of vulnerable displaced people and on efforts to identify, prevent and respond to gender-based violence affecting internally displaced persons. Please also provide information about the work the Commission for the Protection of Persons Displaced by Violence has carried out to address the causes of displacement; to facilitate the return home or resettlement of those affected; to make its work more effective, including the enactment of specific legislation; to elevate its status; and on resource allocation.

12. Please provide updated information on the number of: (a) complaints of torture, ill-treatment and excessive use of force by the police, armed forces, private security agents and prison staff; (b) investigations of those allegations; (c) prosecutions carried out; (d) sanctions imposed, disaggregated by type of sanction; and (e) compensation received by victims or their relatives. Please also provide information on the number and nature of the training courses provided to judicial authorities, police, armed forces, private security agents and prison staff, among others. Please describe the mechanisms that allow for prompt, thorough and impartial investigations into allegations of torture, ill-treatment and excessive use of force, for prosecutions and sanctions that are in accordance with the gravity of those acts, for adequate remedies and compensation for the victims, and for the protection of complainants and witnesses. Please provide information on the measures taken to monitor and ensure that the tasks carried out by the armed forces when acting as police or prison guards, and those performed by private security agencies, comply with the Covenant.

13. Please provide information on the measures taken to ensure that the Office of the Special Prosecutor for Human Rights and the National Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment have the necessary resources to fulfil their functions effectively. Please provide information on the measures taken following claims of excessive use of force by the authorities during the social protest in June 2009 and by armed forces in public security.

**Right to liberty and security of person, treatment of persons deprived of their liberty, right to a fair trial and independence of the judiciary (arts. 7, 9, 10, 14 and 17)**

14. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 13), please provide updated information on the progress made to ensure that people deprived of their liberty enjoy all legal safeguards from the moment of their arrest, including access to legal assistance and medical services and being brought promptly before a judge. Please report on the measures taken to reduce the number of persons in pretrial detention and the duration of their detention (see CCPR/C/HND/CO/1, para. 14).

15. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 15), please describe the measures taken to improve prison and juvenile detention centre conditions and bring them into line with the provisions of article 10 of the Covenant. Please include information on measures taken to address: (a) inter-prisoner violence, including information on the number of deaths in prison; (b) overcrowding, including information on the number of inmates disaggregated by facility; (c) the quality of food and water; (d) security inside the prisons; (e) the lack of specialized personnel, including medical personnel; (f) the lack of rehabilitation and reintegration programmes; (g) the lack of separation of persons awaiting trial from convicts and the lack of separation of women and men, including the number of persons not separated for each category; (h) the use of corporal punishment; (i) the lack of financial resources; and (j) the severity of the treatment of prisoners who are considered highly dangerous. Please provide information on the mechanisms available to raise complaints in prison without fear of reprisals and for regular and independent inspections. Please also provide information on the alternative measures to detention that are available and implemented for child and adolescent offenders and the rehabilitation or reintegration programmes for them. Please provide information on the investigation, prosecution and sanctions received by those responsible for the incidents at El Porvenir and San Pedro Sula prisons and the measures taken to avoid any repetition of such incidents.

16. With reference to the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 16), please provide information regarding measures to safeguard the independence and impartiality of the judiciary, including the selection, appointment, promotion and regulation of judicial personnel, particularly in view of the declared unconstitutionality of the law on the Council of the Judiciary and judicial service and the return to the law on the judicial service. Please include updated details regarding the removal from office of four out of the five judges of the Constitutional Chamber of the Supreme Court of Justice by the Congress in 2012, including the implementation of the Inter-American Court of Human Rights decision of 5 October 2015 in *López Lone et al. v. Honduras*, and the suspension and removal of the Attorney General and his Deputy in 2013.

**Prohibition of slavery and forced labour (art. 8)**

17. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 12), please describe the steps taken to: (a) eliminate the worst forms of child labour, particularly among rural and indigenous communities and children of African descent; (b) strengthen the capacity of the Labour Inspectorate to identify cases of child labour; and (c) provide reintegration and rehabilitation programmes. Please provide information on measures taken to ensure that workers are not subjected to forced overtime, non-payment of wages and other violations of workers' rights, and that violations are appropriately reported, investigated and punished, and victims compensated, including in *maquila* industries, domestic work and dive fisheries.

18. Please describe the measures and existing mechanisms for the prevention and early identification of cases of human trafficking and for referring, assisting and supporting

victims. Please provide information on the number of complaints, investigations, prosecutions, convictions and sentences that have been imposed in cases of human trafficking since the previous concluding observations. Please describe: (a) the progress of the Commercial Sexual Exploitation and Trafficking Unit of the Office of the Special Prosecutor for Children; (b) the mechanisms replacing the Special Police Unit on Trafficking; and (c) the progress made as a result of the introduction of hotlines or alternative mechanisms to enable people to report cases of trafficking without fear of reprisals. Please provide information on efforts made to introduce in the Trafficking in Persons Act a definition of human trafficking that is consistent with international law, and efforts to implement adequate victim and witness protection programmes.

**Right to privacy, freedom of expression and association and peaceful assembly (arts. 9, 17, 19, 21, 22 and 25)**

19. Please explain what safeguards are found in the 2011 special law on the interception of private communications, which regulates data retention, in order to ensure the protection of the right to privacy of users of the Internet and other forms of telecommunication.

20. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 17), please provide information on the measures taken to: (a) prevent acts of violence against human rights defenders, journalists, media and legal professionals, persons responsible for the administration of justice, leaders of indigenous communities, persons of African descent, peasant leaders, environmentalists, members of the lesbian, gay, bisexual, transgender and intersex community and other activists; (b) prevent anti-union discrimination by the State party and by employers, including efforts to suppress freedom of association and collective bargaining; (c) implement the law on the protection of human rights defenders, journalists, social communicators and justice officials; (d) effectively decriminalize defamation, slander and libel; and (e) ensure that journalists and human rights defenders can carry out their activities without fear of reprisals and without being criminalized. Please also provide information on the process of registering non-governmental organizations, and on the number of organizations that have been refused registration, particularly organizations that protect the rights of lesbian, gay, bisexual, transgender and intersex persons. Please provide data disaggregated at least by gender on the number of complaints, investigations, prosecutions, convictions, sentences and the compensation received by victims or relatives regarding attacks on the above-mentioned persons, including updated information on the killings of Berta Cáceres, Nelson Noé García and René Martínez. Please provide data on the number of persons charged for sedition, illegal occupation of land or public premises and the sanctions received, and information on the situation of the 75 students of the National Autonomous University of Honduras against whom criminal charges were brought in relation to their participation in protests in 2015 and 2016.

**Protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)**

21. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 11), please provide updated information on the steps taken to: (a) identify the number of street children; (b) address the root causes that lead children to be in street situations in the State party; (c) provide shelter for street children; and (d) amend the legislation that criminalizes them. Please provide information on the measures taken to protect children and adolescents in situations of vulnerability, particularly those that run the risk of being recruited by *maras* or gangs, victims of forced displacement, refugees and asylum seekers.

22. Please provide information on the measures taken to establish a comprehensive child protection system, including access to justice, investigation, prosecution and sanctioning of perpetrators of crimes against children, and rehabilitation and reintegration programmes.

23. Please provide information on the measures adopted to address the high number of cases of child abuse, particularly those involving girls and those taking place in the family environment. Please also provide information on the measures taken to combat the sexual exploitation of children, including indigenous children and child domestic workers, particularly girls. Please describe the measures taken to effectively implement the legal measures prohibiting and criminalizing corporal punishment in families, schools and institutions.

24. In the light of the Committee's previous recommendations (see CCPR/C/HND/CO/1, para. 18), please indicate the progress made on the registration of births in rural and border areas and in indigenous communities, particularly of the Miskito people, and on the registration of non-registered adults.

#### **Access to justice and participation in public affairs (arts. 14 and 25)**

25. Please provide information on efforts to combat corruption and impunity, including regarding the measures adopted to ensure that the Mission to Support the Fight against Corruption and Impunity in Honduras enjoys the full cooperation of the authorities and is able to work without interference, in order to effectively carry out its mandate to investigate and prosecute criminal activities in the political, judicial and security systems, as well as to provide advice and oversight to national institutions. Please provide updated information on the progress of the work of the Mission, particularly in the investigations and prosecutions carried out, convictions secured and sanctions handed down, and on the alleged corruption case in 2015 involving the Honduran Social Security Institute. Please provide information on public officials' compliance with financial disclosure laws. Please also provide information on the application of the law on the classification of public documents and Decree No. 418-2013. Please further provide information on cases that have arisen since the previous report in which individuals, including police officers, have been prosecuted for corruption, and on the outcomes.

26. Please provide information on the measures taken to ensure that the next general elections, scheduled for late 2017, take place in a free, fair and transparent manner, in full conformity with article 25 of the Covenant, including an environment free of intimidation and violence.

#### **Rights of persons belonging to minorities (arts. 2, 26 and 27)**

27. In the light of the Committee's previous recommendations (see CCPR/C/HND/CO/1, para. 19), please provide information on measures adopted to protect the right of indigenous communities to their ancestral indigenous lands. Please provide information regarding the steps taken to ensure: (a) their right to free, prior and informed consent regarding projects that affect their lands or territories, including the adoption of legislative measures regulating a consultation mechanism; (b) access to justice and protection from acts of violence when claiming their rights; (c) capacity-building of justice officials and police officers about the rights, cultures and languages of indigenous peoples; and (d) adequate budgets for the Office of the Special Prosecutor for Ethnic Groups and the Cultural Heritage and the Directorate for Indigenous and Afro-Honduran Peoples. Please indicate the number of complaints the Office of the Special Prosecutor has received and how they were solved. Please provide details on judicial processes focused on indigenous land rights and any reparation received, the number of forced evictions carried out in ancestral indigenous lands, including those carried out by the military or private security agents, and any investigations, prosecutions and sanctions for criminal acts against indigenous

communities during the reporting period. Please include information in particular on the Agua Zarca dam, the Patuca dams in La Mostiquia, the Cuaca mining projects in Olancho and the construction of a model city in Trujillo. Please also include information on the deaths of 90 farmers in the Bajo Aguán region between 2008 and 2013, and on attacks, abductions, police brutality and exhumations conducted by the Bajo Aguán Task Force in the same region. Please provide information on prosecutions carried out for those events and their results.

28. Please describe the measures taken to ensure the full participation of indigenous peoples and Afro-Honduran communities in public institutions, particularly those that take decisions relevant to their communities, and on initiatives that affect them, such as in the drafting process of the draft law on prior, free and informed consultation of indigenous communities or in development and natural resources projects. Please provide information on any multilingual intercultural education activities for indigenous peoples and Afro-Honduran communities, especially the Garifuna and English-speaking Afro-Hondurans.

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