



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the third periodic report of Honduras*

1. The Committee considered the third periodic report of Honduras¹ at its 2076th and 2079th meetings,² held on 17 and 18 April 2024, and adopted the present concluding observations at its 2098th meeting, held on 2 May 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for having accepted the simplified reporting procedure and submitting its periodic report thereunder, as submission under the simplified procedure facilitates cooperation between the State party and the Committee and makes possible a more focused examination of the report and dialogue with the delegation.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, as well as the responses provided to the questions and concerns raised during the consideration of the periodic report.

B. Positive aspects

4. The Committee welcomes the State party's accession, on 16 January 2018, to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

5. The Committee welcomes the adoption by the State party of the following legislative measures in areas related to the Convention:

(a) The 2024 adoption of the Act on Shelters for Women Victims of Gender Violence;

(b) The 2023 adoption of the Act on the National DNA Database System;

(c) The 2022 repeal of the Act on the Classification of Public Documents Relating to Security and National Defence;

(d) The 2022 adoption of the Special Act on the Organization and Activities of the Committee for the Nomination of Candidates for Election to the Supreme Court;

(e) The 2022 adoption of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons;

(f) The 2022 adoption of the Act for the Reconstruction of the Constitutional Rule of Law and the Non-Repetition of Events;

* Adopted by the Committee at its seventy-ninth session (15 April–10 May 2024).

¹ CAT/C/HND/3.

² See CAT/C/SR.2076 and CAT/C/SR.2079.



(g) The adoption of Legislative Decree No. 99–2020, on special measures for the dissemination of information on, prevention of and response to violence against women and action to guarantee gender equality during the period of the national emergency declared as a result of the coronavirus disease (COVID-19) pandemic;

(h) The 2017 introduction of article 209 of the Criminal Code, pursuant to which violence against women is made a criminal offence in its own right;

(i) The 2017 entry into force of the Organic Act on the Ministry of Security and the National Police of Honduras and of the Police Service Act, which contributed to the professionalization of the police and an increase in the total number of police officers.

6. The Committee also welcomes the initiatives undertaken by the State party to amend its policies and procedures in order to improve human rights protection and to apply the Convention, in particular:

(a) The 2023 creation of the Ministry for Children, Adolescents and the Family, the Ministry of Social Development and the Ministry of Women’s Affairs;

(b) The 2022 opening of the regional office of the Disappearances Tracking and Reporting Unit in the city of San Pedro Sula, Cortés;

(c) The negotiation, in December 2022, of a memorandum of understanding between the State party and the United Nations on the establishment of an international commission to combat corruption and impunity in Honduras;

(d) The creation of specialized comprehensive care modules within the framework of the Institutional Strategic Plan 2015–2020 of the Public Prosecution Service in a bid to strengthen the protection of women victims of violence in areas of the country that do not have specialized courts;

(e) The 2019 development of the Social and Workforce Reintegration Protocol in the prison system;

(f) The establishment of the Proceedings Unit of the Public Defence Service in 2019 to ensure that minors in conflict with the law are represented by counsel as soon as they are detained;

(g) The 2018 creation of the Social and Workforce Reintegration Unit of the National Prison Institute, which is responsible for promoting the labour force reinsertion of persons deprived of their liberty and providing them with assistance after their release;

(h) The 2018 establishment of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials, which is responsible for investigations and prosecutions in connection with the alleged threats and attacks to which human rights defenders, journalists and members of civil society organizations are subjected;

(i) The 2017 creation, pursuant to Executive Decree No. PCM-061-2017, of the National Institute for Juvenile Offenders;

(j) The 2017 establishment, pursuant to Executive Decree PCM-055-2017, of the Ministry of Human Rights;

(k) The adoption of the Plan for Strengthening and Professionalizing the National Police on the basis of the Police Service Act of 2017;

(l) The creation, pursuant to Legislative Decree No. 106-2016, of the Unit for the Investigation of Violent Deaths of Women and Femicides, which is attached to the Specialist Criminal Investigation Agency and the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides;

(m) The adoption by the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Human Trafficking of the Strategic Plan for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons 2016–2022 to prevent, investigate and punish the crime of trafficking in persons, as well as to ensure comprehensive care and protection

for victims, and the development of the protocol of the rapid response team for the care of victims of commercial sexual exploitation and trafficking in persons in Honduras.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee requested the State party to provide information on the action it had taken in follow-up to the recommendations on the control and management of the prison system, conditions of detention, the national mechanism for the prevention torture, and the protection of human rights defenders and other representatives of civil society exposed to risk.⁴ In view of the information in the report on follow-up submitted by the State party on 14 August 2017,⁵ and with reference to the letter dated 20 August 2018 from the Committee's Rapporteur for follow-up to concluding observations,⁶ the Committee is of the opinion that the recommendations contained in paragraphs 16, 20 (a) and (c), 30 and 44 have been partially implemented. These pending issues are covered in paragraphs 16–21, 30 and 31 of the present document.

Definition of torture

8. The Committee is of the view that the definition of torture added to article 216 of the Criminal Code pursuant to Legislative Decree No. 130-2017 largely corresponds to article 1 of the Convention and takes note of the ongoing revision to that definition. However, the definition does not expressly cover acts of torture inflicted at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Also of concern is that, under article 216, paragraph 2, of the Criminal Code, the maximum prison sentence for the commission of an act of torture by a public official is reduced from 15 years to 10. In addition, the circumstances enumerated in article 216, paragraph 5, which are aggravating depending on the identity of the victim, are limited to some groups of persons and do not take into account other groups of persons – for example, lesbian, bisexual, gay and transgender persons, Indigenous persons and other national or ethnic minorities – who may find themselves in situations of vulnerability. That torture can be a crime of commission or omission is also unrecognized in the Criminal Code. Lastly, the Committee takes note of the State party's explanation concerning the application of article 216 of the Criminal Code to acts committed by members of the armed forces (arts. 1 and 4).

9. **The State party should set in motion an amendment to article 216 of the Criminal Code to ensure that torture is defined exactly as in article 1 of the Convention. In particular, article 216 should make express mention of acts of torture committed at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. The State party should also ensure that offences involving acts of torture are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention. The Committee recommends that the State party consider increasing the degree of culpability of a criminal act when the victims are people who may be in vulnerable situations, including lesbian, bisexual, gay and transgender persons, Indigenous persons and other national or ethnic minorities. The Committee requests the State party to include in its next periodic report information on cases in which article 216 of the Criminal Code has been applied to members of the armed forces under civilian jurisdiction.**

Fundamental legal safeguards

10. While noting the information provided by the State party on the application of the fundamental safeguards against torture and ill-treatment set out in the State party's legislation

³ CAT/C/HND/CO/2, para. 53.

⁴ Ibid., paras. 16, 20 (a) and (c), 30 and 44.

⁵ CAT/C/HND/CO/2/Add.1.

⁶ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FHND%2F32212&Lang=en (in English only).

and the strengthening of legal aid services, the Committee remains concerned about consistent reports of a failure to ensure that such safeguards are always in place in the first hours of deprivation of liberty, during transfers and during detention in police stations and military facilities. Such failures, according to the reports, were particularly common during the coronavirus disease (COVID-19) pandemic and under the state of emergency, which is still in force, declared in several departments in December 2022. In this regard, the Committee is also concerned about reports of:

(a) Arbitrary arrests, as they were made without informing the arrested person of the reason for the arrest; problems with the notification of the arrest; delays and shortcoming in the provision of legal aid, as well as problems with access to an independent medical examination;

(b) Arrests (more than 25,896) and searches (more than 17,062) without warrants under the powers granted to the National Police and the Public Order Military Police under the state of emergency;⁷

(c) Problems with the system used by the police to keep records of detention,⁸ including inconsistencies in the registration of admissions and releases. In this regard, the Committee takes note of the measures being taken to establish a national register of persons deprived of their liberty in police stations and prisons (art. 2).

11. The State party should:

(a) **Take effective measures to prevent arbitrary arrests and ensure that, in practice, persons deprived of their liberty enjoy all fundamental safeguards from the outset of their deprivation of liberty in accordance with international standards, in particular the rights to be informed of the reason for the arrest; to promptly inform a family member or another person of their detention; to be assisted without delay by counsel or receive free legal aid of good quality if necessary, to request and obtain a free medical examination performed by an independent physician or by a physician of their choice and to have their medical records immediately brought to the attention of the Public Prosecution Service if it is suspected that acts of torture or ill-treatment have been committed**

(b) **Continue making efforts establish a unified and digitized official register of persons deprived of their liberty and ensure the accuracy and updating of entries in the official register;**

(c) **Improve protocols for the work of the security forces and armed forces, guaranteeing respect for fundamental legal safeguards during arrests or detention procedures. The State party should also make mechanisms for monitoring and supervising police work more robust and, unless doing so could violate detainees' right to privacy or to speak with their lawyers or medical professionals in confidence, consider installing closed-circuit television cameras in all places where persons may be detained, in particular police stations and interrogation rooms;**

(d) **Investigate and punish law enforcement officers who fail to ensure that persons deprived of their liberty benefit from fundamental legal safeguards and inform the Committee of those matters.**

Judicial independence and access to justice

12. Although the Committee notes the measures that have been taken to strengthen the independence of the judiciary, it remains concerned about the gaps in the regulation of the selection and promotion of judicial officials and delays in judicial proceedings,⁹ as they have a negative impact on access to justice for victims of torture and ill-treatment (arts. 2 (1), 12 and 13).

⁷ [A/HRC/52/24](#), para. 10, and [A/HRC/54/22/Add.2](#), para. 15.

⁸ [CED/C/HND/OAI/1](#), para. 30 (c).

⁹ [A/HRC/49/21](#), para. 15.

13. **The Committee encourages the State party to continue adopting legislative measures, such as the Act on the Council of the Judiciary and the Judicial Service, to separate jurisdictional and administrative and other functions and to ensure the full independence, impartiality and effectiveness of the judiciary and the Attorney General's Office, in accordance with international standards such as the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

Militarization of public safety and excessive use of force

14. Although it notes the security challenges the State party faces as a result of gang-related violence and organized crime, the delegation's explanations of the reasons for the extensions of the state of emergency, and the ongoing development of the citizen security policy, the Committee remains concerned about the renewal of the state of emergency initially declared in December 2022 and the extensive involvement of the Public Order Military Police in public safety policing operations.¹⁰ The Committee is also concerned about reports of continued unnecessary or disproportionate use of force by the security and other armed forces, as well as cases of enforced disappearance and extrajudicial executions in the context of police and military operations. Furthermore, the Committee is deeply troubled by the numerous reports of acts of torture and ill-treatment, committed mostly by members of the National Police, the Police Directorate for Combating Gangs and Organized Crime and the Public Order Military Police, to which detainees, including women and children, are subjected during interrogations that allegedly take place before an arrest is officially recorded. Also troubling are reports of irregularities in the investigation of deaths in police custody. In addition, there has been little progress in the investigation and prosecution of alleged human rights violations, including excessive use of force, in particular in the context of the 2017 presidential elections,¹¹ although the Committee takes note of the updated data provided by the State party in this regard. Lastly, the Committee regrets the lack of a legal framework for the use of force, including non-lethal weapons (arts. 2, 11–14 and 16).

15. **The State party should:**

(a) **Ensure, insofar as possible, that public order and security are maintained by civilian police forces and that the involvement of military personnel in the maintenance of public order is exceptional, temporary, duly justified and coupled with strict adherence to protocols relating to the use of force and firearms, in line with international human rights standards;**

(b) **Avoid the recurrent use of exceptional measures such as states of emergency and step up its efforts to adopt a comprehensive public security policy that is informed by a human rights and gender perspective, is focused on prevention, protection and investigation and addresses the structural causes of violence and insecurity;**

(c) **Ensure that its emergency legislation is compatible with its international human rights obligations, as well as submit official notification to the Secretary-General of the United Nations and the Secretary General of the Organization of American States of the extensions and termination of the state of emergency, in accordance with the International Covenant on Civil and Political Rights and the American Convention on Human Rights, respectively;**

¹⁰ CED/C/HND/OAI/1, paras. 10 and 11, A/HRC/37/3/Add.2, para. 19, A/HRC/40/3/Add.2, paras. 25 and 26, A/HRC/49/21, para. 23, and A/HRC/46/75, para. 24. See also www.ohchr.org/sites/default/files/documents/issues/executions/sr-sumex/statements/2023-06-02-com-statement-honduras-sr-sumex.pdf.

¹¹ A/HRC/49/21, para. 20. See also www.ohchr.org/en/statements-and-speeches/2023/03/colombia-honduras-guatemala-and-cyprus-reports-are-presented-high, www.ohchr.org/sites/default/files/Documents/Countries/HN/INFORMETEM%C3%81TICO2017Enero2020.pdf, paras. 89–96, and communication HND 1/2020. All communications mentioned in this document are available at <https://spcommreports.ohchr.org/TmSearch/Results>.

(d) **Ensure that all allegations of torture, ill-treatment and excessive use of force, as well as those relating to alleged extrajudicial executions and enforced disappearance, are promptly and impartially investigated, that the alleged perpetrators are brought to justice, that, if found guilty, they are given sentences commensurate with the gravity of their acts and that the victims or the members of their families are made whole;**

(e) **Ensure that reports of acts of torture or ill-treatment allegedly committed by members of the security and armed forces, as well as deaths in police custody, are effectively investigated;**

(f) **Take legislative measures on the use of force by the security forces and the armed forces, including protocols on the use of less lethal weapons, ensuring that all officers and members of the security forces and the armed forces continue to receive mandatory in-service training in this area, in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and on non-coercive investigative techniques. The State party is also invited to consider incorporating the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests into its training programmes.¹²**

Supervision and administration of the prison system, violence and deaths in prisons

16. The Committee notes the measures designed to demilitarize and professionalize the maintenance of order and the administration of the prison system and of the comments made by the delegation of the State party on the formulation of a new prison policy and the training of civilian prison staff. The Committee is nonetheless concerned about the frequent military interventions in prisons that took place between 2019 and 2021.¹³ The Committee also notes with concern that, further to Executive Decree No. 28/2023 of June 2023, the Public Order Military Police, acting as the Intervention Commission for the National Prison Institute, assumed responsibility for prison supervision and administration for one year.¹⁴ In addition, the Committee is concerned about reports of structural shortcomings in the prison system, in particular the insecurity in the prisons, the authorities' lack of control and the shortage of prison officers, as evidenced by the violent incidents and deaths in custody that occurred in several prisons during the period under review,¹⁵ in particular the deaths of 46 women in the National Women's Prison for Social Adaptation. The Committee takes note of the information provided by the delegation on the ongoing investigations into these events. Also of concern are allegations of abuses committed by prison personnel and the Public Order Military Police during search operations in prisons,¹⁶ as well as the threats allegedly received by those reporting such abuses. Lastly, the Committee finds it regrettable that there is no central register of persons in detention (arts. 2, 10, 11 and 16).¹⁷

17. The State party should:

(a) **Step up its efforts to formulate and pursue a prison policy that addresses the systemic causes of prison violence, helps break up gangs and other criminal groups and prioritizes measures for rehabilitation, re-education and social reintegration;**

(b) **Make progress towards the transfer of responsibility for prison administration to the National Prison Institute, a civilian, autonomous and independent entity, and reinforce the measures intended to make it more robust;**

(c) **Ensure that all cases of violence and death in custody are investigated promptly and impartially by an independent body, with due regard for the Minnesota**

¹² See [A/HRC/55/60](#).

¹³ [A/HRC/43/3/Add.2](#), paras. 26 and 31, [A/HRC/49/21](#), para. 30, and [A/HRC/46/75](#), para. 18.

¹⁴ [CED/C/HND/OAI/1](#), paras. 30 and 31, [A/HRC/52/24](#), para. 51.

¹⁵ [CAT/C/HND/3](#), paras. 164–166 and 172–175, [A/HRC/46/75](#), para. 19, [A/HRC/52/24](#), para. 53, [A/HRC/43/3/Add.2](#), paras. 30–32, and [A/HRC/40/3/Add.2](#), paras. 35 and 36. See also communication HND 2/2023.

¹⁶ [A/HRC/49/21](#), para. 33.

¹⁷ See www.ohchr.org/sites/default/files/documents/issues/executions/sr-sumex/statements/2023-06-02-eom-statement-honduras-sr-sumex.pdf.

Protocol on the Investigation of Potentially Wrongful Deaths and the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and create a central, digitized register of cases of death in custody;

(d) **Take measures to prevent and reduce prison violence, both inmate violence and violence that may occur as a result of abuse by prison officials, and ensure that violent incidents are investigated and that the perpetrators are brought to justice;**

(e) **Ensure that prisons have the qualified civilian personnel that they need, including medical personnel, and that prison personnel have the proper training, including in dynamic security and the rights of persons deprived of their liberty;**

(f) **Ensure that the rights of persons deprived of their liberty are respected during searches and seizures in places of detention and that any abuses that occur in this context are sanctioned as provided by law.**

Conditions of detention

18. The Committee notes the measures taken by the State party to improve the situation of persons in its prisons, as well as the information provided by the delegation on the existence of a data centre project to link the national register of persons deprived of their liberty and the court system, the review of case files to identify possible beneficiaries of pre-release programmes or other court-ordered adjustments and the installation of virtual hearing rooms in 12 prisons. It is nonetheless concerned about:

(a) The high rates of overcrowding in the prisons and the excessive use of pretrial detention;¹⁸

(b) The major shortcomings in the material conditions, in the supply of food and in the medical and psychological care provided in these establishments, as well as the shortage of medicines, although the measures that have been taken to improve the situation have been noted;

(c) The absence of comprehensive rehabilitation and social reinsertion policies throughout the prison system, although note is taken of the launch in 2024 of the new programme for the rehabilitation of the prison population and other relevant initiatives;

(d) The plan to build a maximum security prison on the Swan Islands;

(e) The situation of the women held in the National Women's Prison for Social Adaptation and in 16 other prisons, mixed-gender facilities, in the rest of the country, who must deal with a lack of security, disciplinary sanctions consisting of prolonged solitary confinement, limited access to social and labour reinsertion programmes and a lack of specialized medical care with a gender perspective;¹⁹

(f) The situation of lesbian, gay, bisexual and transgender persons deprived of their liberty, in particular the discrimination to which they are subjected and their ill-treatment at the hands of the rest of the prison population and corrections personnel (arts. 2, 11 and 16).

19. The State party should:

(a) **Take urgent measures to eliminate prison overcrowding, primarily by using alternatives to custodial sentences. In that connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Take urgent measures to remedy any shortcomings or inadequacies related to general living conditions in all places of deprivation of liberty, in line with the**

¹⁸ [A/HRC/52/24](#), para. 52, [A/HRC/46/75](#), para. 17, and [A/HRC/49/21](#), para. 30.

¹⁹ [A/HRC/46/75](#), para. 19, and [CEDAW/C/HND/CO/9](#), paras. 44 and 45.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules), and ensure that the renovation of existing prisons and the construction of a new maximum security prison meet the relevant international standards;

(c) **Adopt legislative and other reforms necessary to ensuring that pretrial detention is not used or prolonged excessively;**

(d) **Ensure that judicial oversight of detention and assessments of the lawfulness of deprivation of liberty take place in the physical presence of the detainee, in accordance with international standards,²⁰ and ensure that other types of criminal hearings are held electronically only with the explicit, free and informed consent of the accused or convicted person, the necessary safeguards and guarantees of due process. In this connection, the State party is invited to consult the Office of the United Nations High Commissioner for Human Rights briefer on online hearings in justice systems.²¹**

(e) **Ensure that the resources needed to provide proper health and psychological care in all places of detention are set aside without delay;**

(f) **Ensure that the conditions of detention in women's prisons are acceptable and that they meet women's specific needs, in accordance with the Bangkok Rules; the use of prolonged solitary confinement as a disciplinary measure in these prisons should cease;**

(g) **Ensure that the specific needs of lesbian, gay, bisexual and transgender persons deprived of their liberty are met, taking into account their particular situation.**

National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment

20. The Committee is of the view that the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment does not have the financial and human resources, in particular specialized technical personnel, to do what it has been mandated to do.²² Also of concern is the lack of regulations for the selection and appointment of the members of the National Committee. The Committee finds it regrettable that, since the declaration of the state of emergency, the prison authorities have in some instances prevented the national preventive mechanism from gaining access to prisons that were to be visited unannounced as part of monitoring activities (art. 2).²³

21. **The State party should ensure that the national preventive mechanism has the financial, human and material resources to do what it has been mandated to do, has free access to all places of deprivation of liberty without prior notice, is allowed confidential meetings with detainees and can monitor the action taken by the competent authorities in follow-up to its recommendations. The State party should regulate the selection and appointment of members of the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the guidelines on national preventive mechanisms of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²⁴**

Complaints and investigations into acts of torture and ill-treatment

22. The Committee is concerned about reports of an apparent absence of accessible and confidential mechanism for reporting abuses in places of deprivation of liberty. The Committee is also concerned about the limited resources available to the offices of the special prosecutors of the Public Prosecution Service, including the Office of the Special Prosecutor

²⁰ Human Rights Committee, general comment No. 35 (2014), paras. 32 and 34.

²¹ See www.ohchr.org/sites/default/files/documents/issues/ruleoflaw/Briefer-Online-hearings-justice-systems.pdf.

²² [A/HRC/52/24](#), para. 54.

²³ [A/HRC/46/75](#), para. 20.

²⁴ [CAT/OP/12/5](#), paras. 16–20.

for Human Rights,²⁵ the lack of resources of the Forensic Medicine Directorate of the Public Prosecution Service and the Directorate's subordination to the prosecutors responsible for investigating cases of torture and ill-treatment. Also of concern are reports that neither judges nor prosecutors thoroughly investigate allegations of torture of which they are made aware, or exclude evidence when the results of medical and psychological reports are ostensibly inconclusive, thereby shifting the burden of proof onto the alleged victims. The effectiveness of the victim and witness protection programme of the Public Prosecution Service is another cause for concern. In addition, the Committee is concerned about the small number of complaints of torture and ill-treatment officially filed by victims as a result of fear of reprisals or mistrust, the low ratio of investigations and prosecutions to registered cases, and unwarranted procedural delays, which contribute to a climate of impunity. Since 2018, according to the information provided by the State party's delegation, there have been 529 complaints of torture and ill-treatment, which have led to 75 prosecutions and 10 convictions. Lastly, the Committee regrets the scant information on mandatory and in-service training for medical personnel in contact with persons deprived of their liberty and on training programmes for judges and prosecutors on the detection, documentation and investigation of cases of torture, both physical and psychological, and ill-treatment (arts. 2, 10–14 and 16).

23. The State party should:

(a) **Take the necessary measures to establish an effective, independent, safe and accessible system for the submission of complaints of torture, ill-treatment and other abuses in places of deprivation of liberty and ensure that persons deprived of their liberty who make complaints are not subjected to reprisals;**

(b) **Ensure that all complaints of torture and ill-treatment at the hands of State agents are investigated in a prompt and impartial manner by an independent body and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts; The State party should also guarantee and strengthen the offices of the special prosecutors of the Public Prosecution Service by ensuring that they have the staff and investigative resources they need;**

(c) **Ensure that the burden of proof is not borne by the alleged victims of torture or ill-treatment and that the fair evidentiary value of the reports of independent accredited medical and psychological experts is respected;**

(d) **Ensure that all persons under investigation for having committed acts of torture or ill-treatment are suspended immediately and for the duration of the investigation, while observing the principle of presumption of innocence;**

(e) **Evaluate the victim and witness protection programme of the Public Prosecution Service, strengthen protection mechanisms for justice officials and complainants and ensure that those mechanisms are effective;**

(f) **Guarantee the functional autonomy and operational independence of the Forensic Medicine Directorate of the Public Prosecution Service and take all measures necessary to ensuring that the Directorate is allocated the human and financial resources it needs; guarantee, too, that investigations of acts of torture and ill-treatment include forensic work done by experts trained in the use of the Istanbul Protocol and the Minnesota Protocol on the Investigation of Potentially Wrongful Deaths;**

(g) **Systematically incorporate training programmes for all personnel, including medical personnel, security personnel, prosecutors and judges, involved in the custody and treatment of anyone deprived of his or her liberty on the detection, documentation and investigation of torture and ill-treatment, in accordance with the revised version of the Istanbul Protocol.**

²⁵ [A/HRC/52/24](#), para. 38, and [A/HRC/54/22/Add.2](#), para. 47.

Juvenile justice

24. While it acknowledges the information provided by the delegation on the measures taken in the area of juvenile justice, the Committee is concerned about reports that children deprived of their liberty at the Jalteva Educational Internment Centre are often subjected to violent assaults and that groups of them are placed in prolonged isolation while under disposition orders or other sanctions as part of a maximum security regime. It is also concerned about the reports of the unsatisfactory material conditions of the cells at the Centre, as well as the lack of access to educational and rehabilitation programmes. Lastly, it notes with concern that, under article 180 of the Code on Children and Adolescents, a child as young as 12 can be held criminally responsible for his or her acts (arts. 2, 11 and 16).

25. The State party should ensure that children in conflict with the law are detained as a measure of last resort and for the shortest appropriate period of time and that conditions of detention in internment centres comply with international human rights standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). It should also investigate and prosecute those responsible for subjecting children deprived of their liberty to ill-treatment and refrain from placing groups in prolonged isolation as a means of collectively punishing the children held in the Jalteva Educational Internment Centre. The State party is also encouraged to raise the age at which children can be held criminally responsible to an internationally acceptable level, as recommended by the Committee on the Rights of the Child in its general comment No. 10 (2007) on children's rights in juvenile justice.

Accountability for past crimes

26. Recalling its previous concluding observations,²⁶ as well as the concerns expressed by the Committee on Enforced Disappearances in its concluding observations,²⁷ the Committee regrets the lack of significant progress in the investigation of alleged cases of torture, ill-treatment and enforced disappearance that occurred in the 1980s and 1990s and against the backdrop of the 2009 coup d'état²⁸ and the 2017 presidential elections. The Committee takes note of the information to the effect that in 2019 enforced disappearance was defined as a crime in its own right in the Criminal Code but is troubled by the failure to make it a crime outside the framework of crimes against humanity (arts. 2, 12, 13 and 16).²⁹

27. The Committee encourages the State party to intensify its efforts to conduct thorough, impartial and effective investigations into all outstanding cases and to prosecute the perpetrators and provide effective remedies and reparation to the families of the victims; it is also encouraged to take the legislative measures on enforced disappearance recommended by the Committee on Enforced Disappearances.³⁰

Reparation

28. The Committee takes note of the delegation's statement that the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons of 2022 and the budget for the application of the Act cover reparations for victims of torture. It regrets, however, that it did not receive information on the comprehensive reparations provided to victims of torture during the reporting period, despite the 10 existing convictions. The Committee is also concerned that about the significant challenges still faced by the victims of past gross human rights violations in their pursuit of justice and full reparation, although it notes the steps that have been taken and the plans that have been made to address this issue.³¹ It is also concerned about the absence of a legal framework and comprehensive reparation programmes specifically designed for victims of torture and ill-treatment (art. 14).

²⁶ CAT/C/HND/CO/2, paras. 39 and 40.

²⁷ CED/C/HND/OAI/1, paras. 34 and 35.

²⁸ A/HRC/49/21, para. 20, A/HRC/52/24, para. 37, and A/HRC/54/22/Add.2, para. 74.

²⁹ CED/C/HND/OAI/1, paras. 14 and 15, and A/HRC/54/22/Add.2, paras. 18 and 45.

³⁰ CED/C/HND/OAI/1, para. 15.

³¹ A/HRC/54/22/Add.2, paras. 52–62.

29. **The State party should take the necessary legislative and other measures to establish a comprehensive programme under which victims of torture, ill-treatment, enforced disappearance and other human rights violations may obtain reparation and have an enforceable right to fair and adequate compensation, as well as the means for as full a rehabilitation as possible, in particular the necessary psychological, social or financial support. In line with the Committee's general comment No. 3 (2012), this programme should include appropriate measures on redress, compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition. The Committee requests the State party to provide in its next periodic report complete information on the measures for redress and compensation that have been taken and on the redress and compensation that victims of torture and ill-treatment, including excessive use of force, and the members of their families have actually obtained.**

Human rights defenders, social leaders and journalists

30. The Committee is seriously concerned about the many murders and attacks, enforced disappearances, threats, searches and other acts of intimidation to which human rights and land rights defenders, Indigenous leaders, Honduran leaders of African descent and journalists are subjected and about the criminalization of their work.³² It is also concerned about reports that the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials is ineffective, that there are delays in the issuance and application of orders for the protection for human rights defenders and that the System does not have the financial and human resources it needs. In this regard, the Committee appreciates the information that the delegation provided on the strengthening of the Directorate General of the Protection System in 2024 to address the challenges that have been identified. The Committee is concerned about the delays in investigations and prosecutions in this connection, as evidenced by the case of Berta Cáceres (arts. 2, 12, 13 and 16).³³

31. **The Committee urges the State party to take the necessary measures to ensure that human rights defenders, land rights defenders, Indigenous leaders and journalists need not fear being subjected to reprisals or attacks for their work and activities. In particular, the State party should continue to strengthen the relevant protection systems and ensure that they have the human, financial, technical and material resources they need to function properly; it should also ensure that the protection orders are issued and effective. In addition, it should make progress in the investigation of the murders, attacks and other human rights violations to which human rights defenders, Indigenous leaders, Honduran leaders of African descent and journalists are subjected and prosecute the perpetrators without delay. Lastly, the State party should stop misusing criminal law against human rights defenders.**

Gender-based violence

32. The Committee is concerned about the high levels of violence against women and girls, including femicides and domestic violence, which were acknowledged by the delegation. Also of concern is the reluctance to report this type of violence and the difficulties encountered by the competent authorities in investigating and prosecuting the reported cases, a situation that hinders access to justice and adequate protection and reparation for the victims (arts. 2 and 16).³⁴

³² CEDAW/C/HND/CO/9, paras. 30 and 31, A/HRC/49/21, paras. 19, 40 and 43–48, A/HRC/54/22/Add.2, paras. 40 and 41, and A/HRC/WGAD/2020/85. See also communications HND 3/2023, HND 1/2023, HND 2/2022, HND 8/2021, HND 6/2021, HND 5/2021, HND 4/2021, HND 3/2021, HND 1/2021, HND 2/2020, HND 4/2019 and HND 2/2019.

³³ CAT/C/HND/QPR/3, para. 32, and CAT/C/HND/CO/2, para. 43.

³⁴ CEDAW/C/HND/CO/9, paras. 14, 15, 24 and 25, A/HRC/52/24, paras. 79–81, A/HRC/46/75, paras. 52 and 53, and A/HRC/49/21, paras. 6, 12 and 63. See also communication HND 1/2022.

33. **In the light of the commitments made by the State party under the Human Rights 75 initiative and during the universal periodic review in 2020,³⁵ the Committee recommends that the State party:**

(a) **Continue making the necessary legal reforms to prevent and combat violence against women and girls;**

(b) **Ensure that all acts of gender-based violence, especially those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families obtain redress, including adequate compensation and rehabilitation, and have access to legal assistance, safe shelters and the necessary medical care and psychosocial support;**

(c) **Intensify its efforts to raise public awareness of the criminal nature of violence against women and girls, including through educational and media campaigns, and encourage the dissemination of information on reporting mechanisms and available remedies.**

Abortion

34. The Committee remains concerned about the maintenance of the absolute prohibition on abortion (article 67 of the Constitution and article 196 of the Criminal Code) and finds it regrettable that, on 13 January 2023, the Supreme Court rejected a claim, which would have made it possible to legalize abortion in some circumstances, that the prohibition was unconstitutional.³⁶ It fears that these restrictions will not only force women to resort to clandestine abortions that endanger their health and lives but also expose them, as well as the doctors and other health professionals who treat them, to criminal penalties. The Committee notes the information provided by the State party on the partial authorization allowing the distribution and use of emergency contraceptives. However, it regrets the lack of real access to this contraceptive method in public hospitals, including for women victims of sexual violence (arts. 2 and 16).

35. **The State party should:**

(a) **Review the maintenance of the absolute prohibition of abortion established in articles 67 of the Constitution and 196 of the Criminal Code and ensure effective access to the means of terminating a pregnancy when it is likely that failure to terminate it will result in severe pain and suffering – for example, when the pregnancy is the result of rape or incest or the life or health of the pregnant woman is in danger and in cases of fatal fetal malformation;**

(b) **Take the necessary measures, in accordance with abortion care guideline (2022) of the World Health Organization, to ensure that neither patients who resort to abortion nor medical professionals who perform abortions face criminal penalties and that women and girls have effective access to post-abortion health care, regardless of whether they have had an abortion legally or illegally;**

(c) **Review, in the light of international obligations, the sentences of women convicted as a result of obstetric emergencies with a view to acquitting them and releasing them from prison.**

Violence against individuals on the basis of their actual or perceived sexual orientation or gender identity

36. The Committee is concerned about allegations of numerous attacks on people for their real or perceived sexual orientation or gender identity. In this regard, the Committee takes note of the efforts made by the State party to take steps in follow-up to the judgment of the

³⁵ [A/HRC/46/12](#), paras. 104.162–104.165, 104.169, 104.171, 104.174, 104.175, 104.178, 104.183, 104.188, 104.190–104.193, 104.195 and 104.198, and [A/HRC/46/12/Add.1](#).

³⁶ [CEDAW/C/HND/CO/9](#), paras. 38 and 39, [A/HRC/52/24](#), para. 82, and [A/HRC/49/21](#), para. 65.

Inter-American Court of Human Rights in the case *Vicky Hernández et al. v. Honduras*³⁷ and the courts' reliance on constitutional law, as reported by the delegation (arts. 2 and 16).

37. The State party should ensure that all acts of violence motivated by the real or perceived sexual orientation or gender identity of the victims are investigated, that all investigations are informed by a gender perspective and an intersectional approach and that the victims are guaranteed access to justice. It should also redouble its efforts to fully comply with the judgment in the case *Vicky Hernández et al. v. Honduras* and move forward with the adoption of a protocol for the investigation and administration of justice in cases of violence against people who identify as lesbian, bisexual, gay and transgender. In addition, it should continue to provide all law enforcement officials with mandatory training on the prosecution of sexual and gender-based violent crimes and on gender-sensitive methods for interviewing victims.

Migration and forced displacement

38. The Committee recognizes the humanitarian challenges that migratory flows transiting from or through its territory present for the State party and welcomes the adoption of a migration amnesty benefiting persons in an irregular administrative situation. It is troubled, however, by the numerous deaths and disappearances of immigrants in the country and by the failure to conduct prompt and effective investigations into those deaths and disappearances.³⁸ It is also troubled by the large number of displaced persons and the absence of a public policy to address the structural causes of displacement,³⁹ although it takes note of the information provided by the delegation on the adoption of measures in this regard (arts. 2, 3, 12, 13 and 16).

39. The State party should investigate possible abuses and other human rights violations, including cases of death and disappearance, that migrants in its territory may be subjected to. The Committee also encourages the State party to continue its efforts to prevent forced displacement and to protect the victims, assist them and make them whole.

Universal jurisdiction

40. While noting the ongoing revision of the Criminal Code, the Committee is concerned about the failure to include torture and other related offences in the list in article 9 of the Code that spells out the offences over which the courts may exercise universal jurisdiction (art. 5).

41. The State party should ensure that, in its domestic legislation, universal jurisdiction is, in accordance with article 5 of the Convention, established over acts of torture and other related offences.

Cruel, inhuman or degrading treatment

42. The Committee notes that the reform of the Criminal Code under Legislative Decree No. 130–2017 led to the inclusion in article 217 of the concept of acts of cruel, inhuman or degrading treatment committed by a public official, but it is concerned about the failure of this provision to expressly cover ill-treatment committed at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (arts. 2 and 16).

43. The State party should amend article 217 of the Criminal Code and extend criminal liability for this offence to acts of cruel, inhuman or degrading treatment committed at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

³⁷ [A/HRC/46/75](#), paras. 57–59, [A/HRC/49/21](#), paras. 67 and 68, [A/HRC/52/24](#), paras. 83 and 84, and [CEDAW/C/HND/CO/9](#), paras. 24 (f) and 25.

³⁸ [A/HRC/54/22/Add.2](#), paras. 32 and 67, and [CED/C/HND/OAI/1](#), paras. 42 and 43. See also communication HND 2/2021.

³⁹ [A/HRC/49/21](#), para. 77.

Follow-up procedure

44. The Committee requests the State party to provide, by 10 May 2025, information on the action that it has taken in follow-up to the Committee's recommendations on judicial independence and access to justice; the supervision and administration of the prison system, violence and deaths in prisons; the protection of human rights defenders, Indigenous leaders, Honduran leaders of African descent and journalists (see paras. 13, 17 (a) and (b) and 31). The State party is also invited to inform the Committee of its plans to give effect, within the coming reporting period, to the remaining recommendations made in the concluding observations.

Other issues

45. The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.

46. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations in the appropriate languages through official websites, the media and non-governmental organizations and to inform the Committee of its efforts to do so.

47. The Committee requests the State party to submit its next periodic report, which will be its fourth, by 10 May 2028. For that purpose, and as the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to this list will constitute its fourth periodic report under article 19 of the Convention.
