



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

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

I. General information

1. Please provide information on the steps that have been taken to reform the Migration and Aliens Act to bring it into line with the Convention and the other human rights instruments ratified by the State party. In the event that the reform of the Act has not yet been undertaken, please indicate why not and what steps are being taken to give effect to the Committee's previous recommendation in this regard.¹ Please provide information on the measures taken by the State party to bring the Act on the Protection of Honduran Migrants and Members of Their Families (2013) and the implementing regulations thereto (2015) into line with the Convention and in particular to include all the categories of migrant worker listed in article 2 (2) of the Convention.

2. Please explain what the State party has done to create an institutional structure for and improve the coordination of the efforts made by the National Council for the Protection of Honduran Migrants, the Migrant Support Task Force and other agencies at all levels of government to ensure that Convention rights are implemented. Please also provide information on the measures – and on the results of those measures – that have been taken to ensure that the National Council and other key agencies dealing with migration, labour, child protection, gender equality and other issues related to the rights enshrined in the Convention have the human and financial resources they need.²

3. The report states that communication and coordination with migration-related civil society organizations have been stepped up.³ Please provide information on the measures that have been taken to act on the Committee's previous recommendation regarding cooperation with civil society and specialized international agencies.⁴ Please describe in greater detail the measures taken by the State party to encourage such organizations, including migrant workers' associations, organizations that defend such workers' rights and other stakeholders, to participate systematically in the implementation of the Convention and of migration, labour and other policies related to the Convention, as well as in the preparation of the State party's second periodic report, and explain what support they receive for this purpose from relevant government ministries.

4. Please indicate whether there has been any progress in the review and evaluation of international instruments that the State party has undertaken with a view to declaring under articles 76 and 77 of the Convention that it recognizes the competence of the Committee to

* Adopted by the Committee at its 38th session (3–14 June 2024).

¹ [CMW/C/HND/CO/1](#), para. 11.

² [CMW/C/HND/2](#), paras. 11 and 12.

³ *Ibid.*, para. 41.

⁴ [CMW/C/HND/CO/1](#), para. 11.



receive communications from States parties and individuals.⁵ Please indicate whether the State party intends to ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Private Employment Agencies Convention, 1997 (No. 181), the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), the ILO Occupational Safety and Health Convention, 1981 (No. 155), the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), the ILO Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), the ILO Home Work Convention, 1996 (No. 177), the ILO Domestic Workers Convention, 2011 (No. 189), the ILO Violence and Harassment Convention, 2019 (No. 190), the ILO Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948, and the ILO Protocol of 1995 to the Labour Inspection Convention, 1947.

5. Please provide information on the steps that have been taken to act on the Committee's previous recommendation⁶ that the Office of the National Commissioner for Human Rights enjoy full operational and financial autonomy and independence from the Government, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it be given the necessary resources and a broad mandate, as well as to ensure that the Office has the human, technical and financial resources to fulfil its mandate, in particular with regard to the promotion and protection of the rights of migrant workers and members of their families.⁷

II. Information relating to the articles of the Convention

A. General principles

6. Please indicate what steps the State party has taken to inform migrant workers and members of their families of the judicial and administrative remedies available to them in the event that their rights are violated. Please also explain what has been done to enable migrant workers whose rights have been violated to report those violations so that they may be investigated and those responsible punished. Please likewise provide additional information on the options available to migrant workers who are seeking legal aid and assistance.

7. Please indicate whether the Convention has been directly applied by public officials. Please provide information on and examples of cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

(a) The judicial and/or administrative bodies authorized to consider complaints from migrant workers or members of their families, including undocumented workers or workers in an irregular situation or members of their families, who believe that their rights have been violated, on the number and type of complaints considered by these bodies since 2016, as well as on the decisions adopted by those bodies, broken down by complainant sex and nationality;

(b) The legal assistance – specifying the number of cases submitted and attended to – provided to migrant workers in a regular or irregular situation, including Honduran nationals abroad, and the measures taken to inform them and members of their families of the remedies available to them in the event of violations of their rights;

(c) The reparations, including in the form of monetary compensation, provided to the victims of these violations and, in the case of Honduran migrants and the efforts made to seek reparations from other States, specifying the number of cases a year, broken down, if possible, by the gender of the victim.

⁵ CMW/C/HND/2, para. 35.

⁶ CMW/C/HND/CO/1, para. 21.

⁷ CMW/C/HND/2, para. 36.

B. Part II of the Convention

Article 7

8. Please indicate how effect has been given to the Committee's previous recommendation⁸ that the State party amend national legislation on migration to incorporate a gender focus in migration, labour and related legislation, remove all discriminatory provisions from migration legislation and incorporate an explicit prohibition of discrimination on grounds of gender against migrant women and lesbian, gay, bisexual, transgender or intersex persons and also on such grounds as ethnic origin, disability, nationality, migration status or socioeconomic situation. Please include quantitative and qualitative information, broken down by the victim's gender, age, nationality, ethnic origin, migration status and disability, on documented cases of discrimination and xenophobia and on the State party's response to such cases.

C. Part III of the Convention

Articles 8–15

9. Please provide information on any cases in the State party of migrant workers and members of their families, in both regular and irregular situations, who have been subjected to abusive employment conditions in particular in agriculture, construction, domestic work and other home services, the fishing industry, the coffee industry and cleaning services. Please explain what the Labour Inspection Act and the implementing regulations thereto have done to increase the effectiveness of the inspections conducted in the past five years by the Directorate General of Labour Inspection with a view to protecting migrant workers, while also noting, for example, whether the resources needed to provide migrant workers with adequate protection have been set aside.⁹ Please provide information on any measures that have been taken to ensure that migrant workers have effective access to means of bringing complaints against their employers, including in the domestic labour sector, that all violations are investigated and that, where appropriate, the perpetrators are punished; include specific information on the complaints that have been submitted and on the outcome thereof.

10. Please provide information on the measures taken by the State party to ensure that the rights of migrant children, in particular unaccompanied children or children separated from their parents, children in an irregular situation or in transit in the State party and Honduran children in other States, are respected and that they are protected from all forms of exploitation. Please provide information on all the steps that have been taken since 2016 to act on each of the Committee's recommendations to safeguard the rights of the various categories of children in the context of migration.¹⁰ Please indicate what measures, including legislative measures, the State party, in a bid to protect children from the worst forms of child labour, has taken or is planning to take to implement the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and in relation to the labour inspection system.

11. As the State party is increasingly becoming a transit country for a significant number of vulnerable migrants, including children and families, please provide information on the measures that have been taken to protect their rights and combat all forms of violence, including trafficking in persons, exploitation and gender-based violence.

Articles 16–22

12. Please provide information on migrant workers in detention in the State party, including their nationality, and on migrant workers who are nationals of the State party who have been detained abroad in countries of employment or transit, specifying whether their detention was related to their migration status. Please also provide information on cases of migrant workers in immigration detention, indicating whether the persons concerned were able to contest the detention decision effectively and whether they received consular

⁸ CMW/C/HND/CO/1, para. 27.

⁹ CMW/C/HND/2, paras. 63 and 64.

¹⁰ CMW/C/HND/CO/1, para. 55.

assistance from their country of origin, in accordance with general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and on the relationship of these rights to other human rights.

13. In view of the Committee's previous recommendations,¹¹ please provide information on the steps that have been taken within the framework of bilateral agreements or dialogues to ensure that Honduran migrant workers and members of their families, regardless of their migration status, are not arbitrarily deported or repatriated and to urge countries of transit and destination to fully observe procedural safeguards, including free legal aid and the right to an effective remedy, and substantive guarantees, such as the right to family life and the principle of non-refoulement.¹²

14. Please describe the types of criminal or administrative penalties that migrant workers face for failing to comply with migration laws or regulations. Please indicate whether, in the past five years, any decisions have been made in relation to restrictions on freedom or to detention on the grounds of migration status. If so, please provide qualitative and quantitative information, including on the duration of such detention, the places used for this purpose and other conditions, the alternatives to detention provided by law and the reasons that such alternatives are not used. Please provide detailed information on efforts to improve the conditions of detention faced by migrant workers and in particular to eliminate overcrowding and enhance access to information and legal assistance.

Article 23

15. Please provide detailed information on the efforts that have been made to strengthen the system of consular protection for Honduran workers and their families abroad, especially in the United States of America and Mexico. Please also provide information on the application and impact of the Act on the Protection of Honduran Migrants and Members of Their Families on efforts to assist and protect migrant workers who are nationals of the State party working abroad, including those in an irregular situation, and particularly in cases of ill-treatment, arrest, detention and expulsion.¹³ Please indicate whether migrant workers and members of their families in the State party have effective access to the protection and appropriate assistance of the consular or diplomatic authorities of their State of origin, in particular in cases of arrest, detention or expulsion, as well as to child protection.

Articles 25–30

16. Please provide information on the measures that have been taken to ensure that, in practice, migrant workers and members of their families, in particular women migrant workers, enjoy the right to equal treatment – that is, the rights to receive the national minimum wage and benefit from social welfare and social security services, including pensions – and on the effective means of monitoring their working conditions. Please also indicate what legal and labour protection mechanisms make it possible to ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please describe the working conditions of migrants in border areas and the legislation, oversight mechanisms and programmes in place to address this particular issue.

17. Please indicate what measures have been taken to promote access to social security and social assistance and the registration of migrant workers, particularly women, with the social protection system in accordance with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which the State party has ratified.

18. Please provide information on measures taken by the State party to ensure that migrant workers enjoy equality of treatment with nationals in respect of protection against dismissal, unemployment benefits, access to public work schemes intended to combat unemployment and access to alternative employment in the event of loss of work.

¹¹ Ibid., paras. 39 and 41.

¹² [CMW/C/HND/2](#), paras. 94 and 95.

¹³ Ibid., paras. 94–97.

19. Please provide detailed information, quantitative and qualitative, on the children of migrant workers in the primary, secondary and higher education systems and on the steps that have been taken to ensure that they have access to education, regardless of their or their parents' migration status.

D. Part IV of the Convention

Articles 36–56

20. Please provide information on the measures that have been taken to ensure that migrant workers and members of their families, in particular those in a regular situation, have the right to form associations and trade unions, in accordance with article 40 of the Convention and parts I and II of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

21. Please provide updated information on any measures taken by the State party to review its legal framework and on other steps that have been taken to help Honduran migrant workers and members of their families residing abroad exercise their rights to vote, participate in public affairs and run for public office.

22. Please provide information on the situation of migrant workers living on the street and on the measures being taken to deal with this situation.

23. Please describe what measures have been taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.¹⁴ Please also indicate how many migrant workers applied to the State party for reunification with their spouses, minor children or other members of their families during the reporting period and how many such applications were granted. In addition, please indicate what measures have been taken, including consular and legal assistance, as well as access to transnational justice mechanisms, to protect the right to family life of Honduran nationals who were separated from their spouses or children upon being deported by the State in which they resided.

E. Part VI of the Convention

Articles 64–71

24. In view of the Committee's previous recommendations,¹⁵ please indicate whether the State party has promoted the participation of migrant workers and members of their families in the development of support programmes for returning migrants with a view to their long-term reintegration into the State party's economic, social and cultural fabric. Please provide statistical data on the number of people who have benefited from support and assistance intended to facilitate the reintegration of returning migrant workers into Honduran society, including further information on the pilot project for the implementation of the National System for the Reintegration of Returned Migrants.¹⁶

25. Please indicate what steps have been taken to secure the entry into force of a comprehensive law on trafficking in persons and human smuggling, in accordance with the protocols to the United Nations Convention against Transnational Organized Crime, to put in place a policy to combat such practices and to launch a strategy for putting a stop to the trafficking of persons for purposes of sexual exploitation. Please include information on the human and financial resources that the State party has earmarked for efforts to prevent and combat trafficking in persons, in particular women and children. Please also specify which

¹⁴ Ibid., paras. 100–103.

¹⁵ [CMW/C/HND/CO/1](#), para. 51.

¹⁶ [CMW/C/HND/2](#), para. 120.

institution is responsible for centralizing efforts to combat trafficking in persons. In particular, please elaborate on:

(a) Any cases of domestic servitude, forced labour or sexual exploitation of migrant workers identified by the State party, and the measures that have been taken to prevent and combat these phenomena;

(b) The programmes that have been launched to prevent trafficking in persons, effectively protecting victims of trafficking and ensuring that they have access to justice and judicial remedies;

(c) The means of effectively identifying traffickers and victims of trafficking;

(d) The efforts that have been made to effectively and impartially investigate, prosecute and punish all acts of trafficking in persons and the number of judgments issued in connection with this crime, including information on the number of convictions, type of sentences and reparations provided to the victims;

(e) The establishment of protection shelters and programmes to help victims rebuild their lives, including assistance for their physical, psychological and social recovery;

(f) The measures that have been taken to provide appropriate training for law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party and to build their capacity;

(g) The annual budget for efforts to detect and eliminate trafficking in persons and to protect the victims;

(h) The measures that have been taken to improve the collection of data on victims, broken down by the victim's sex, age and origin, with a view to preventing trafficking in persons and human smuggling;

(i) The possibility for victims of trafficking and human smuggling to obtain a temporary or permanent residence permit;

(j) The measures that have been taken to ensure that information on human smuggling and trafficking, on the risks associated with irregular migration and on assistance for victims is widely disseminated, in particular through prevention campaigns, and to combat the dissemination of misleading information on emigration and immigration;

(k) The measures that have been taken to make international, regional and bilateral cooperation more robust and thus to prevent and combat trafficking in persons and human smuggling;

(l) The measures that have been taken to ensure the conduct of search and rescue operations for missing migrants; also indicate whether the State party has endeavoured to provide in its national legislation for preventive measures, prompt and thorough investigations, the use of forensic information, programmes to support search and rescue operations, the exhumation and identification of remains, international cooperation in relation to the disappearance of migrants and the other measures previously recommended by the Committee.¹⁷ In particular, please provide information on international cooperation for the prevention of the disappearance of migrants and measures of protection and reparation for victims, including the measures that have been taken to support the full implementation by the relevant Mexican authorities of the Mechanism for Mexican Support Abroad in Search and Investigation Activities of the Unit for the Investigation of Crimes against Migrants, taking into account the Guiding Principles for the Search for Missing Persons and general comment No. 1 (2023) on enforced disappearance in the context of migration of the Committee on Enforced Disappearances.

¹⁷ CMW/C/HND/CO/1, para. 33.

26. Please provide more specifics on the Comprehensive Development Plan for El Salvador, Guatemala, Honduras and Mexico mentioned in the report¹⁸ and inform the Committee of the percentage of migrant workers in an irregular situation whose status has been regularized since the Plan was launched, broken down by sex, age, nationality and occupation. Please also include information on people who are in the process of having their status regularized.

¹⁸ [CMW/C/HND/2](#), para. 144.