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Chair: Ms. Abdo Rocholl

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

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of Honduras (continued) (CCPR/C/HND/3;
CCPR/C/HND/Q/3; CCPR/C/HND/RQ/3)

1. *At the invitation of the Chair, the delegation of Honduras joined the meeting.*
2. **Ms. Šurlan** said that the Committee would welcome further information on the budgetary resources allocated to the National Prison Institute since 2020. She wished to know whether prisoners could receive treatment in general hospitals and how many specialized hospitals had been established within the penitentiary system. It would also be useful to hear what measures had been taken to ensure that inmates had access to legal advice and judicial protection. For example, she would be interested to know whether an inmate could lodge an appeal in court against a decision to transfer him or her to another prison.
3. She would like to know whether the State party had been able to increase the physical capacity of its penitentiary system and what steps were being taken to reduce prison overcrowding. Further information on the measures taken to keep pretrial detainees separate from convicted inmates, women separate from men and children separate from adults in prisons would also be of interest. She wished to know whether prosecutors continued to receive specific training on issues relating to juvenile offenders and whether similar training was provided for the staff who worked in prisons where children were held.
4. It would be useful to know what measures had been put in place to provide trafficking victims with support and redress. In particular, she would be interested to know whether victims received assistance to help them claim compensation in criminal proceedings or whether they had to file a separate civil case. The Committee would also welcome further information about the shelters that had been set up for women, adolescent and child victims of trafficking.
5. She wished to know what measures had been put in place to identify potential trafficking victims and offer them support. It would be helpful to hear what criteria had been established for classifying a person as a trafficking victim and whether it meant that he or she would then receive special protection or assistance. Lastly, she wondered what specific measures were taken to provide support to particularly vulnerable potential trafficking victims, such as children and adolescents who were of African descent, who were members of Indigenous Peoples and/or who lived in rural areas.
6. **Mr. Quezada Cabrera** said that the Committee would welcome further information on deaths of persons in police custody and the results of criminal investigations into those deaths. He wished to know what mechanisms had been put in place to enable prisoners, their family members and legal representatives to file complaints concerning violations of their human rights without fear of reprisal. It would be useful to receive information on the number of investigations carried out into such complaints during the reporting period, as well as the results of those investigations and any sanctions handed down.
7. The Committee would also welcome updated information on the progress made with the demilitarization of the penitentiary system, particularly in the light of reports that the application of the state of emergency in the country's prisons had been extended. The delegation might also like to comment on reports of continued inmate self-rule, the prevalence of blades, firearms and explosive devices in prisoners' possession and the general lack of control in prisons. It would be interesting to know whether the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment was free to visit places of deprivation of liberty and what value the prison authorities attached to its reports and recommendations.
8. He wished to know what headway had been made towards implementing the judgments handed down by the Inter-American Court of Human Rights regarding the Garifuna communities of Punta Piedra and Triunfo de la Cruz, Miskito divers with disabilities and the Toluþán Indigenous People of San Francisco de Locomapa. The delegation might also wish to comment on reports of evictions of Indigenous persons, persons of African

descent and Garifuna persons, including the alleged forced eviction of 82 members of the community of Punta Gorda in November 2022. It would be useful to know what measures had been taken to combat impunity and ensure that all those responsible for acts of violence against Indigenous leaders and human rights defenders, including the alleged enforced disappearance of Garifuna rights defender Alberth Centeno Tomas, were brought to justice. He would also be interested to know whether measures had been taken to increase the budgetary and human resources of the National Coordinating Body of Indigenous and Afro-Honduran Peoples.

9. The Committee would appreciate updated information on the status of the bill on free, prior and informed consultation, including any steps taken to ensure that the legislation was fully compatible with international standards. He would like to know whether any measures had been taken in compliance with the Convention concerning Indigenous and Tribal Peoples in Independent Countries and other international instruments to ensure the effective participation of Indigenous communities in decision-making on matters that directly affected them, such as the granting of oil concessions, the implementation of commercial projects and the development of tourism infrastructure. Lastly, in the light of reports concerning the sale of ancestral lands, including those belonging to the Garifuna community in San Juan, Tela, he would like to receive further information on the measures taken by the State party to uphold the territorial rights of Indigenous Peoples.

10. **Mr. Gómez Martínez** said that the Committee would welcome updated information on the implementation of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons and the budget allocated for that purpose. He would also appreciate further information on the measures taken in the context of the pilot project on humanitarian assistance and durable solutions for persons internally displaced by violence and on the content of the five inter-institutional coordination agreements on the prevention of internal displacement. An indication as to the outcomes of those initiatives would be of particular interest, while it would also be helpful to know whether the proposed national system for responding to forced displacement had been established.

11. He would like to know whether the announcement of the election of 15 Supreme Court judges by Decree No. 2-2023 had been made prior to or following the implementation of the nomination process set out in the Special Act on the Organization and Functioning of the Nominations Committee for the Selection of Candidates for Election as Supreme Court Judges. The delegation might like to describe that nomination process in more detail. He would appreciate further information on the new bill defining the structure, scope, powers and responsibilities of the Council of the Judiciary and Judicial Service, including the status of progress towards its adoption and confirmation as to whether it included measures designed to prevent external interference with members of the judiciary. He wished to know whether any steps had been taken to allay concerns over the concentration of disciplinary and administrative functions in the hands of the President of the Supreme Court of Justice. The delegation might also like to comment on reports concerning enforcement judges' allegedly deplorable working conditions. In general, it would be interesting to know how the State party was working to counter the influence that the drug trade and organized crime reportedly exerted over State institutions such as the judiciary.

12. The Committee was concerned about reports indicating that impunity remained an obstacle to the enjoyment of human rights, that certain groups still did not have access to justice, that judicial proceedings continued to face delays, that judicial decisions were not based on logical arguments, that human rights violations were not investigated and that victims had only limited participation in criminal proceedings. He would be interested to hear the delegation's thoughts on those concerns. He also wished to know whether the State party had considered taking structural measures to address those issues by, for example, building new courts in rural areas. Lastly, he would like to know whether the State party planned to take the necessary steps to ensure that victims of human rights violations were able to participate in criminal proceedings and obtain reparation as part of those proceedings.

13. **Mr. El Haiba** said that he would welcome further information about the members of the judiciary who had been granted the power to authorize the interception of communications as an exceptional and temporary measure in criminal investigations, including the criteria on which that authorization was based. He would also like to receive

further information about the content and application of the Special Act on Interception of Private Communications. In particular, he wished to know whether that legislation remained compatible with article 17 of the Covenant following recent technological developments. It would also be useful to know whether the State party had established or nominated an independent oversight mechanism to monitor the use of surveillance in investigations. In that regard, he wondered whether any allegations of abusive surveillance or invasion of privacy had been brought before the courts.

14. **Mr. Carazo** said that he would welcome further information about the large number of killings of human rights defenders over the previous six years. He wondered whether the victims' deaths could have been averted if the State party had provided them with greater protection. He would like to hear what steps the State party had taken to conduct prompt, thorough and impartial investigations into all allegations of intimidation and attacks and what results had been obtained in terms of prosecutions and convictions.

15. He would like to hear what progress the State party had made towards addressing the stigmatization of human rights defenders. It would be interesting to know whether specific programmes had been carried out to raise awareness among government officials and the general public. He invited the delegation to describe any steps that had been taken to decriminalize defamation and libel and to indicate whether any legal reforms had been introduced to ensure that the right to honour was sufficiently protected under civil law. He wished to know what action the State party was taking to prevent legal provisions introduced pursuant to Decree No. 93-2021 that dealt with the "appropriation of civic space" and "preventive evictions" from being used against human rights defenders and whether it had addressed or investigated the misuse of those provisions by public authorities.

16. He would like to know what specific measures had been taken to improve the application of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials and whether any particular areas of that legislation required further attention or reform. The delegation might also indicate whether the jurisdiction of the Unit for the Protection of Human Rights Defenders had been extended to include offences committed by private individuals. He would welcome further information on the current status of the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, including whether it had been allocated sufficient resources and what progress it had made towards fulfilling its objectives.

17. Lastly, he would be interested to hear the delegation's views on the effectiveness of the actions carried out in Honduras during the reporting period by the United Nations human rights protection system. The delegation might like to put forward its own proposals as to the steps the United Nations system might take in the following five years to strengthen protection for human rights defenders and create a better human rights environment for the entire population of Honduras. In which areas did the delegation feel that the support of the United Nations system could be improved?

The meeting was suspended at 10.35 a.m. and resumed at 10.50 a.m.

18. **A representative of Honduras** said that a number of significant measures to improve conditions in prisons had been taken since the declaration of a state of emergency in the National Prison System in 2023. Infrastructure works had been carried out in all of the country's prisons, including the construction and renovation of recreation areas, visiting galleries, workshops and kitchens. Steps had also been taken to uphold the well-being and security of prisoners and ensure that they were correctly classified in accordance with their legal status.

19. Working groups had been formed to explore ways of lowering the high rate of overcrowding in the prison system, which currently stood at 52 per cent. A commission of 10 lawyers established by the National Prison Institute had reviewed the files of around 5,000 prisoners with the aim of identifying inmates who were eligible for parole. As a result of those efforts, 66 persons had already been released on parole and around 50 more would be released over the coming weeks and months. On 27 February 2024, the Government had launched a new two-year rehabilitation, re-education and reintegration programme for prisoners which had been developed with the support of international partners and civil society organizations. Under the programme, 192 inmates had been enrolled in secondary

education, 2,825 inmates had been enrolled in primary education, 2,529 inmates had been enrolled in the “Education for All” programme and 207 inmates had been enrolled in a basic literacy course. Measures to increase the capacity of the prison system continued, and new facilities capable of accommodating over 2,000 inmates were being built at three prisons, including the National Women’s Prison for Social Adaptation.

20. Significant steps had also been taken to address medicine shortages and improve prisoners’ access to health care. Medical assistance was now available in the majority of places of deprivation of liberty in Honduras. Prison clinics were equipped with 90 per cent of all basic medicines and offered a wider range of medical services, thanks to the recruitment of more doctors. Under a new protocol, the clinics submitted monthly and quarterly reports on the services they provided.

21. Although prison infrastructure had previously been insufficient to allow pretrial detainees to be held separately from convicted inmates, that problem had now been rectified. To reduce violence in prisons, members of criminal organizations operating in the east of the country were separated from members of criminal organizations operating in the west. Access to the 24 prisons in the country was guaranteed to members of any national or international human rights organization. The budget for the National Prison Institute had increased by 125 per cent between 2021 and 2024, leading to improvements in health, food supply, education, infrastructure and security. In line with international standards relating to the best interests of the child, a nursery unit had been set up in the National Women’s Prison for Social Adaptation to allow women in detention to live with their children in dignified and humane conditions.

22. As part of the demilitarization effort, the National Prison Academy had been strengthened, and 28 correctional officers of differing ranks had been trained to take over from majors, lieutenant colonels and colonels in maximum security prisons; a further 34 correctional officers would graduate from training in December 2024. To transition away from the use of military police to staff the prisons, 2,000 guards had been trained and were now working with military prison staff in order to gain the experience required to eventually take over full control of the country’s prisons.

23. **A representative of Honduras** said that, at the request of other government institutions, the armed forces provided assistance in a wide range of areas, such as education, agriculture and environmental protection, among many others. When requested to do so by the Ministry of Security, it worked with public security institutions to combat terrorism, arms trafficking and organized crime and to protect State authorities and assist the Electoral Court.

24. Under the tenure of the preceding President of Honduras, who had since been sentenced to 45 years’ imprisonment for conspiracy to import cocaine into the United States of America, national and transnational organized crime networks had been allowed to prosper. The Government headed by President Xiomara Castro therefore needed to urgently implement comprehensive defence and security strategies to combat those networks and the threat they posed to national security. Criminal networks had almost unlimited resources – thanks to their profits from drug and arms trafficking, extortion and other illegal activities – that allowed them to infiltrate State institutions and use them for criminal purposes, and a comprehensive, concerted response on the part of all government institutions was thus required.

25. **A representative of Honduras** said that the state of emergency had been declared as a necessary temporary measure to address the threat posed by criminal networks. The measure had allowed security forces to take decisive action to restore public order and ensure public safety. As a result of interventions in 158 municipalities and the implementation of 12 executive decrees, there had been an unprecedented reduction in the homicide rate in 2023, and a substantial further reduction was projected for 2024. In December 2022, a high-level group had been established that included representatives of the Ministry of Security, the Ministry of Defence, the Ministry of Human Rights, the Public Prosecution Service, the National Committee for the Prevention of Torture and the Office of the National Commissioner for Human Rights. That group provided follow-up, shared information regarding the application of the state of emergency and worked to ensure the full respect and enjoyment of human rights. The state of emergency would not become permanent, and the Government was committed to regularly reviewing the security situation to establish when

the measure could be lifted. The executive decrees of the Council of Ministers were submitted to the National Congress for approval and its assessment of their expected impact. The state of emergency had, by necessity, indeed been extended 12 times, but it did not violate the rule of law or constitutional guarantees.

26. The office within the Police Investigation Unit responsible for investigating femicides and feminicides had investigated the killings of women in line with the Unit's Harmonized Criminal Investigation Manual, the Public Prosecution Service's Manual for Investigating Killings of Women and the Latin American Model Protocol for the Investigation of Gender-related Killings of Women.

27. In 2022, a committee led by the National Police Force of Honduras and the International Criminal Police Organization (INTERPOL) had been established to develop regulations pursuant to the Act on AMBER Alerts; they had been adopted and published in the Official Gazette on 18 May 2024. A protocol on the implementation of that law was being prepared that would focus on the search for disappeared minors and their protection. The Government was rolling out comprehensive training and modernization programmes to build greater investigative and security capacity and improve coordination between the institutions working to combat crime and protect the public.

28. A commission was working to assess whether government institutions, including the Supreme Court of Justice and the Public Prosecution Service, had been infiltrated by organized crime. The Criminal Investigation Academy of the National Police Force provided judges, prosecutors and police officers with specialized training on trafficking in persons. The Inter-Institutional Committee against Commercial Sexual Exploitation and Trafficking in Persons had been established to combat those crimes. The Police Intelligence Directorate was independent from the Ministry of Security.

29. **A representative of Honduras** said that 15 suspects had been formally charged with murder, attempted murder, arms smuggling, use of prohibited weapons and arson in connection with the events at the National Women's Prison for Social Adaptation that had led to the death of 46 inmates; their cases were ready to proceed to trial, while one other suspect had lodged an appeal that had delayed the proceedings in that suspect's case. In 2023, 3,199 complaints of domestic violence had been brought before a judge; a decision had been rendered in 2,446 of them. Consultations had been planned to determine the operating mechanisms, budget and infrastructure needed for the use of electronic bracelets as an alternative measure for dealing with domestic violence cases.

30. Educational internment centres for minors in conflict with the law had encountered a number of problems relating to infrastructure, internal security and staff training. Accordingly, a technical committee had been established that included representatives of the judiciary, the Office of the National Commissioner for Human Rights and the National Committee for the Prevention of Torture to assess the situation and to determine the legal situation and protection needs of each child concerned. Visits had been conducted to two of the centres, and files had been reviewed to establish whether any minors fulfilled the legal conditions for release.

31. An inter-institutional commission with members from the judiciary and the legislature was working on proposals to amend the provisions on the offence of appropriation of civic space, as it had been determined that those provisions should not be applicable to public protests or the occupation of public spaces.

32. A committee for the defence of common rights in the city of Tocoa had filed a writ of *amparo* regarding a planned prior consultation that it considered did not meet international standards. The Constitutional Chamber of the Supreme Court of Justice had admitted the appeal with suspensive effect of the contested action.

33. Preventive evictions were provided for by law; a protocol had been developed to ensure that force was not used in their application and that both parties to a land dispute could be heard when a judge was deciding whether the measure was necessary and when settling the dispute. Instructions to judges in such cases had been issued by the Criminal Chamber of the Supreme Court of Justice, with support from the President. In the application of

preventive evictions, communication with the national police was maintained to ensure that only actions that were strictly necessary were taken.

34. Judicial independence had historically been a mere illusion in Honduras, but the adoption of the Special Act on the Organization and Functioning of the Nominations Committee for the Selection of Candidates for Election as Supreme Court Judges was helping to improve the situation. The Act had established a procedure under which the Nominations Committee shortlisted 45 candidates for appointment to the Supreme Court of Justice. Following various stages in the process, which included the submission of a curriculum vitae, a written examination, a character interview and a review of assets, the National Congress chose 15 appointees from the shortlist. The Nominations Committee's members included representatives of State institutions and civil society, and its composition was designed to avoid political interference and to ensure that the Supreme Court of Justice was sufficiently independent. The Special Act on the Selection of the Attorney General was in force, and similar mechanisms would be used in the future to ensure transparency in the appointment of other high-level government officials.

35. No draft of the bill on the Council of the Judiciary and Judicial Service had yet been submitted to the National Congress. The bill should guarantee judicial independence by incorporating the key requirements for judges, setting out a clear procedure for admission to the judiciary, establishing sanctions in case of misconduct and defining a mechanism by which judges could report attempts to subvert their independence.

36. Justices of the peace were the lowest-ranking members of the judiciary in Honduras. They worked in municipalities and small and rural communities and heard certain types of criminal and civil cases. Justices of the peace also ran the Judicial Facilitators Programme in rural areas to ensure that communities could choose their own leaders and resolve conflicts.

37. The decriminalization of acts classified as offences against honour had been called for by journalists and social communicators since the adoption of the new Criminal Code. Judges were under instructions to hear cases relating to freedom of expression and offences against honour with great care, to avoid taking excessive measures and to ensure that the new legislation did not negatively impact freedom of the press or freedom of expression.

38. The Code of Criminal Procedure set out the conditions under which judges could order the interception of a telephone line at the request of a prosecutor as part of an investigation into a high-impact offence, such as organized crime. The Special Act on Interception of Private Communications had then established more effective regulations for such measures. The judge established criteria that had to be met in order for intercepted communications to be admissible in court; communications containing personal information, for example, would not be admitted as evidence.

39. **A representative of Honduras** said that the budget of the National Prison Institute had increased by 35 per cent in 2023 and 2024. In May 2024, the National Prison Systems Act had been amended to introduce workshops designed to promote the social reintegration of persons deprived of their liberty.

40. Several legislative decrees on legal protections for minority ethnic groups and the Garifuna people had been adopted by the National Congress, including Legislative Decree No. 50-2023, known as the Garifuna Road Map Act, which aimed to preserve and promote the culture of the Garifuna people. In 2023, a Garifuna magistrate had been elected to the Supreme Court of Justice for the first time. The National Congress had also adopted legislative decrees commemorating the historic struggle of Garifuna community leaders. Proposals for the creation of a Garifuna academy were under discussion in the National Congress.

41. The election of 15 magistrates – 8 women and 7 men – to the Supreme Court of Justice had been conducted in line with the Special Act on the Organization and Functioning of the Nominations Committee and the principles of gender equality and civil society participation incorporated therein. A special committee, made up of representatives of the different political parties holding seats in the National Congress, had been established to develop and submit the bill on the Council of the Judiciary and Judicial Service in order to avoid any imbalance of administrative power in that body.

42. Proposals to amend the Criminal Code and decriminalize acts classified as offences against honour were under examination in accordance with established congressional procedures in line with constitutional requirements that ensured the full respect of human rights. The National Congress, alongside the Commission on Justice and Human Rights and the Ministry of Human Rights, had held meetings to advance a bill on free, prior and informed consultations that was fully compliant with international standards. As the legislative decree amending the Code of Criminal Procedure was broad and affected almost the entire Code, a special analysis was required of the provisions that would need to be repealed to address the issue of preventive evictions; the technical opinion of the Supreme Court had been requested in that connection, as required by the Constitution. The National Congress had adopted an institutional policy for approving and prioritizing initiatives for the promotion and protection of human rights.

43. **A representative of Honduras** said that the budget of the Inter-Institutional Committee against Commercial Sexual Exploitation and Trafficking in Persons had been increased by 25 per cent between 2023 and 2024.

44. **A representative of Honduras** said that the Attorney General had met with a group representing the relatives of the 46 women who had died in the National Women's Prison for Social Adaptation to discuss their proposals and concerns. An exhaustive investigation to establish the facts would be conducted, and a comprehensive reparations programme, which would include compensation, was being developed.

45. It was too early to assess and quantify the impact of the use of electronic monitoring devices as non-custodial measures, as they had only been introduced in June 2023. Such devices would primarily be used for older adults, persons with terminal illnesses and persons with disabilities.

46. The State was supporting the Black Fraternal Organization of Honduras (OFRANEH), the organization representing the Garifuna and Miskito communities in their court cases. In March 2024, a decree had been published in the Official Gazette on compliance with the decisions handed down by the Inter-American Court of Human Rights concerning the cases brought by the Garifuna communities against Honduras. Subcommittees had been created to manage issues such as land titling and delimitation and to ensure adherence to the standard of free, prior and informed consent.

47. The fishing industry was monitored through regular inspections of registered fishing vessels. To improve access to justice for Miskito communities, labour inspectors and lawyers followed up on complaints lodged by workers and ensured that all occupational health and safety regulations were being followed. A record of complaints was maintained by the Public Prosecution Service.

48. The State supported the recognition of responsibility for human rights violations committed in the context of the coup d'état and the post-electoral crisis, the right to truth and the necessity of providing reparations to the victims of those violations. It wished to arrive at an amicable settlement which included measures of satisfaction and guarantees of non-repetition.

49. **A representative of Honduras** said that measures taken to protect minors under the witness protection programme complied with the Convention on the Rights of the Child. With regard to members of the LGBTIQ+ community and Indigenous Peoples, protective measures took into account their particular vulnerabilities. Under the witness protection programme, individuals in criminal proceedings had access to economic, medical, psychological and legal assistance. Specific protocols had been developed on support for vulnerable groups and victims in accordance with key principles such as those of voluntariness and confidentiality.

50. In 2022, President Castro had reactivated the high-level intersectoral commission that had been established earlier to investigate the cases of violent deaths and disappearances of women, including trans women. The number of violent deaths of women had dropped from 154 in the first six months of 2023 to 99 for the same period in 2024, representing a decrease of 36 per cent.

51. In 2018–2023, 244 persons had been charged for trafficking in persons, sexual exploitation and child pornography and 130 persons had been convicted. In 2018–2024, 43 persons had been charged with torture and other cruel, inhuman or degrading treatment; and there had been 2 cases in which a temporary stay of proceedings had been issued, 10 dismissals, 9 convictions and 7 acquittals. Further statistical data on offences and victims would be shared with the Committee in writing. A total of 105 cases of child trafficking and pornography had been recorded.

52. Since 2022, the Public Prosecution Service had developed training modules for prosecutors working with vulnerable groups such as children, members of the LGBTIQ+ community and women, including specialized courses on gender-based violence, workshops on ethnicity and protocols pertaining to human rights defenders and environmental defenders. Furthermore, in 2022, personnel in the Office of the Special Prosecutor for Offences against Life and other entities had received training on the use of force by law enforcement officers. A total of 3,661 violent deaths had been registered in 2022, 3,315 in 2023 and 1,085 in 2024.

53. Numerous measures had been taken to facilitate access to justice for Indigenous Peoples and persons of African descent living in rural areas, including the development of a handbook on the investigation of human rights violations and a protocol for prosecutors dealing with criminal cases involving members of Indigenous communities. Training days for prosecutors and other justice officials were organized on a monthly basis. The Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage had recorded 5 complaints in 2022 and 13 complaints in 2023.

54. Concerning cases of abortion offences, two cases had been recorded in 2022, eight cases in 2023 and one case in the first half of 2024.

55. The Government had signed an agreement with the organizations Plataforma Agraria and Coordinadora de Organizaciones Populares del Aguán (COPA) to investigate human rights violations related to land tenure in the Bajo Aguán region and had established the Commission for Agrarian Security and Access to Land. A tripartite commission that would include representatives of several branches of government, civil society and members of Plataforma Agraria and COPA would soon be launched to investigate human rights violations in the Bajo Aguán region.

56. The Ministry of Social Development was drafting a new comprehensive policy concerning the interests of Indigenous Peoples and Afro-Hondurans that contained measures to combat racism and discrimination, including a review of the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous and Afro-Honduran Peoples through a multi-stakeholder consultative process.

57. Significant progress had been made in the application of the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. The Directorate General for the Protection System was currently monitoring 37 precautionary measures, 31 extraordinary cases and 29 ordinary cases. A budget of 35 million lempiras had been allocated to the Protection System and the Directorate's staff had been doubled in 2024.

58. The Government had been working closely with the Office of the United Nations High Commissioner for Refugees on a protocol for the application of the Act for the Prevention of Internal Displacement and the Protection and Care of Internally Displaced Persons. Although the Act had not yet been implemented, follow-up and support were being provided to families displaced by violence.

59. **Mr. Gómez Martínez** said that he would be grateful for a detailed response to his earlier questions on the influence of drug trafficking in the judiciary. Was the congressional selection of 15 out of the 45 shortlisted candidates for the Supreme Court made by a simple or a qualified majority?

60. He wondered what had delayed the drafting of a bill to define the structure, scope and responsibilities of the Judicial Council and how career judges were being appointed in its absence. It would be useful to know whether justices of the peace were career judges and how they were appointed.

61. He would welcome an explanation as to why prosecutors did not request reparations in domestic cases of human rights violations. He also wished to know when the law on violence against women would be adopted and, in the meantime, whether a mechanism was in place to coordinate the efforts of judges, prosecutors and health authorities to combat violence against women.

62. **Mr. Quezada Cabrera** said that he would be grateful for clarification on whether the new bill being developed on the issue of free, prior and informed consent nullified the entire previous nine-year process concerning that issue. He would also like to know whether there was a link between the new bill and the strategic plan and agenda for 2022–2025 developed by the Congressional Committee for Liaison with Indigenous and Afro-Honduran Groups. Had the Committee and the plan been subject to a consultation process with the Indigenous and Afro-Honduran Peoples?

63. He wished to obtain further information on the construction of the Swan Islands detention centre, including details on the environmental impact of the project and any relevant environmental studies.

64. **Mr. Carazo** said that he wished to know what steps would be taken to avoid favouritism in the award of construction and equipment contracts for that detention centre. He wished to encourage the delegation to share its perspective on the efforts made by the United Nations to assist the State party with protecting and promoting human rights and on how best support could be provided in the future. He was pleased to hear that human rights organizations were free to conduct visits to prisons.

65. **Mr. El Haiba** said that he would welcome more detailed replies to the Committee's questions regarding measures taken to protect the right to privacy from threats posed by new technologies, including the establishment of an independent watchdog agency. He would also welcome information on the extent to which civil society was involved in the democratic reconstruction process, including in the development of human rights training programmes; the steps taken to protect members of civil society engaged in that work; and the degree of involvement of civil society and the families of victims in the transitional justice process. Could the delegation explain the link between the Constitutional Court and transitional justice?

66. **Ms. Šurlan** said that it would be useful to learn whether the additional budget for the protection of Honduran victims of trafficking was earmarked for services for victims or for strengthening the judicial system.

67. **Ms. Tigroudja**, drawing the State party's attention to general comment No. 29 (2001) on states of emergency, said that the Committee was highly concerned about the radical action plan for combating organized crime published the previous month. That plan called for the Criminal Code to be amended to classify persons who committed offences such as drug trafficking and extortion as terrorists and for the Code of Criminal Procedure to be amended to introduce collective prosecution procedures and systematic pretrial detention in all cases of organized crime offences. Therefore, the Committee wished to hear more about the planned changes, which were in utter contradiction to the Covenant.

68. **A representative of Honduras** said that the law on wiretaps did not give the authorities licence to spy on individuals as they went about their lives. Moreover, any calls of a personal nature that did not relate to criminal activity had to be stricken from the surveillance record before submission for judicial approval.

69. Nowadays, justices of the peace were career judges, and discussions were under way about granting them additional powers in order to strengthen their ability to resolve conflicts at the community level.

70. Efforts to coordinate measures to combat violence against women while awaiting adoption of the comprehensive law on that topic included consultations with the Ministry of Women's Affairs, the Gender Equity Commission and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). In addition, a register of domestic abusers had been created and the possibility of introducing a register of violent and sex offenders was under discussion.

71. While he could not affirm that there was no drug trafficking within the judiciary, there was no information that pointed to any member of the judiciary having ties with drug rings. Nevertheless, the national judicial oversight body had specific guidelines whereby any such cases should be immediately reported to the Supreme Court for investigation and, where appropriate, prosecution.

72. **A representative of Honduras** said that most of the court decisions in cases involving Garifuna communities provided for measures regarding land titling and sanitation but, in cases where there had been deaths, the decisions had also ordered that investigations should be undertaken. The primary focus of cases before the national courts was to determine criminal responsibility. However, where public officials were found guilty of committing an offence in the exercise of their functions, the judge could also rule on civil liability.

73. **A representative of Honduras** said that, in accordance with the Constitution, judges were appointed by a two-thirds majority of the members of the National Congress. The latest round of appointments had been carried out pursuant to the new Nominations Committee Act. The bill currently being drafted by the commission tasked with overhauling the Council of the Judiciary would ensure its constitutionality.

74. New proposals aimed at ensuring that free, prior and informed consultations would be in line with international standards could be incorporated into the initial bill even though it was already before Congress. As part of its strategic plan, the Commission on Ethnic Groups had visited Garifuna communities to obtain their views on the bill.

75. Civil society had been directly involved in framing the proposal on the selection of Supreme Court judges and, through the Committee of the Families of Detained and Disappeared Persons in Honduras, in advocating for the bill that would provide for the fulfilment of international human rights obligations in respect of the so-called national security doctrine.

76. Lastly, one of the findings of the Truth and Reconciliation Commission was that there had been a constitutional breakdown; hence its recommendation to strengthen the Constitutional Court's ability to safeguard fundamental rights.

77. **A representative of Honduras** said that the Ministry of Natural Resources and the Environment had approved the environmental permit for the Swan Islands maximum security prison on the basis of assessments conducted by some 40 experts. Furthermore, the prison would house an environmental monitoring centre. The procurement process would be conducted in keeping with relevant legislation, including provisions on State secrets and access to public information.

78. **A representative of Honduras** said that inmates had been categorized by the type of criminal organization to which they belonged as a way of helping to maintain order and control in prisons, as well as to facilitate a more progressive approach to imprisonment. Inmates now had the opportunity to complete their education or to learn a trade, which would contribute to their reintegration into society. The National Prison Institute met frequently with human rights bodies, including the national torture prevention mechanism, the Office of the National Commissioner for Human Rights and the International Committee of the Red Cross, which were authorized to conduct visits to prisons and interview inmates. The Institute took action on any complaints those bodies received during their visits.

79. **A representative of Honduras** said that he wished to emphasize that the state of emergency currently in place was not permanent and would be lifted as soon as the security situation in the country had normalized. The third phase of the plan to combat organized crime was before the National Congress for adoption.

80. **A representative of Honduras** said that, with its budget increase in 2023, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking had been able to strengthen its rapid response team through the recruitment of psychologists, social workers, doctors and lawyers and to open offices in the four tourism districts where the highest number of trafficking victims had been identified in recent years. In addition, it had established the Trafficking Victims Fund, which would account for up to 30 per cent of its budget and would provide a range of assistance to direct and indirect

victims, including food and clothing, specialist medical care, and educational and employment opportunities.

81. While awaiting enactment of the comprehensive law on violence against women, the State was taking other measures, specifically the reactivation of the Inter-Agency Commission for the Investigation and Follow-up of Violent Deaths of Women, the establishment of over 80 gender mechanisms in public entities, the adoption of the Shelter Act and the associated budget, and the roll-out of the Gender Equality and Justice Plan 2023–2033 along with large-scale public awareness campaigns.

82. In terms of cooperation with the United Nations system, she wished to highlight the importance of the technical assistance provided by the various human rights mechanisms, as illustrated by the adoption in late 2023 of a resolution by the Human Rights Council on technical cooperation and capacity-building for the protection of human rights in the prison, security and justice systems of Honduras. Furthermore, Honduras had issued an open invitation to the special procedures and had received a number of visits and recommendations dealing with areas such as freedom of expression, extrajudicial executions, enforced disappearances, climate change and the right to development. Most recently, her Government had hosted a delegation of the Subcommittee on Prevention of Torture. Nevertheless, it wished to see the United Nations system take the context of each country, especially its economic situation, into greater consideration. Implementation of international human rights law could not be divorced from structural aspects that were a drain on resources and impaired States' ability to fully protect human rights.

The meeting rose at 1.05 p.m.