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paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1**

## **Honduras**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	
ICERD	10 October 2002	None	Individual complaints (art. 14):	No
ICESCR	17 February 1981	None	–	
ICCPR	25 August 1997	None	Inter-State complaints (art. 41):	No
ICCPR-OP 1	7 June 2005	None	–	
ICCPR-OP 2	1 April 2008	None	–	
CEDAW	3 March 1983	None	–	
CAT	5 December 1996	None	Inter-State complaints (art. 21):	No
			Individual complaints (art. 22):	No
			Inquiry procedure (art. 20):	Yes
OP-CAT	23 May 2006	None	–	
CRC	10 August 1990	None	–	
OP-CRC-AC		Binding declaration under art. 3: 18 years	–	
OP-CRC-SC	8 May 2002	None	–	
ICRMW			Inter-State complaints (art. 76):	No
	9 May 2005	None	Individual complaints (art. 77):	No
CRPD	14 April 2008	None	–	
CED			Individual complaints (art. 31):	No
	1 April 2008	None	Inter-State complaints (art. 32):	No

Treaties to which Honduras is not a party: OP-ICESCR, OP-CEDAW, and CRPD-OP (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>3</sup>	Yes
Refugees and stateless persons <sup>4</sup>	Yes, except 1954 Convention (signature only, 1954) and its 1961 Protocol.
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes
ILO fundamental conventions <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2009, the Committee against Torture (CAT) invited Honduras to ratify OP-CRPD, OP-CEDAW and OP-CESCR<sup>7</sup> and to consider making the declarations under articles 21 and 22 of the Convention.<sup>8</sup> In 2007, the Committee on Elimination of Discrimination against Women (CEDAW) encouraged the ratification of OP-CEDAW and acceptance of the amendment to article 20, paragraph 1 of the Convention.<sup>9</sup> CRC and CEDAW recommended that Honduras consider the ratification of the Protocol to Prevent,

Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>10</sup>

2. The United Nations country office in Honduras (SNU) reports that Honduras has been a State party to the Rome Statute of the International Criminal Court since 2002.<sup>11</sup>

## **B. Constitutional and legislative framework**

3. The General Assembly<sup>12</sup> and the Human Rights Council strongly condemned the human rights violations occurring as a consequence of the coup d'état of 28 June 2009.<sup>13</sup> On 2 July 2009, a group of mandate holders also condemned the breakdown in the rule of law and expressed grave concern over the situation with regard to fundamental freedoms in Honduras.

4. In a report requested by the Human Rights Council (HRC),<sup>14</sup> the United Nations High Commissioner for Human Rights (the High Commissioner) noted that the coup d'état had given rise to a number of human rights violations, most of which remained unpunished. Indeed, it brought to fore and exacerbated existing structural problems affecting human rights, intensified a difficult and tense political and social climate, and deepened the polarization within most State institutions and society at large. Measures imposed under the state of emergency facilitated the repression of those opposed to the coup and allowed the arbitrary restriction of fundamental rights.<sup>15</sup>

5. The High Commissioner concluded that the derogation from guarantees during the coup was incompatible with the international obligations of Honduras. Actions by the security forces were characterized by the disproportionate use of force, cases of torture and ill-treatment; arbitrary and illegal detentions were reported. The State also failed to notify the United Nations and the Organization of American States, as required by the ICCPR and the American Convention on Human Rights.<sup>16</sup>

6. The High Commissioner recommended that Honduras revise or abrogate national legislation incompatible with international standards, in particular provisions on crimes of sedition, illicit demonstrations, freedom of expression, political and electoral rights, torture, independence of the judiciary, the Police and Social Coexistence Law, and the State of Emergency Law,<sup>17</sup> as highlighted by the United Nations Country Team (UNCT).<sup>18</sup>

7. SNU reports that Honduras has made a real effort to bring its legislation into line with international standards, passing laws on women's equality,<sup>19</sup> the rights of persons with disabilities,<sup>20</sup> the rights of the child<sup>21</sup> and persons with HIV.<sup>22</sup> In addition, criminal legislation on trafficking, sexual exploitation<sup>23</sup> and the eradication of domestic violence<sup>24</sup> has been reformed.

## **C. Institutional and human rights infrastructure**

8. In 2000, the Honduras human rights commission (*Comisionado Nacional de los Derechos Humanos de Honduras*) was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC), which was reconfirmed in 2007.<sup>25</sup> The Sub-Committee on Accreditation is scheduled to undertake a special review of the accreditation status of Honduras' human rights commission at its next session in October 2010.<sup>26</sup> The High Commissioner noted that the lack of independence of control institutions, such as the fiscal department, Supreme Court, the Ombudsman, with some notable exceptions, resulted in their unavailability or inability to protect human rights and the rule of law. Re-establishing the credibility and legitimacy of these institutions constitutes a serious challenge.<sup>27</sup>

9. SNU adds that in March 2010 President Lobo announced the establishment of various specialized presidential commissioners. However, their legal status, functions, powers and budgets had not been specified when SNU submitted its contribution to the universal periodic review. There are concerns over how they will be integrated into the national system for the protection and promotion of human rights, and how they will strengthen the system.<sup>28</sup>

10. In 2007 the Committee on the Rights of the Child (CRC) was concerned that an independent human rights institution that focused on children was still lacking.<sup>29</sup>

11. In 2007, the Committee on the Elimination of Discrimination Against Women (CEDAW) commended Honduras for the establishment of special courts on domestic violence,<sup>30</sup> and urged the Government to strengthen the National Women's Institute by increasing its resources.<sup>31</sup>

## D. Policy measures

12. CAT was concerned at the repressive social policy with regard to combating "unlawful associations" (*maras* or *pandillas*) which does not adequately consider the root causes of the phenomenon, and which could criminalize children and young people on the sole ground of their appearance. It noted discussions in Honduras on changing the provision on "unlawful associations" in article 332 of the Criminal Code.<sup>32</sup> In 2006, the Working Group on Arbitrary Detention made similar remarks.<sup>33</sup>

13. SNU reports that in the past few years the figures on violence have been rising steadily. The possibility of falling victim to a crime is one of people's main concerns. Government action, which has focused on toughening the criminal law and bringing in the military to maintain security, has not been effective in keeping violence within reasonable limits.<sup>34</sup>

14. The High Commissioner recommended that Honduras develop a national human rights plan of action in cooperation with the United Nations, and with participation of civil society, which would address structural problems as a priority.<sup>35</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>36</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	–	–	–	Initial report overdue since 2006.
CESCR	1998	May 2001	–	Second report overdue since 2006.
HR Committee	2005	October 2006	Received 2008.	Second report due 2010.
CEDAW	2006	August 2007	–	Combined 7 <sup>th</sup> and 8 <sup>th</sup> report due 2012.
CAT	2008	May 2009	Overdue since May 2010.	Second report due 2013.
CRC	2006	February 2007	–	Consolidated 4 <sup>th</sup> and 5 <sup>th</sup> report due 2012.

<i>Treaty body<sup>36</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
OP-CRC-AC	–	–	–	Initial report overdue since 2004.
OP-CRC-SC	–	–	–	Initial report overdue since 2004.
CMW	–	–	–	Initial report overdue since 2006.

15. The Subcommittee on Prevention of Torture (SPT) undertook its first periodic visit to Honduras in September 2009.<sup>37</sup> The visit report was communicated confidentially to the Government, as provided for by OP-CAT, and the Government requested its publication.<sup>38</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	<i>Yes</i>
<i>Latest visits or mission reports</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions (5–15 August 2001); <sup>39</sup> Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2–8 July 2004); <sup>40</sup> Working Group on Arbitrary Detention (23–31 May 2006); <sup>41</sup> Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (21–25 August 2006); <sup>42</sup> Working Group on Enforced or Involuntary Disappearances (31 January–2 February 2007); <sup>43</sup> Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (26–30 November 2007). <sup>44</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on the right to food (postponed, new dates to be agreed)
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	The Working Group on Arbitrary Detention, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed their gratitude to the Government for its cooperation during the respective visits.
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 39 communications were sent. The Government replied to 4 communications,
<i>Responses to questionnaires on thematic issues</i>	Honduras responded to 6 of the 23 questionnaires sent by special procedures mandate holders, <sup>45</sup> within the deadlines.

## 3. Cooperation with the Office of the High Commissioner for Human Rights

16. Following the coup d'état, OHCHR headquarters worked in partnership with the Regional Office for Central America and UNCT.<sup>46</sup> The human rights adviser in Nicaragua

participated in a humanitarian mission to the Honduras-Nicaragua border to assess the situation of Hondurans who had fled the country.<sup>47</sup> Honduras contributed financially to OHCHR in 2008.<sup>48</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

17. According to SNU, as far as gender equity is concerned, Honduras has made considerable progress in adapting its legal framework and policies on women's rights and in consolidating gender mainstreaming.<sup>49</sup> At the same time, however, there is still a wide gender gap and there are problems with the more effective application of current legislation and policies, including a lack of public funding. People know little about their acquired rights or how to exercise them, and social auditing is problematic. There is a need to strengthen the governmental and State mechanisms that implement policies and monitor the State's observance and due protection of human rights.<sup>50</sup>

18. CEDAW urged Honduras to address stereotypical attitudes towards the roles and responsibilities of women and men<sup>51</sup>

19. In 2005, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reported that there was no clear recognition of the reality of racial discrimination by the political authorities. The Special Rapporteur considered this a major initial obstacle to efforts to confront the problem and find a lasting solution.<sup>52</sup>

20. CRC was concerned that discrimination and stigmatization still exist towards indigenous children, street children, children living in rural and remote areas, children with a different appearance (way of dressing, tattoos, symbols), and that discrimination against girls persisted.<sup>53</sup>

### **2. Right to life, liberty and security of the person**

21. In 2006, The Human Rights Committee (HR Committee) noted with satisfaction the constitutional abolition of the death penalty.<sup>54</sup>

22. Prompted by allegations of extrajudicial executions of a large number of children in the period 1998–2000, the Special Rapporteur on extrajudicial, summary or arbitrary executions visited Honduras in 2001. Material collected indicated that there were cases of children killed by the security forces. In most cases, the child was unarmed and did not provoke the use of force. At the time of the visit there were very few investigations or trials relating to incidents of extrajudicial killings, and convictions were exceptional.<sup>55</sup>

23. On 23 June 2009, CAT took note of the establishment of a special unit to investigate the violent deaths of children at the Institute for Children and the Family, as well as the establishment of the Municipal Children's Ombudsman Office.<sup>56</sup> CRC was concerned at the high number of disappearances and extrajudicial killings of children, including at hands of members of the police, and the fact that the authorities have not responded with adequate action.<sup>57</sup> The HR Committee expressed similar concerns.<sup>58</sup>

24. The High Commissioner established that both the military and the police systematically used excessive force to break up demonstrations against the coup.<sup>59</sup> The High Commissioner recommended that use of the military in law enforcement functions be avoided, unless in extreme and exceptional cases, and always under independent judicial control.<sup>60</sup> Human rights defenders played a critical role after the coup, and helped to alleviate institutional shortcomings. Their presence within detention centres contributed to reducing the vulnerability of detainees.<sup>61</sup> Human rights defenders themselves faced

intimidation and attacks.<sup>62</sup> Following the coup, some women's organizations complained that they had been victims of harassment and threats from police and military officers.<sup>63</sup> Women who filed official complaints reportedly received death threats and were intimidated.<sup>64</sup>

25. In 2006, the Working Group on Enforced or Involuntary Disappearances reported that enforced disappearance is not classified as a separate offence in the Criminal Code. It recommended that Honduras become party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.<sup>65</sup>

26. CAT commended the adoption on 28 September 2008 of the National Preventive Mechanism Act.<sup>66</sup> The Subcommittee on the Prevention of Torture (SPT) recommended that the highest authorities publicly declare that they repudiate torture and are committed to its eradication and the implementation of a national preventive system.<sup>67</sup>

27. CAT was concerned by the fact that members of the armed forces are not considered public officials in the definition of torture in the Criminal Code.<sup>68</sup>

28. CAT was very concerned at reports of frequent ill-treatment, torture and excessive use of force on arrest, acts of extortion by law enforcement officials, and the persistent high number of detainees, both children and adults, in prolonged pre-trial detention. It further expressed concern, as did the Working Group on Arbitrary Detention,<sup>69</sup> at the various forms of derogations from the general rule regarding the duration of pre-trial detention. It regretted that alternatives to imprisonment were not employed.<sup>70</sup> The HR Committee was concerned at the frequency of arrests on suspicion by members of the security forces, including mass round-ups based solely on appearance, and with no warrant from a competent authority.<sup>71</sup>

29. CAT was concerned at the poor conditions of detention as well as the failure to separate accused and convicted persons, women and men, children and adults.<sup>72</sup> The Working Group on Arbitrary Detention<sup>73</sup> and the HR Committee<sup>74</sup> expressed similar concerns. The Working Group on Arbitrary Detention recommended that Honduras establish a penitentiary system as a separate institution, run by professional penitentiary management and staff, and not connected to the police.<sup>75</sup> SPT recommended that an audit of police stations and premises of the national criminal investigation office (DNIC) be undertaken as soon as possible in order to formulate and implement a plan aimed at improving places of detention in existing establishments.<sup>76</sup>

30. SPT recommended that adequate measures be taken to protect women prisoners, and that the principle of separation between women and men in prisons be observed.<sup>77</sup>

31. CAT noted the establishment, in 2006, of the Inter-institutional Commission on Femicide and a special unit within the Public Prosecutor's Office to investigate violent deaths of women.<sup>78</sup> CEDAW continued to be concerned about the prevalence of many forms of violence against women and noted that Honduran women may be compelled to migrate because of violence against them.<sup>79</sup>

32. Despite all efforts to clamp down on and stop violence against women, there has been a steady rise in gender-based, domestic and sexual violence, as well as in the number of femicides, which rose from 149 in 2007 to 252 in 2008 and 377 in 2009.<sup>80</sup>

33. CRC urged Honduras to take all necessary measures to prevent children from being subjected to torture or ill-treatment in all circumstances, in particular during or after apprehension by law enforcement officials.<sup>81</sup>

34. CRC was concerned that domestic violence and abuse of children, including sexual abuse, constitute a serious problem and are on the rise.<sup>82</sup>

35. SNU reports that Honduras is a country of origin, destination and transit for trafficking in persons. The victims of this evil practice are mainly trafficked for the purposes of sexual exploitation (women, girls and boys), domestic slavery and forced labour. Trafficking victims come from all regions of the country.<sup>83</sup> SNU recommends the introduction of comprehensive support programmes for the victims of gender-based or sexual violence, trafficking and sexual exploitation, including access to the morning-after pill and prophylactics for sexually transmitted infections (STIs).<sup>84</sup>

36. CAT recommended that Honduras ensure that offenders are prosecuted and punished for the crime of trafficking in persons, and that the Criminal Code be amended to include all exploitative purposes of trafficking.<sup>85</sup> CRC was concerned that sexual exploitation of children, especially girls, and trafficking are serious problems. Despite Honduras' ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, no governmental body is in charge of policies to implement it.<sup>86</sup> CEDAW expressed similar concerns for women.<sup>87</sup>

37. The ILO Committee of Experts stated that, despite progress, the problem of the commercial sexual exploitation of young persons under 18 still persisted; it requested Honduras to ensure the protection of children under 18 against this worst form of child labour.<sup>88</sup>

38. The ILO Committee of Experts noted that, according to official 2006 statistics, 78.49 per cent of boys and 21.51 per cent of girls between the ages of 5 and 17 were economically active. The Committee of Experts expressed concern at the persistence of child labour and requested information on the measures taken within the context of the second National Plan of Action for the Elimination of Child Labour (2008–15).<sup>89</sup>

39. The HR Committee observed the alarming spread of child labour, particularly in rural and indigenous communities.<sup>90</sup>

40. CAT recommended that Honduras enhance health services in places of detention to include services for persons with mental impairment or illnesses who have been deprived of their liberty.<sup>91</sup>

41. In 2006, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination visited Honduras and reported, with concern, that hundreds of Hondurans and nationals from other countries are trained by private security companies with a view to carrying out duties in a third country. Reportedly, one of the persons in charge of the training was a former colonel who still held a senior security post in the Government at the time of the visit. The Working Group recommended that Honduras accede to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.<sup>92</sup>

### **3. Administration of justice, including impunity, and the rule of law**

42. On 29 July 2010, three independent United Nations experts expressed concern over the recent sacking of three judges and a magistrate, calling it an unacceptable attack on the independence of the judiciary and on the freedoms of opinion, expression, assembly and association of those working to promote and protect human rights and fundamental freedoms in Honduras.<sup>93</sup>

43. The High Commissioner reported that impunity for most of the human rights violations committed during the crisis increased the vulnerability of victims. The absence of independent, timely and effective judicial investigations left most of those responsible unpunished, and victims without adequate judicial protection and redress.<sup>94</sup>



44. CAT expressed concern at Honduras' failure to establish an independent body to safeguard the independence of the judiciary and to supervise the appointment, promotion and regulation of the profession.<sup>95</sup> The HR Committee made similar remarks.<sup>96</sup>

45. SPT recommended that the Public Prosecutor's Office should have its own investigative capacity to enable it to carry out independent, prompt and thorough inquiries.<sup>97</sup>

46. During its visit, the Working Group on Enforced or Involuntary Disappearances was informed that alleged perpetrators of serious human rights violations, including disappearances, were at large and not the subject of any effective investigation or any conviction. According to reliable reports, some of the alleged perpetrators of enforced disappearances were still active, and in some cases, occupied public positions.<sup>98</sup>

47. CAT noted the existence of widespread impunity as one of the main reasons for the failure to eradicate torture. It was concerned at the absence of an independent body to investigate allegations of ill-treatment and torture.<sup>99</sup>

48. CAT recommended that Honduras promptly, thoroughly and impartially investigate all incidents of death in custody, and provide adequate compensation to the families of victims.<sup>100</sup> The HR Committee noted with concern that no measures have been taken to punish those responsible for the incidents at El Porvenir and San Pedro Sula prisons.<sup>101</sup>

49. CRC reiterated its previous recommendation that Honduras bring its juvenile justice system fully in line with the Convention.<sup>102</sup>

#### **4. Right to privacy, marriage and family life**

50. CRC reiterated that Honduras make the immediate registration of all children's birth a priority.<sup>103</sup> It also urged Honduras to speed up the adoption of the draft Special Law on Adoption, and finalize the ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.<sup>104</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

51. The High Commissioner stated that, following the coup, freedom of expression was one of the most restricted rights under the emergency measures.<sup>105</sup> Several media premises were occupied by the military, and frequencies were often jammed or interrupted. Such actions were particularly damaging to opposition media and some international news channels.<sup>106</sup> Some journalists were ill-treated or arbitrarily detained by police agents while covering demonstrations; the purpose appeared to be to prevent them from reporting on the protests.<sup>107</sup>

52. In May 2010, a group of Special Rapporteurs called on the Government to take urgent action to address the increasing vulnerability of journalists operating in the country. In the six weeks prior to the appeal, seven journalists had been killed, and several others threatened.<sup>108</sup>

53. During his visit in 2007, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression said it was important to push ahead with reforms of the criminal law to bring it into line with international standards. In that respect, there should be no limits or restrictions on the exercise of freedom of opinion and expression.<sup>109</sup> The concentration of ownership of media outlets in a few hands was another of the obstacles that the Special Rapporteur was able to study during his visit.<sup>110</sup>

54. The High Commissioner reported that excessive use of force, arbitrary detentions and the imposition of curfews weakened the exercise of the right to peaceful assembly.<sup>111</sup>

55. Referring to the penalties provided for in section 469 of the Labour Code for persons who interfered with the right to freedom of association (ranging from 200 to 10,000 lempiras (19 lempiras equals 1 US dollar)), the ILO Committee of Experts stated that Honduras lacked adequate protection against acts of anti-union discrimination, and recalled that Honduras was responsible for ensuring the application of ratified international labour conventions relating to freedom of association. The Committee requested Honduras to take the necessary steps to include provisions in the national legislation for adequate protection against acts of anti-union discrimination or interference.<sup>112</sup>

56. CEDAW was concerned about the ongoing low degree of representation of women in public life. It urged Honduras to enforce the application of the 30 per-cent minimum legal quota for elected positions.<sup>113</sup> The HR Committee regretted that the existing system of open lists was an obstacle to a sufficient proportion of women representatives.<sup>114</sup>

#### **6. Right to work and to just and favourable conditions of work**

57. CEDAW was concerned about the ongoing discrimination against women in the labour market, and the concentration of women in the informal sector and domestic work.<sup>115</sup>

58. The ILO Committee of Experts requested Honduras to provide information on specific measures adopted with a view to reducing the wage gap between men and women.<sup>116</sup>

#### **7. Right to social security and to an adequate standard of living**

59. SNU reports that, according to official figures, 58 per cent of the population lives below the poverty line and 36 per cent in extreme poverty.<sup>117</sup> In this connection, SNU recommends that the country plan be brought into line with the Millennium Development Goals and the State's international obligations under international human rights instruments.<sup>118</sup> It also recommends that Honduras draw up a properly funded plan to combat hunger, review the effects of its legislation on the exercise and observance of the right to food in accordance with international standards, and develop a comprehensive diet and nutrition monitoring system.<sup>119</sup>

60. CRC was concerned that access to health services is inadequate especially in rural areas: despite considerable improvement in the last few years, a high percentage of maternal mortality occurs in rural areas, infant and child mortality remains high.<sup>120</sup>

61. In this context, SNU recommends that a national strategy be drawn up to extend coverage and ensure fairer access to public services of the same quality in urban and rural areas, particularly as regards education and primary health care.<sup>121</sup>

62. CRC was concerned that, according to the information received, the number of *maras/pandillas* in Honduras has increased. It also noted that the majority of the children belonging to these groups do not attend school, nor have any employment. CRC recommended that Honduras pay more attention to the social factors and causes at the root of the problem of *maras/pandillas*, focus on preventive measures and refrain from treating the issue exclusively in a punitive and repressive way, invest in financial and human resources to develop prevention, rehabilitation and reintegration action for members of *maras/pandillas*.<sup>122</sup>

63. CRC was concerned that the increase in funds available through, among others, poverty reduction strategies, debt reduction programmes and international cooperation did not result in a proportionate strengthening of mechanisms for the integral care and protection of children. Furthermore, it was concerned that unequal distribution of income and misuse of resources, which severely affect children's enjoyment of their rights, are among the main causes of poverty in Honduras.<sup>123</sup>

64. SNU expresses concern about the lack of national policies on the comprehensive protection of children; the response to the spread of HIV; prevention, treatment and rehabilitation for drug addicts; and support for emigrants, sex workers and HIV orphans.<sup>124</sup>

65. CEDAW was concerned about the high rate of teenage pregnancies and its implications for the health and education of girls. It was concerned that efforts by the Ministry of Education to provide sex education in schools are being impeded by conservative government actors. It was also concerned that abortion is criminalized in all circumstances, including when a pregnancy threatens a woman's life or health, or is a result of rape or incest.<sup>125</sup>

## **8. Right to education and to participate in the cultural life of the community**

66. The ILO Committee of Experts expressed concern at the low rate of net school attendance at secondary-school level and observed that poverty is one of the primary causes of child labour, and when combined with a defective education system, poverty hinders the development of children. The Committee of Experts requested Honduras to redouble its efforts to improve the operation of the education system and to take measures to enable children to attend compulsory basic education or be integrated into an informal school system.<sup>126</sup>

67. CRC was concerned about the low quality of education in the country and considerable difference between urban and rural areas in terms of quality and accessibility of education.<sup>127</sup>

## **9. Minorities and indigenous peoples**

68. SNU reports that indigenous peoples make up 7.25 per cent of the population of Honduras. The country does not yet have any special policies, public institutions or specific legislation for indigenous peoples. Indigenous communities live in rural areas characterized by extreme poverty, a lack of basic services, high levels of malnutrition, high illiteracy rates, a lack of respect for their own culture, insecure land tenure and other factors of exclusion.<sup>128</sup> In this connection, SNU recommends that a development strategy be drawn up and implemented for indigenous peoples and people of African descent in Honduras.<sup>129</sup>

69. The HR Committee was concerned at various problems affecting indigenous communities, particularly discrimination in the areas of health, employment and education, as well as land rights. It is concerned at the Honduras' failure to include a specific article on the recognition of title to ancestral indigenous lands in the Agrarian Reform Act.<sup>130</sup>

70. The Committee of Experts on the Application of Conventions and Recommendations of the ILO (CEACR) noted that in order to comply fully with the Convention on Indigenous and Tribal Peoples (Convention 169), it was not sufficient for Honduras to establish governmental bodies to liaise with indigenous peoples, but rather to ensure the participation of indigenous peoples in these bodies.<sup>131</sup>

## **10. Migrants, refugees and asylum-seekers**

71. SNU points out that poverty and the lack of opportunities have a direct impact on migration by Hondurans. It is estimated that about 220,000 Hondurans leave the country every year.<sup>132</sup>

72. CRC recommended that Honduras pay special attention to the situation of migrant children, particularly those unaccompanied and in irregular and/or undocumented situation.<sup>133</sup>

### III. Achievements, best practices, challenges and constraints

N/A

### IV. Key national priorities, initiatives and commitments

#### Specific recommendations for follow-up

73. CAT requested Honduras to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 9 (fundamental safeguards), 11 (enforced disappearances), 13 (trafficking in persons), 14 (pretrial detention), 18 (detainees with mental impairments) and 19 ("unlawful associations").<sup>134</sup> No response has been received.

74. In accordance with rule 71, paragraph 5 of the HR Committee's rules of procedure, Honduras should provide, within one year, relevant information on the assessment of the situation and the implementation of the recommendations in paragraphs 9 (children's deaths), 10 (use of force by officials), 11 (street children) and 19 (indigenous communities and Agrarian Reform Act).<sup>135</sup> A partial response was received in 2007; additional information was requested in 2009.

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>7</sup> CAT/C/HND/CO/1, 23 June 2009, para. 27.
- <sup>8</sup> *Ibid.*, para. 29.
- <sup>9</sup> CEDAW/C/HON/CO/6, 10 August 2007, para. 32.
- <sup>10</sup> *Ibid.*, para. 21; CRC/C/HND/CO/3, para. 79.
- <sup>11</sup> UNCT submission to the UPR on Honduras (2010), fn. iii.
- <sup>12</sup> A/RES/63/301, 1 July 2009.
- <sup>13</sup> A/HRC/RES/12/14, 12 October 2009, para. 1. See also A/HRC/12/L.10, para. 7. Following a decision of the General Assembly on the recommendations of the report of the Credentials Committee, the Human Rights Council, at its twelfth session (14 September–2 October 2009) did not recognize the Permanent Representative of Honduras in Geneva as the accredited representative of President Zelaya's Government.
- <sup>14</sup> A/HRC/RES/12/14, para. 5.
- <sup>15</sup> A/HRC/13/66, para. 77.
- <sup>16</sup> *Ibid.*, para. 79.
- <sup>17</sup> *Ibid.*, para. 85 (a).
- <sup>18</sup> UNCT submission to the UPR on Honduras (2010), para. 4.
- <sup>19</sup> *Ibid.*, para. 3, fn. vii.
- <sup>20</sup> *Ibid.*, para. 3, fn. viii.
- <sup>21</sup> *Ibid.*, para. 3, fn. ix.
- <sup>22</sup> *Ibid.*, para. 3, fn. x.
- <sup>23</sup> *Ibid.*, para. 3, fn. xi.
- <sup>24</sup> *Ibid.*, para. 3, fn. xii.
- <sup>25</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>26</sup> [http://www2.ohchr.org/SPdocs/NHRI/Calendar\\_2009-%202013.doc](http://www2.ohchr.org/SPdocs/NHRI/Calendar_2009-%202013.doc).
- <sup>27</sup> A/HRC/13/66, para. 83.
- <sup>28</sup> UNCT submission to the UPR on Honduras (2010), para. 7, fn. xix.
- <sup>29</sup> CRC/C/HND/CO/3, 3 May 2007, para. 17.
- <sup>30</sup> CEDAW/C/HON/CO/6, 10 August 2007, para. 5.
- <sup>31</sup> *Ibid.*, para. 17.

- 32 CAT/C/HND/CO/1, 23 June 2009, para. 19.
- 33 A/HRC/4/40/Add.4, paras. 86 to 92 and 103.
- 34 UNCT submission to the UPR on Honduras, paras. 12 and 13.
- 35 A/HRC/13/66, para. 85 (b).
- 36 The following abbreviations have been used for this document:
- |              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination;        |
| CESCR        | Committee on Economic, Social and Cultural Rights;            |
| HR Committee | Human Rights Committee;                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women; |
| CAT          | Committee against Torture;                                    |
| CRC          | Committee on the Rights of the Child.                         |
- 37 CAT/OP/HND/1, 10 February 2010, para. 10.
- 38 *Ibid.*, cover page, fn. \*\*.
- 39 E/CN.4/2003/3/Add.2.
- 40 E/CN.4/2005/18/Add.5.
- 41 A/HRC/4/40/Add.4.
- 42 A/HRC/4/42/Add.1.
- 43 A/HRC/7/2/Add.1.
- 44 A/HRC/11/4/Add.2.
- 45 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- 46 OHCHR 2009 Report, p. 110.
- 47 OHCHR 2009 Report, p. 123.
- 48 OHCHR 2008 Report, p. 193.
- 49 UNDAF Honduras 2007–2011, p. 5, available at [http://www.undg.org/archive\\_docs/8318-Honduras\\_UNDAF\\_\\_2007-2011\\_-\\_2007-2011.doc](http://www.undg.org/archive_docs/8318-Honduras_UNDAF__2007-2011_-_2007-2011.doc).
- 50 *Ibid.*
- 51 CEDAW/C/HON/CO/6, 10 August 2007, para. 27.
- 52 E/CN.4/2005/18/Add.5, para. 29.
- 53 CRC/C/HND/CO/3, 3 May 2007, para. 31.
- 54 CCPR/C/HND/CO/1, 13 December 2006, para. 4.
- 55 E/CN.4/2003/3/Add.2, p. 2.
- 56 CAT/C/HND/CO/1, 23 June 2009, para. 12.
- 57 CRC/C/HND/CO/3, 3 May 2007, para. 35.
- 58 CCPR/C/HND/CO/1, 13 December 2006, para. 9.
- 59 A/HRC/13/66, para. 20, see report for cases cited.
- 60 *Ibid.*, para. 85 (c)
- 61 *Ibid.*, para. 64.
- 62 *Ibid.*, para. 67, see report for cases cited.
- 63 *Ibid.*, para. 58.
- 64 *Ibid.*, para. 61.
- 65 A/HRC/7/2/Add.1, paras. 29 and 37.
- 66 CAT/C/HND/CO/1, 3 June 2009, para. 6.
- 67 CAT/OP/HND/1, 10 February 2010, para. 266.
- 68 CAT/C/HND/CO/1, 23 June 2009, para. 8.
- 69 A/HRC/4/40/Add.4, paras. 36–46 and 99 (a), (b).
- 70 CAT/C/HND/CO/1, 23 June 2009, para. 14.

- 71 CCPR/C/HND/CO/1, 13 December 2006, para. 13.
- 72 CAT/C/HND/CO/1, 23 June 2009, para. 17.
- 73 A/HRC/4/40/Add. 4, para. 102.
- 74 CCPR/C/HND/CO/1, 13 December 2006, para. 15.
- 75 A/HRC/4/40/Add.4, para. 101. See also UNCT submission to the UPR on Honduras, para. 23.
- 76 CAT/OP/HND/1, 10 February 2010, para. 294.
- 77 Ibid., para. 320.
- 78 CAT/C/HND/CO/1, 23 June 2009, para. 21.
- 79 CEDAW/C/HON/CO/6, 10 August 2007, para. 18.
- 80 UNCT submission to the UPR on Honduras (2010), para. 15.
- 81 CRC/C/HND/CO/3, 3 May 2007, para. 44.
- 82 Ibid., para. 51.
- 83 UNCT submission to the UPR on Honduras (2010), para. 18, fn. xl.
- 84 Ibid., p. 11.
- 85 CAT/C/HND/CO/1, 23 June 2009, para. 13.
- 86 CRC/C/HND/CO/3, 3 May 2007, para. 78.
- 87 CEDAW/C/HON/CO/6, 10 August 2007, para. 20.
- 88 ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 062009HND182, 1<sup>st</sup> and 2<sup>nd</sup> paras.
- 89 CEACR, Individual Observation concerning Minimum Age Convention, 1973 (No. 138), 2009, Geneva, doc. No. (ILOLEX) 062009HND138, 2<sup>nd</sup> and 3<sup>rd</sup> paras.
- 90 CCPR/C/HND/CO/1, 13 December 2006, para. 12.
- 91 CAT/C/HND/CO/1, 23 June 2009, para. 18.
- 92 A/HRC/4/42/Add.1, paras. 18–34 and 73 (a).
- 93 OHCHR Press Release, “*Despido de jueces en Honduras envía mensaje intimidatorio al Poder Judicial, advierten expertos de la ONU,*” 29 July 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10235&LangID=S>.
- 94 A/13/HRC/66, para. 81.
- 95 CAT/C/HND/CO/1, 23 June 2009, para. 10.
- 96 CCPR/C/HND/CO/1, 13 December 2006, para. 16.
- 97 CAT/OP/HND/1, 10 February 2010, para. 274.
- 98 A/HRC/7/2/Add.1, para. 43.
- 99 CAT/C/HND/CO/1, 23 June 2009, para. 20.
- 100 Ibid., para. 16.
- 101 CCPR/C/HND/CO/1, 13 December 2006, para. 10.
- 102 CRC/C/HND/CO/3, 3 May 2007, para. 82.
- 103 Ibid., para. 40.
- 104 Ibid., para. 50.
- 105 A/13/HRC/66, para. 41.
- 106 Ibid., para. 42, see report for cases cited.
- 107 Ibid., para. 45, see report for cases cited.
- 108 Press release by the Special Rapporteurs on the promotion and protection of the rights to freedom of opinion and expression, on summary, extrajudicial or arbitrary executions, on the situation of human rights defenders, 10 May 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10032&LangID=E>.
- 109 A/HRC/11/4/Add.2, annex, para. 37.
- 110 Ibid., para. 43.
- 111 A/HRC/13/66, para. 46.
- 112 CEACR, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2010, Geneva, doc. No. (ILOLEX) 062010HND098, 1<sup>st</sup> and 2<sup>nd</sup> paras.
- 113 CEDAW/C/HON/CO/6, 10 August 2007, para. 23.
- 114 CCPR/C/HND/CO/1, 13 December 2006, para. 6.
- 115 CEDAW/C/HON/CO/6, 10 August 2007, para. 28.
- 116 CEACR, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 092010HND100, 2<sup>nd</sup> para.

- <sup>117</sup> UNCT submission to the UPR on Honduras (2010), paras. 29 and 30.  
<sup>118</sup> *Ibid.*, p. 11.  
<sup>119</sup> *Ibid.*  
<sup>120</sup> CRC/C/HND/CO/3, 3 May 2007, para. 58.  
<sup>121</sup> UNCT submission to the UPR on Honduras (2010), p. 11.  
<sup>122</sup> CRC/C/HND/CO/3, 3 May 2007, para. 77.  
<sup>123</sup> *Ibid.*, para. 19.  
<sup>124</sup> UNCT submission to the UPR on Honduras (2010), p. 11.  
<sup>125</sup> CEDAW/C/HON/CO/6, 10 August 2007, para. 24.  
<sup>126</sup> CEACR, Individual Observation concerning Minimum Age Convention, 1973 (No. 138), 2009, Geneva, doc. No. (ILOLEX) 062009HND138, 6<sup>th</sup> para.  
<sup>127</sup> CRC/C/HND/CO/3, 3 May 2007, para. 66.  
<sup>128</sup> UNCT submission to the UPR on Honduras (2010), para. 45.  
<sup>129</sup> *Ibid.*, p. 11.  
<sup>130</sup> CCPR/C/HND/CO/1, 13 December 2006, para. 19.  
<sup>131</sup> CEACR, Individual Observation concerning Indigenous and Tribal Peoples Convention, 1989 (No. 169), Honduras. 2009. doc. No. (ILOLEX) 062009HND169.  
<sup>132</sup> UNCT submission to the UPR on Honduras (2010), para. 47.  
<sup>133</sup> CRC/C/HND/CO/3, 3 May 2007, para. 71.  
<sup>134</sup> CAT/C/HND/CO/1, 23 June 2009, para. 31.  
<sup>135</sup> CCPR/C/HND/CO/1, 13 December 2006.
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